

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County
HONORABLE J. CORDELL MADDOX, CIRCUIT COURT JUDGE

THE STATE,

RESPONDENT,

V.

ROBERT JOE FROST,

APPELLANT

APPELLATE CASE NO 2016-001828

ANDERS BRIEF OF APPELLANT

ROBERT FROST #171218

PRO SE BRIEF

MARION UNIT A-242

4460 BROAD RIVER ROAD

COLUMBIA S.C. 29210

RECEIVED

SEP 14 2017

SC Court of Appeals

STATEMENT OF THE CASE

In April of 2013, the Anderson County Grand Jury indicted Appellant Frost for murder, possession of a weapon during the commission of a violent crime, attempted murder, burglary first degree and armed robbery, indictments # 2013-GS-04-646-649. On August 22, 2016, Appellant proceeded to jury trial before the Honorable Cordell J. Maddox. In a hearing held on November 10, 2015 , the Honorable R. Lawton McIntosh granted Appellants' Motion to proceed PRO SE. Gregory Lee Cole, Jr. served as stand by counsel. Lauren D Price prosecuted the case. The jury found Appellant guilty as charged . Judge Maddox sentenced Appellant to life without Parole, Attempted Murder and burglary first with the sentence for attempted murder to be served consecutively. Judge Maddox also sentenced Appellant to thirty (30) years concurrent for armed robbery and (5) years concurrent for the weapons charge. And so follows this Appeal.

ISSUES PRESENTED

ISSUE (1). DID THE JUDGE ERR IN DENYING DEFENDANTS MOTION FOR A DIRECTED VERDICT TO THE BURGLARY CHARGE WHERE EVIDENCE WAS PRESENTED THAT DEFENDANTS CHECKS AND OTHER MAIL WAS RECEIVED AT RESIDENTS.(ALSO DIRECTED VERDICT ISSUE (2) ARGUED TOGETHER.

ISSUE (3). DID THE JUDGE ERR IN DENYING DEFENDANTS PRETRIAL MOTION TO QUESTION INVESTIGATOR THOMAS E. MILLER CREDIBILITY.

ISSUE (4). DID THE JUDGE ERR IN NOT GRANTING APPLICANT A EXPERT WITNESS TO EXAMINE THE CUTS TO VERIFY IF IT WAS THE CORRECT MURDER WEAPON USED IN EVIDENCE.

ISSUE (5). DID THE JUDGE ERR IN DENYING APPLICANTS MOTION FOR A MISTRIAL DUE TO THE FACT THAT HE COULD NOT QUESTION THOMAS E. MILLER ON HIS CREDIBILITY.

ISSUE (6). DID THE COURT ERR IN FAILING TO GRANT DEFENDANT A INVESTIGATOR BECAUSE HE WAS AFRICAN AMERICAN?

ISSUE (7). DID THE COURT ERR IN NOT GRANTING A MISTRIAL DUE TO THAT FACT NO BLOOD SAMPLES OR SWAB SAMPLES WAS PRODUCED FROM THE RESIDENCE.

ISSUE (8). DID THE JUDGE ERR IN CONTINUING THE TRIAL AFTER APPLICANT PUT IN A MOTION FOR A NEW FILE WHEN HIS FILE WENT MISSING?

ISSUE (1). DID THE JUDGE ERR IN DENYING DEFENDANTS MOTION FOR A DIRECTED VERDICT TO THE BURGLARY CHARGE WHERE EVIDENCES WAS PRESENTED THAT DEFENDANTS CHECKS AND OTHER MAIL WAS RECEIVED AT RESIDENTS.

TO SAVE THE COURTS TIME APPELLATE WILL ARGUE BOTH DIRECTED VERDICT MOTIONS TOGETHER SINCE THE EVIDENCE OF ONE ENCOMPASSES THE OTHER

In a criminal case, the trial judge should grant a Directed Verdict motion when the evidence merely raises a suspicion that the accused is guilty. State v Schrock , 322 S.e2d 450 (S.C 1984). As well as other authorities to show the state was in error for charging me with an offense I am completely innocent of. In the case at hand the defendant was accused of being a burglar when he was in fact a resident. Evidence was presented showing that all of defendants mail to include his Social Security Check was mailed to the address where the incident took place. Insofar there was no armed robbery. The state never presented any evidence showing that defendant was not a resident of the house. SEE TRPG.576 - 578

The trial judge should grant a directed verdict motion when the evidence merely raises a suspicion that the accused is guilty. It is the duty of the trial judge to submit the case to the jury if there is any evidence , either direct or circumstantial, which reasonably tends to prove the guilty of the accused , or from which guilt may be fairly and logically deduced . See also State v Irvin 270 S.C 539, 243 SE 2d 195 (1978); State v. Hendrix, 270 S.C 653, 244 Se 2d 503 (1978)

C.J.S Domicile § 13 : Quotes The Physical Character ; Important facts in determining the domicile of a person who has more than one residence are the physical character of each, the time spent and the things done in each place, and whether or not there is an intention to return to the original domicile. Sandy v Johnson 212 W. Va 343, 571 se.2d 333 (2012) It is clear that know clarification was given to the defendant on what would be done from the record it is clear defendant thought the judge understood that it was his resident.(See tr.pg 169) Further, the State Supreme Court of S.C has ruled in the case of state v Manis, 214 S.C 99, 51 Se 2d 370 at 371 (1949); where it is undertaken by the prosecution in a criminal case to prove the guilt of the accused by circumstantial evidence. Here a burglary was claimed, but what transpired was a family disute . Not only must the circumstances be proven, but they must point conclusively that is, to a moral certainty- to the guilt of the accused; they must be wholly and in every particular perfectly consistent with each other, and must further be absolutely inconsistent with any other reasonable hypothesis than the guilt of the accused all of the facts proven must be consistent with each other , and taken together, should be of a conclusive nature and tendency, producing a reasonable and moral certainty that the appellant and no one else committed the offence charged. It is not sufficient that they create a probability, though a strong one; and if, therefore, assuming all the facts to be true, which the evidence tends to establish. It is not the Solicitors job to plug gaps in evidence with unproven facts. Therefore the directed verdict motions should be granted and the Burglary and armed robbery dismissed.

Social Security Administration
Supplemental Security Income
Notice of Planned Action

SOCIAL SECURITY
4 CIVIC CTR BLVD EXT
ANDERSON SC 29625



003971 1 MB 0.404 0020 LTR T16 M10 1227

590 13S1736K97959

ROBERT JOE FROST
920 EAST FRONT ST
IVA SC 29655-9091

Date: January 3, 2013
Claim Number: ~~XXXXXXXXXX~~ DI

030118F15002158-NOTAF-P.X3.FISSIEN.N.P.A.R121227.P.AM

000000000

0003510635538120035023655909110

We are writing to tell you about changes in your Supplemental Security Income (SSI) payments. The following chart shows the SSI money due you for the months we changed. As you can see from the chart, we are changing your payments for both past and future months. The rest of this letter will tell you more about this change.

Your Payments Will Be Changed As Follows:

From	Through	Amount Due Each Month
August 1, 2012	Continuing	\$0.00

We will stop your payments as shown above beginning February 2013.

Your SSI Is Based On These Facts

Based on the facts we have, you entered a facility in July 2012. Our records show that you were in this facility for each full month August 2012 through October 2012. Usually, SSI payments are stopped for each month that:

- You are a patient for a full month in an institution run by the Federal, State, or local government. This includes some hospitals, nursing homes, other care facilities or prisons; and
- If you have Medicaid, it does not pay for more than half the cost of your care.

See Next Page

You could be eligible for continued payments for any of the first 3 full months that you are a patient if:

- We would have stopped your SSI payment for any of these months; and
- You are eligible for an SSI payment in the month before we would have stopped your SSI payment; and
- You are in a medical facility; and
- You give us proof that you have home expenses that you have to continue to pay; and
- We have proof that your doctor expects you to stay in a medical facility for less than 91 days.

The proofs must be received or postmarked by the 90th day of your stay in the facility or by the day of your release, if earlier.

You do not meet all these requirements because you were not in a medical facility.

Information About Medicaid

For information about any change in your Medicaid eligibility caused by this action, you should get in touch with the local County Department of Social Services.

You Can Review The Information in Your Case

The decisions in this letter are based on the law and information in our records. You have a right to review and get copies of the information in our records that we used to make the decisions explained in this letter. You also have a right to review and copy the laws, regulations, and policy statements used in deciding your case. To do so, please contact us. Our telephone number and address are shown under the heading "If You Have Questions".

Things You Should Know

- We may be in touch with you later about any payments we previously made.
- We have made a new decision on your case. It replaces all earlier decisions for the above periods.
- If you think you may be eligible for SSI again, please contact us. If you do not contact us before August 2013, you may have to file a new application. If you have to file a new application, the earliest month for which we can pay you is the month after you file.
- We are also sending this information to your representative payee.

If You Disagree

If you disagree with this decision, you have the right to appeal. A person who did not make the first decision will decide the appeal. We call this appeal a reconsideration. When you appeal, we review your entire case, even the parts with which you agree. We consider any new facts we have and then make a new decision. The new decision could be more favorable, less favorable, or the same as the one you already have.

Time To File An Appeal

- You have 60 days to file an appeal in writing.
- The 60 days start the day after you receive this letter. We assume you received this letter 5 days after the date on the letter.
- You must have a good reason for waiting more than 60 days to file an appeal.

Appeal In 10 Days To Keep Receiving The Same Payment

If we receive your written appeal within 10 days, your payment amount will not change until we decide your case.

- The 10 days start the day after you receive this letter.
- If you lose your appeal, you might have to pay back some or all of this money.

However, even if you appeal within 10 days, we may stop your payment in February 2013 if both of the following are true:

- Our new decision is the same as the one you appealed, and
- We send or give you a letter with our new decision in time to stop the payment.

How To Appeal

You can file an appeal with any Social Security office. You must request the appeal in writing. Please use our "Request for Reconsideration" form, SSA-561-U2, which is available on our website at www.socialsecurity.gov on the Internet. You can also contact us by phone, by mail, or come into the office to obtain the form. If you need assistance, we can help you fill out the form.

There are 3 types of appeals. In most cases, you can choose the one you want.

01/03/2013

- Case Review: You will not meet with the person who decides your case. You have a right to review the facts in your file. You can give us more facts to add to your file. Then we will decide your case again. This is the only kind of appeal you can have for a medical decision.
- Informal Conference: You will talk with the person who decides your case either in person or over the phone. You can tell that person why you disagree with our decision. If you meet with us in person, it may help your case. You have a right to review the facts in your file. You can give us more facts to add to your file. You can have other people help explain your case. Then we will decide your case again.
- Formal Conference: This is a meeting like an informal conference. The difference is we can require people to come to help prove you are right. We can require them to bring important papers about your case, even if they do not want to help you. You can question these people at your meeting. Then we will decide your case again.

If You Want Help With Your Appeal

You may choose to have a representative help you. We will work with this person just as we would work with you. If you decide to have a representative, you should find one quickly so that person can start preparing your case.

Many representatives charge a fee only if you receive benefits. Others may represent you for free. Usually, your representative may not charge a fee unless we approve it. Your local Social Security office can give you a list of groups that can help you find a representative.

If you get a representative, you or that person must notify us in writing. You may use our Form SSA-1696-U4 Appointment of Representative. Any local Social Security office can give you this form.

If You Have Questions

If you have any questions, please:

- Visit our website at www.socialsecurity.gov to find general information about SSI;
- Visit our website at www.socialsecurity.gov/SSIrules/ to find the law and regulations about SSI eligibility and payments;
- Call us toll-free at 1-800-772-1213 or call your local office at 877-492-1158. We can answer most questions over the phone. If you are deaf or hard of hearing, our toll-free TTY number is 1-800-325-0778; or



- Write or visit any Social Security office. If you plan to visit an office, you may call ahead to make an appointment. The office that serves your area is located at:

SOCIAL SECURITY
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ANDERSON SC 29625

Please have this letter with you if you call or visit an office. If you write, please include a copy of the first page of this letter. It will help us answer your questions. We are busiest early in the week and early in the month. If your business can wait, it is best to call or visit at other times.

Social Security Administration

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE FINANCIAL SYSTEM
CONFIDENTIAL INFORMATION FOR ADDRESSEE ONLY

NOTICE TO: 00171218
ROBERT JOE FROST
0211 BROAD RIVER CI
MA0242B

=====

THE FOLLOWING DEPOSITS AND/OR MONEY
ORDERS HAVE BEEN ADDED TO YOUR
E H COOPER ACCOUNT

DATE	RECEIVED FROM	ITEM RECEIVED	AMOUNT
03/13/17	FAYE DAVENPORT	MONEY ORDER	40.00

YOUR E H COOPER CURRENT BALANCE IS: 355.35
BALANCE DOES NOT REFLECT RESTITUTION DEDUCTIONS
IF ANY, DEDUCTED AT START OF REPORT DATE.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE FINANCIAL SYSTEM
CONFIDENTIAL INFORMATION FOR ADDRESSEE ONLY

NOTICE TO: 00171218
ROBERT JOE FROST
0211 BROAD RIVER CI
MA0242B

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THE FOLLOWING DEPOSITS AND/OR MONEY
ORDERS HAVE BEEN ADDED TO YOUR
E H COOPER ACCOUNT

DATE	RECEIVED FROM	ITEM RECEIVED	AMOUNT
03/31/17	FAYE DAVENPORT	MONEY ORDER	75.00

YOUR E H COOPER CURRENT BALANCE IS: 456.52
BALANCE DOES NOT REFLECT RESTITUTION DEDUCTIONS
IF ANY, DEDUCTED AT START OF REPORT DATE.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE FINANCIAL SYSTEM
CONFIDENTIAL INFORMATION FOR ADDRESSEE ONLY

NOTICE TO: 00171218
ROBERT JOE FROST
0211 BROAD RIVER CI
MA0242B

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THE FOLLOWING DEPOSITS AND/OR MONEY
ORDERS HAVE BEEN ADDED TO YOUR
E H COOPER ACCOUNT

DATE	RECEIVED FROM	ITEM RECEIVED	AMOUNT
05/11/17	FAYE DAVENPORT	MONEY ORDER	50.00

YOUR E H COOPER CURRENT BALANCE IS: 564.32
BALANCE DOES NOT REFLECT RESTITUTION DEDUCTIONS
IF ANY, DEDUCTED AT START OF REPORT DATE.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE FINANCIAL SYSTEM
CONFIDENTIAL INFORMATION FOR ADDRESSEE ONLYNOTICE TO: 00171218
ROBERT JOE FROST
0211 BROAD RIVER CI
MA0242B

=====

THE FOLLOWING DEPOSITS AND/OR MONEY
ORDERS HAVE BEEN ADDED TO YOUR
E H COOPER ACCOUNT

DATE	RECEIVED FROM	ITEM RECEIVED	AMOUNT
11/29/16	FAYE DAVENPORT	MONEY ORDER	50.00

YOUR E H COOPER CURRENT BALANCE IS: 51.97
BALANCE DOES NOT REFLECT RESTITUTION DEDUCTIONS
IF ANY, DEDUCTED AT START OF REPORT DATE.

ISSUE (3) DID THE JUDGE ERR IN DENYING DEFENDANTS PRETRIAL MOTION
TO QUESTION INVESTIGATOR THOMAS E. MILLERS CREDIBILITY.see pg
101-110.

The Compulsory Process Clause of the Sixth Amendment guarantees that a criminal charge may be answered through the calling of favorable witnesses and the orderly introduction of Evidence. Faretta v California, 422 u.s 806, 95 S.CT 2525 (1975); State v Schmidt, S.C 301 at 303, 342 Se 2d. 401 at 402 (1986). Through the Sixth and Fourteenth Amendments , a criminal defendant is guaranteed the right to a meaningful opportunity to present a complete defense. Crane v Kentucky 476 U.S 683 at 690, 106 S.CT 2142 at 2146-2147 (1986). In deciding what investigations to pursue and Ultimately what defense to present at trial, counsels must be able to question each witness on there credibility when they are a witness in the case. The Applicant argues that the Circuit Judge err in not allowing him to question Investigator Thomas A. Miller on a prior arrest he had during the period he was investigating this current Murder case. Under the rule 403 analysis it say nothing about the witness having to be convicted of a crime before it has any probative effect. The following exchange took place:

(TRpg.105 Line 18-25 and Trpg 106) Since it's already been adjudicated Investigator Miller has nothing to gain by testifying for the state , so there's no bias. I just don't believe that it is

appropriate to bring up in this case and it would be misleading. There's a substantial danger of confusion and certainly a waste of time. TRpg 106 : Ln.4 he was a investigator when he investigated the case. And since then , he should have been charged with a felony. He clearly admitted in an incident report that he jumped on his son with a stick. In he would be bias in the case because I was jumped on by my stepfather with a bat, a ball bat. And he jumped on his son with a stick but was not charged. Also the judge sent back a jury instruction explaining the law on credibility of witnesses. The Applicant filed a Inmate grievance at the County jail that tells them explicitly that his father was killed by the police. See exhibit AA-1(2) See he also informed the jury on the Jury and Judge trial hand book the credibility of a witness Pg.181-182 The Exhibit that Investigator Miller did a copy cat crime to cover the murder of his father.

Although the judge went on to explain that the crime was two years after the defendant's charge. That wasn't the issue,, the whole point is that this witness was allowed to take the stand as if he was a upstanding police officer who could be trusted. When his actions in the prior two years while he was a Chief of police showed he was not. Insofar the applicant wanted to show the Court that this man being in that position at that time cause a lot of procedures not to be followed that would have showed that then Applicant was actually innocent of the crime in which he stood trial. Investigator Millers action during the course of the investigation was anything but proper. The applicant had a right to question the actions and credibility of Investigator Thomas A. Miller

Weight and credibility of witnesses are questions for the triers

of facts; that some evidence offered seems contradictory to his own or to some other's or incomplete or uncertain, does not automatically discredit the evidence given by that witness; it is the function of the triers of facts to determine to what evidence it gives credence. Jones v State, 305 Ga. App. 867, 700 Se2d 885 (2010). It is clear that Applicant should have been allowed to fully question Chief of police Thomas A. Miller his testimony was a key component for the states case there was no need to handicap the Applicant by not, allowing him to question his credibility. The jury is the judge of witness credibility. Arnold v. State, 286 Ga. 418 687 Se.2d 836(2010) The credibility of witnesses who are competent to stand testify is a matter within the province of the jury; however, where a witness's testimony is such that a reasonable persons could not have believed it, exceptional circumstances are present, and the trial court may take the testimony away from the jury. IN THE CASE AT HAND THE TRIAL COURT PRESENTED NO SUCH EVIDENCE. Denying the Applicant the right to thoroughly question Investigator Thomas A. Miller who was a crucial witness for the defense denied the Applicant right to have a complete defense and a mistrial should have been granted. See Exhibit ((A) Thomas A Miller incident reports and Exhibit rules on Credibility of a witness, this was given to the jury. Also see exhibit (C.) Inmate grievance record.

Exhibit (A) PS 1-b

Case No# 2016-001828

This is investigator Chief of Police
Thomas E. Miller Booking and
incident Reports.

Please Make
Copy's and
Send Back

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JAN 25 2017

APPELLATE DEFENSE

Exhibit

A-1

Anderson County Sheriff

Facility Admission Report

1009 DAVID LEE COFFEE PLACE--ANDERSON, SC
29625
Phone: (864) 260-4363

Booking #
201403540

Jacket#
151907

Detainee Name: MILLER, THOMAS EUGENE

Alias: MILLER, TOMMY

Maiden Name:

SSN:

Religion:

Birth Place: SC

Date of Birth: 07/09/1975

Address: 1022 HAMPTON STREET

Age: 40

City: IVA

Marital Status: MARRIED

State: SC

of Children: 0

Zip Code: 29655

Nationality: American

Phone: (864) 617 - 7883

US Citizen: ☒

Occupation:

Sex: Male

Hair Color: BLOND

Race: WHITE

Eye Color: BLUE

Height: 5' 9"

Complexion: MEDIUM

Weight (lbs.): 267

Build: MEDIUM

Other Features:

Arresting Authority: Anderson County Sheriff

Telephone Call: YES

Arresting Officer: B-SURRAT ACSO

Number Called: (864) 276 - 9650

Searching Officer: BARRON

Cell Assignment:

Booking Officer: MARTIN, B R

Classification:

Book Date/Time: 07/26/2014 16:49

County of Charge: ANDERSON

Last Rebook Date/Time:

Booking Assistant Officer(s):

Property Storage Location(s): 020, ON PERSON

Contact Information

Contact Type	Name	Address	City	State	Zip Code	Phone
Emergency Contact	HAWKINS, JASON					(864) 276 - 9650

Current Charges

Case #	Case Bond Type	Case Bond Amount
Charge Case #	Charge Code	Counts
201436442	2671	1
201436442	3414	1

Charge Description	Citation/Control #	Charge Bond	Amount
Domestic / Criminal Domestic Violence 728		PR BOND	\$5,242.50
Assault / Assault & Battery 3rd degree 350		PR BOND	\$1,092.50

I certify that the above information is correct to the best of my knowledge.

RECEIVED

MAR 9 2017

APPELLATE DEFENSE

Detainee Signature

Staff Signature

A TRUE COPY

FEB - 2 2016

ANDERSON CLERK OF COURT

AGENCY I.D.
SC0040000

INCIDENT REPORT

CASE NUMBER

2,0,1,4,-,3,6,4,4,2

NCIC

INQ. EXT.
N N

EVENT	INCIDENT TYPE										COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM				
	1. CRIMINAL DOMESTIC VIOLENCE-CASE JACKET-DISK (13B) -Add:ASSAULT A										☒ YES ☐ NO	☐ YES ☐ NO	Residence/Home		☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.				
	2. EXPUNGED 11/12/2015 DO NOT RELEASE W/O COURT ORDER ()										☐ YES ☒ NO	☐ YES ☐ NO							
	3.										☐ YES ☐ NO	☐ YES ☐ NO							
VICTIM NO. 1	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)										ZIP CODE		WEAPON TYPE						
	1022 HAMPTON ST, IVA										29655		40,						
	INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK		TIME ARRIVED		DEPART. TIME		LOCATION NO.							
	07/26/2014	14:00		07/26/2014	18:30	07/26/14	14:25	14:48	18:30			3							
SUBJECT NO. 1	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)										RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE	
	MILLER, LUKE, MATTHEW										#1		J S O U	W	M	12	N		
	ADDRESS										CITY	STATE	ZIP CODE	LOCATION NO.					
	1022 HAMPTON ST										ANDERSON	SC	29621	3					
SUBJECT NO. 1	VICTIM'S NAME (LAST, FIRST, MIDDLE)										RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE	
	MILLER, SHARON, JANINE										#1		J S O U	W	F	28	N		
	ADDRESS										CITY	STATE	ZIP CODE	LOCATION NO.					
	1022 HAMPTON ST										IVA	SC	29655	3					
NARRATIVE	VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO ☐ EXPLAIN --										COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES ☒ NO								
	VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☒ NO ☐ UNK ☐ DRUGS: ☐ YES ☒ NO ☐ UNK ☐ TYPE:																		
	TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/PLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐										*J—This Jurisdiction. S—State. O—Out of State. U—Unknown								
	NAME (LAST, FIRST, MIDDLE)										RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
PROPERTY EST.	MILLER, THOMAS, EUGENE										W	M	39	N		510	190	BRO	BLU
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.																		
	ADDRESS										CITY	STATE	ZIP CODE	LOCATION NO.					
	1022 HAMPTON ST										IVA	SC	29655	3					
INSTRATIVE	SUBJECT (NO. 1) USING: ALCOHOL ☐ YES ☒ NO ☐ UNK ☐ ARRESTED NEAR OFFENSE SCENE ☒ YES ☐ NO ☐										DATE/TIME OF OFFENSE		DATE/TIME OF ARREST						
	DRUGS: ☐ YES ☒ NO ☐ UNK ☐ TYPE:										TOTAL # ARRESTED								
	EXPUNGED 11/12/2015 DO NOT RELEASE W/O COURT ORDER WARRANT# 2014A0410200837 & 838										07/26/14 14:00		07/26/14 16:18						
On 07-26-2014 I, Deputy Surratt along with Sgt. Hyslop responded to 1022 Hampton Street in reference to a domestic situation. When we arrived on scene I spoke with Sharon Miller and Sgt. Hyslop spoke with Thomas Miller. It was determined after taking a statement and observing video footage that an assault and battery as well as criminal domestic violence had taken place. At that time I advised Thomas Miller that he was under arrest and he was transported to the ACSO detention center. Warrant number 2014A0410200838 was issued for Assault and Battery 3rd and warrant number 2014A0410200837 for Criminal Domestic Violence.										JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY							
TYPE (GROUP)										TOTAL VALUE									
STOLEN																			
DAMAGED																			
BURNED																			
RECOVERED																			
SEIZED																			
SUBJECT IDENTIFIED ☒ YES ☐ NO ☐										SUBJECT LOCATED ☒ YES ☐ NO ☐		ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED ☐							
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION.										ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18 ☐		ARRESTED 18 AND OVER ☐ EX-CLEAR 18 AND OVER ☐							
REPORTING OFFICER(S)										DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER					
SURREATT, B.										07/26/14	547	SGT. HYSLOP, A. R.	07/26/14	248					
FOLLOW-UP INVESTIGATION. ☐ YES ☒ NO ☐										OFFICER		ANDERSON CLERK OF COURT							

A TRUE COPY

FEB 2 2015

07/26/14 248

ANDERSON CLERK OF COURT

A-3

AGENCY I.D.
SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER

NCK

2 0 1 4 - 3 6 4 4 2

IND.	ENTD.
N	N

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE 1 of _____ PAGES.
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

Offense: Criminal Domestic Violence and Assault and Battery 3rd

Offender: Thomas Eugene Miller

Victim: Sharon Miller and Thomas Austin Miller

Reporting Deputy: B. Surratt

On 07-26-2014 I received a call from Deputy Stipe who stated that his step son had called him stating that they needed the police at "Tommy's" house. Deputy Stipe stated that his step-son was at this Tommy's house and him along with a few of the other kids ran from the residence in fear that Tommy was going to hurt Mrs. Miller. I then called county dispatch over the radio and asked who was working the Starr/Iva area and they stated that it was Delta 36 (M. Branyon). I then asked if he was in service and they stated that he was not that he was en-route to the detention center. I then called Sgt. Hyslop and advised him of the situation and he stated that he and I would respond to the incident location. When I pulled into the drive way I observed Mrs. Miller sitting on the sidewalk on a rock with her mother and a few of her kids. When we arrived on scene I spoke with Sharon Miller behind the residence on the back porch and Sgt. Hyslop spoke with Thomas "Tommy" Miller in the front yard. Mrs. Miller advised me that the altercation between her and Tommy happen because of her taking up for their son.

I did receive a video statement from Mrs. Miller. During her statement she stated that Thomas "Tommy" Miller had been in a verbal altercation that turned physical with their son Thomas "Austin" Miller. Mrs. Miller stated that she was trying to stop her son Austin from being assaulted by Tommy by getting in between them. Mrs. Miller stated that Tommy had been assaulting Austin with a closed fist and also a piece of wood. I did observe superficial abractions to both of Austin's arms from his thumbs to his upper forearms. I was unable to locate piece of wood that was used. I did observe a video that was taken from Luke who is one of their other kids. The video shows Tommy and Austin arguing back and forth. Then you can see in the video that Mrs. Miller got in between Tommy and Austin, telling Tommy to stop and trying to take up for her son Austin. A short time later you can see Tommy physically grabbing Mrs. Miller and throwing her from in between them.

After Tommy threw Mrs. Miller you can see Tommy get in a fighting posture clinching his fist and began to challenge Austin again and that is when the video footage stops. There were several other videos that were on the phone and you can hear some yelling and screaming between Mrs. Miller and Tommy. You can also see a few struggles between Mrs. Miller and Tommy as well. Tommy did make a few statements that he did strike Austin several times with the piece of wood but he was unsure on how many times. Tommy did not give me a video statement or written statement. I did transport Tommy to the detention center and he was served the warrants by Sgt. Hyslop. The phone was taken and placed into ACSO evidence until we are able to retrieve the videos. The phone was taken due to Luke stating that he did video several of the altercations that occurred during this incident.

NARRATIVE

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY						
REPORTING OFFICER(S) SURRETT, B		DATE 07/26/14	UNIT NUMBER	APPROVING OFFICER SGT. HYSLOP, A. R.		DATE 08/09/14
				FOLLOW-UP INVESTIGATION ☐ YES ☒ NO		UNIT NUMBER 248

A-4 2

AGENCY I.D.
SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER

2,0,1,4,-,3,6,4,4,2,

NCIC

IND.	ENTD.
N	N

- | | | | |
|--|---|---|--|
| ☐ ORIGINAL REPORT | ☒ SUPPLEMENTAL REPORT | ☐ ADDITIONAL VICTIMS | ☐ ADDITIONAL STOLEN PROPERTY |
| ☐ MODIFIES ORIGINAL | ☐ CASE STATUS CHANGE | ☐ ADDITIONAL OFFENDERS | ☐ ADDITIONAL RECOVERED PROPERTY |

PAGE 2 of _____ PAGES.

Offense: Criminal Domestic Violence and Assault and Battery 3rd

Offender: Thomas Eugene Miller

Victim: Sharon Miller and Thomas Austin Miller

Reporting Deputy: B. Surratt

On 07-30-2014 a search warrant was issued by Judge Sharp. The search warrant for the phone and the phone was taken to Investigator Buehler to access the data. I did receive a copy of the data from Investigator Buehler on a DVD and it was taken to Investigator C. Wilson with forensics and he was going to make a copy of the DVD. When the DVD was turned over to Investigator Wilson it was logged into evidence. Also on 07-31-2014 the search warrant was returned to Judge Sharp and I did sign the form at forensics for the phone to be released to the owner.

NARRATIVE

ADMINISTRATIVE

SUBJECT IDENTIFIED
☒ YES ☐ NO

SUBJECT LOCATED
☒ YES ☐ NO

☒ ACTIVE ☐ ADM. CLOSED
☐ UNFOUNDED

☐ ARRESTED UNDER 18
☐ ARRESTED 18 AND OVER

☐ EX-CLEAR UNDER 18
☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)

SURRATT, B

DATE

07/31/14

UNIT NUMBER

APPROVING OFFICER

SGT. HYSLOP, A. R.

DATE

08/09/14

UNIT NUMBER

248

FOLLOW-UP INVESTIGATION ☐ YES ☒ NO OFFICER

A-5

5

AGENCY I.D.
SC0040000

INCIDENT REPORT

CASE NUMBER

2,0,1,4,-,4,8,1,1,9,

NCIC

INO. N
ENTO. N

EVENT		INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
1. DOMESTIC DISPUTE (90F)		☒ YES ☐ NO	☐ YES ☐ NO	Residence/Home (				☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
2.		☐ YES ☐ NO	☐ YES ☐ NO						
3.		☐ YES ☐ NO	☐ YES ☐ NO						
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)						ZIP CODE		WEAPON TYPE	
1022 HAMPTON ST, IVA						29655			
INCIDENT DATE		24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK		LOCATION NO.	
09/30/2014		10:23		09/30/2014	10:34	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME
						09/30/14	10:34	10:51	11:15
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE
MILLER, SHARON, JANINE		#1	#2	#3	☒ S O U	W F	28	N	
ADDRESS		CITY		STATE	ZIP CODE		LOCATION NO.		
1022 HAMPTON ST		IVA		SC	29655		3		
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE
MILLER, SHARON, JANINE		#1	#2	#3	☒ S O U	W F	28	N	
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
508	140	RED	BLU						
ADDRESS		CITY		STATE	ZIP CODE		LOCATION NO.		
1022 HAMPTON ST		IVA		SC	29655		3		
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO ☐ EXPLAIN --									
VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☒ NO ☐ UNK ☐ DRUGS: ☐ YES ☒ NO ☐ UNK ☐ TYPE:									
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPLASHMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ *J— This Jurisdiction. S— State. O— Out of State. U— Unknown									
SUBJECT NO. 1		NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT
☒ SUSPECT		MILLER, THOMAS, EUGENE		W	M	39	N		510
☐ RUNAWAY		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							
☐ WANTED		ADDRESS		CITY	STATE	ZIP CODE		LOCATION NO.	
☐ WARRANT		1022 HAMPTON ST		IVA	SC	29655		3	
☐ ARREST		SUBJECT (NO. 1) USING: ALCOHOL ☐ YES ☒ NO ☐ UNK ☐ DRUGS: ☐ YES ☒ NO ☐ UNK ☐ TYPE:		ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO ☐ DATE/TIME OF OFFENSE		DATE/TIME OF ARREST			
☐ JAIL		TOTAL # ARRESTED							
☐ SUMMONS									
On 9-30-2014 I Deputy Dunlap was dispatched to the above address in reference to a domestic problem. Upon arrival I spoke with the victim Sharon Miller who said that her husband Thomas Miller has been calling her constantly and she told him to stop calling her. The victim said that the suspect continued to call her and she said she didn't answer the phone and that's when the suspect text message her saying "Its in your best interest to answer the phone" The victim said the suspect arrived at the residence and entered to get some of his personal belongings such as clothes. The victim said that when the suspect picked up a folder that contained her work credentials and certifications she told the suspect to put it back and he refused, the victim said she and the suspect began pulling on the folder in a tug of war. The victim said that she was able to get the folder away from the suspect and she took the folder and placed it in her vehicle and locked it. The victim said the suspect told her that she had hit him and he was going to have her arrested and show her how it feels. The victim said the suspect was driving a golden colored SUV. The victim said that there was no physical altercation. The victim said that she and the suspect are supposed to									
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY					
PROPERTY EST.		TYPE (GROUP)		TOTAL VALUE					
☐ STOLEN									
☐ DAMAGED									
☐ BURNED									
☐ RECOVERED									
☐ SEIZED									
SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADM. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18	
☒ YES ☐ NO		☒ YES ☐ NO		☒ UNFOUNDED		☐ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER		
DUNLAP, SHAWN		09/30/14	757	SGT. LEE, T. F		09/30/14	164		
FOLLOW-UP INVESTIGATION		☐ YES ☒ NO		OFFICER					

AGENCY I.D.
SC0040000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

2014-48119

NCIC

INQ. ENTD.
N N

☒ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY

PAGE 2 of 2 PAGES

VICT/SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.	
	☐ VICTIM #			#1	#2	#3	J S O U						
	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							
	☐ RUNAWAY												
	☐ WANTED	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
	☐ WARRANT												
	☐ ARREST	☐ VICTIM NO. : VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT. ☐ ALONE					
	☐ JAIL	EXPLAIN:				DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED					
	☐ SUMMONS	☐ SUBJECT NO. : USING ALCOHOL: ☐ NO ☐ YES											
	☐	USING DRUGS: ☐ NO ☐ YES → TYPE: ☐ UNK.											

VICT/SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.	
	☐ VICTIM #			#1	#2	#3	J S O U						
	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							
	☐ RUNAWAY												
	☐ WANTED	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
	☐ WARRANT												
	☐ ARREST	☐ VICTIM NO. : VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT. ☐ ALONE					
	☐ JAIL	EXPLAIN:				DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED					
	☐ SUMMONS	☐ SUBJECT NO. : USING ALCOHOL: ☐ NO ☐ YES											
	☐	USING DRUGS: ☐ NO ☐ YES → TYPE: ☐ UNK.											

NARRATIVE	go to family court on 1-1-2014 for their first hearing. The victim said that suspect no longer lives at the residence.											

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
---	--	--	--	--	--	--	--

VEH. / GUN / ETC. 1	STATUS	TYPE	VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.	
	☐ STOLEN	☐ VEHICLE	SERIAL AND/OR OWNER APPLIED NO.		STATE
	☐ RECOVERED	☐ GUN	YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR
	☐ FOUND	☐ BOAT	MAKE	TYPE	
	☐ TOWED	☐ LICENSE PLATE	MODEL	STYLE	COLOR
	☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS	BRAND NAME	CALIBER	
	☐ VICTIM	☐ ARTICLE	NK NO.	DENOMINATION	ISSUER
			SECURITIES DATE		
	MISCELLANEOUS				

PROPERTY EST.	TYPE (GROUP)					TOTAL VALUE
	STOLEN					
	DAMAGED					
	BURNED					
	RECOVERED					
	SEIZED					

ADMINISTRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
	☒ YES ☐ NO		☒ YES ☐ NO		☒ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY						
	REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE
	DUNLAP, SHAWN		09/30/14	757	SGT. LEE, T. F		09/30/14
					FOLLOW-UP INVESTIGATION ☐ YES ☒ NO		UNIT NUMBER

REASONABLE DOUBT, YOU MUST FIND THE DEFENDANT
NOT GUILTY.

CREDIBILITY OF WITNESSES

NECESSARILY, YOU MUST DETERMINE THE CREDIBILITY OF WITNESSES WHO HAVE TESTIFIED IN THIS CASE. CREDIBILITY SIMPLY MEANS BELIEVABILITY. IT BECOMES YOUR DUTY AS JURORS TO ANALYZE AND TO EVALUATE THE EVIDENCE AND DETERMINE WHICH EVIDENCE CONVINCES YOU OF ITS TRUTH.

IN DETERMINING THE BELIEVABILITY OF WITNESSES WHO HAVE TESTIFIED IN THIS CASE, YOU MAY BELIEVE ONE WITNESS OVER SEVERAL WITNESSES OR SEVERAL WITNESSES OVER ONE WITNESS. YOU MAY BELIEVE A PART OF THE TESTIMONY OF A WITNESS AND REJECT THE REMAINING PART OF THE TESTIMONY OF THAT SAME WITNESS. YOU MAY BELIEVE THE TESTIMONY OF A WITNESS IN ITS ENTIRETY OR REJECT THE TESTIMONY OF A WITNESS IN ITS ENTIRETY. YOU MAY CONSIDER WHETHER ANY WITNESS HAS EXHIBITED TO YOU ANY INTEREST, BIAS, PREJUDICE, OR OTHER MOTIVE IN THIS

CASE. YOU MAY ALSO CONSIDER THE APPEARANCE AND
MANNER OF A WITNESS WHILE ON THE WITNESS STAND.

EXPERT WITNESSES

THE RULES OF EVIDENCE ORDINARILY DO NOT PERMIT WITNESSES TO TESTIFY TO OPINIONS OR CONCLUSIONS. AN EXCEPTION TO THIS RULE EXISTS FOR WITNESSES WE CALL "EXPERT WITNESSES". A WITNESS WHO, BY EDUCATION AND EXPERIENCE, HAS BECOME EXPERT IN SOME ART, SCIENCE, PROFESSION, OR CALLING MAY STATE AN OPINION AS TO RELEVANT AND MATERIAL MATTER, IN WHICH THE WITNESS CLAIMS TO BE AN EXPERT, AND MAY ALSO STATE THE REASONS FOR THE OPINION.

YOU SHOULD CONSIDER ANY EXPERT OPINION RECEIVED IN EVIDENCE IN THIS CASE AND, LIKE ANY OTHER EVIDENCE, GIVE IT THE WEIGHT YOU THINK IT DESERVES. IF YOU DECIDE THAT THE OPINION OF AN EXPERT WITNESS IS NOT BASED ON SUFFICIENT EDUCATION AND EXPERIENCE, OR IF YOU CONCLUDE THAT THE REASONS GIVEN IN SUPPORT OF THE OPINION ARE NOT SOUND, OR

THE EVIDENCE OF THE DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT.

REASONABLE DOUBT

WHAT IS A REASONABLE DOUBT IN THE LAW? A REASONABLE DOUBT IS THE KIND OF DOUBT THAT WOULD CAUSE A REASONABLE PERSON TO HESITATE TO ACT.

DUTIES OF JURY AND TRIAL JUDGE

I REMIND YOU THAT, DURING THIS TRIAL, YOU AND I HAVE CERTAIN DUTIES TO PERFORM. AS THE TRIAL JUDGE, IT IS MY RESPONSIBILITY TO PRESIDE OVER THE TRIAL OF THIS CASE, AND I ALSO HAVE THE DUTY TO RULE ON THE ADMISSIBILITY OF THE EVIDENCE OFFERED DURING THIS TRIAL. YOU ARE TO CONSIDER ONLY THE COMPETENT EVIDENCE BEFORE YOU. IF THERE WAS ANY TESTIMONY ORDERED STRICKEN FROM THE RECORD IN THIS CASE DURING THIS TRIAL, YOU MUST DISREGARD THAT TESTIMONY. YOU ARE TO CONSIDER ONLY THE TESTIMONY WHICH HAS BEEN PRESENTED FROM THIS

Exhibit C

INMATE GRIEVANCE RECORD

Grievance Type: ID:	Legal	44165
Inmate:	2659	FROST, ROBERT JOE
Grievance Status:	CLOS	B6 - B10
File Date:	3/19/2016 3:46:00 PM	
Subject:	CLASSIFICATION/GRIEVANCE/CLASSIFICATION - OTHER GRIEVANCE	
Level:	Lgl	
Resolution Date:	3/21/2016 10:07:00 AM	
Resolved By:	B6 - B10	
Founded/Unfounded:	B6 - B10	

Inmate Statement:

SOLICITOR ADAMS THIS WAS A JHON DOE CALL IN THOMAS MILLER PUT THE 2 CUTS ON VICTIM NECK THAT KILL HIM PLUS TAMPERD WITH THE VICTIM BODY THE WEAPON NOT MACHING THE 2 CUTS ON VICTIM NECK AND YOU CAN TELL THAT THE VICTIM WAS STELL, PAST OUT THN THOMAS E. MILLER THROW A COPY CAT IN HIS ARREST THE SIMILARTY IN HIS INCIDENT REPORTS TO BLOW THE CASE BECAUSE HE SAW ME FIRE ALL MY ATTORNEY TO GET MY HANDS ON THE EVEDEANCE FILE AND SOLICITOR PRICE NOS THAT I CAN PROVE THIS IN THE EVEDEANCE FILE SO NOW AFTER 4 YEARS THEY WONT TO TAKE MY PRO. SE. ATTORNEY SEND ME TO CLUMBIA JUDGE MCINTOSH I CAN PROVE IT IN THE EVEDEANCE FILE THAT TOMAS E. MILLER KILLD THE VICTIM TAMPERD WITH THE BODY TO SEAT A JHON DOE UP BUT TUERN OUT NOT TO BE A JHON DOE I HAVE THIS TO YOU IT IS ALL IN THE EVEDEANCE FILE THANK ABOUT IT A JHON DOE CALL IN THANK YOU

Officer Review:

RECEIVED
FEB 23 2017
APPELLATE DEFENSE

Officer Findings:

FORWARDED TO SOLICITORS OFFICE AS WAS YOUR OTHER REQUEST. SENDING YOU COPIES

ISSUE (4) DID THE JUDGE ERR IN NOT GRANTING APPLICANT A EXPERT WITNESS TO EXAMINE THE CUTS TO VERIFY IF IT WAS THE CORRECT MURDER WEAPON USED IN EVIDENCE.

Before trial applicant file several pretrial motions. Among these motions, was a motion for a Expert to examine the weapon that prosecutors said killed the victim. The Applicant attempted to bring it up again during trial see trpg. 167. And Exhibit (1) A. Testimony of Brett Woodard, Pathologist showed that there was indeed a need for another witness outside of the one that testified for the state. To deny Applicant his own expert denied the Applicant the right to have a complete defence. See trpg. 476 - 497

Through the Sixth and Fourteenth Amendments, a criminal defendant is guaranteed the right to a meaningful opportunity to present a complete defense. Crane v Kentucky, 476 U.S 683 at 690, 106 S.Ct 2142 at 2146-2147(1986). In deciding what investigations to pursue and ultimately what defense to present at trial, it is important that a defendant be afforded everything he needs to bring about the truth. Because the Applicant was a layman in Law when representing himself in trial, some of his terms may have been Misconstrued. But it is clear from the Motions that he wanted a independent Expert witness to view the Knife wounds that was examine by Dr. Woodward. An expert witness may give an opinion based on personal observations or in answer to a properly framed hypothetical question that is based on facts supported by the evidence on record. State v. Burton 302 S.C

494, 397 se2d. 90 (1990). It is the theory of Applicant that Investigator Thomas E. Miller after being called to the scene allowed evidence to be Tampered with. And Most of Pathologist Brett Woodward testimony was not based on Scientific procedure. An expert witness must show that in formulating his opinion he has taken into consideration the material facts required to form the opinion. Young v. Tide Craft, Inc., 270 S.C 453, 242 SE2d 671 (1978). Because the Applicant was not given the option to receive a Expert witness he was denied a right to have a complete defense. And that the Expert opinion of Dr. Woodward rested on a opinion with no probative value as to proven the truth of how the victim obtain his injuries. Due to investigators Millers lack of credibility there was a strong need for a separate Expert witness.

Exhibit (1) A

State of South Carolina, IN the Court of General Sessions
County of Anderson. Tenth Judicial Circuit
Motion for expert to look
State of South Carolina at the Murder Weapon to
VS. the 2 Cuts on the Victim
Robert Frost (Defendant). Neck
Warrant Numbers, J500412, J500413
J500414 J500415, J500416

1. Need for expert to determine
hit findings.

FILED-CLERK'S OFFICE
ANDERSON SC

2015 DEC -2 PM 12:11

COMMON PLEAS AND
GENERAL SESSIONS

Robert Frost
1004 Lake Coffee Lake
Anderson SC 29625

Dear Mr Shirley I would you please
send me back a check copy of
this Motion please.

Robert Frost
Dec, 2, 2015

A TRUE COPY

AUG - 8 2017

Richard X. Miller

Date January 14/2016 Exhibit (1) A

State of South Carolina in the Court of General Sessions
County of Anderson Tenth Judicial Circuit

State of South Carolina Motion for expert Decision on
15. Murder Weapon the 2 cuts
Robert Joe Frost on Victim Neck.

Defendant Warrants 3500412 3500413 3500414
3500415 3500416

Now Comes the defendant Name in the above Caption
to move before this Honorable Court,

1. Asking for expert Decision on Victim Neck Cuts
to see if they Match the Murder Weapon.

Date January 11/2016

By Robert Frost

FILED-CLERKS OFFICE
ANDERSON SC
2016 JAN 11 PM 2:26
COMMON PLEAS AND
GENERAL SESSIONS

A TRUE COPY

JUL 28 2017

Cheryl Kelly
ANDERSON CLERK OF COURT

Robert Frost
1009 David Lefler Place
Anderson SC 29625

INMATE GRIEVANCE RECORD

Exhibit 1-A

Grievance Type: ID:	Legal	44165
Inmate:	2659	FROST, ROBERT JOE
Grievance Status:	CLOS	B6 - B10
File Date:	3/19/2016 3:46:00 PM	
Subject:	CLASSIFICATION/GRIEVANCE/CLASSIFICATION - OTHER GRIEVANCE	
Level:	Lgl	
Resolution Date:	3/21/2016 10:07:00 AM	
Resolved By:	B6 - B10	
Founded/Unfounded:	B6 - B10	

Inmate Statement:

SOLICITOR ADAMS THIS WAS A JHON DOE CALL IN THOMAS MILLER PUT THE 2 CUTS ON VICTIM NECK THAT KILL HIM PLUS TAMPERD WITH THE VICTIM BODY THE WEAPON NOT MACHING THE 2 CUTS ON VICTIM NECK AND YOU CAN TELL THAT THE VICTIM WAS STELL , PAST OUT THN THOMAS E. MILLER THROW A COPY CAT IN HIS ARREST THE SIMILARTY IN HIS INCIDENT REPORTS TO BLOW THE CASE BECAUSE HE SAW ME FIRE ALL MY ATTORNEY TO GET MY HANDS ON THE EVEDEANCE FILE AND SOLICITOR PRICE NOS THAT I CAN PROVE THIS IN THE EVEDEANCE FILE SO NOW AFTER 4 YEARS THEY WONT TO TAKE MY PRO. SE. ATTORNEY SEND ME TO CLUMBIA JUDGE MCINTOSH I CAN PROVE IT IN THE EVEDEANCE FILE THAT TOMAS E. MILLER KILLD THE VICTIM TAMPERD WITH THE BODY TO SEAT A JHON DOE UP BUT TUERN OUT NOT TO BE A JHON DOE I HAVE THIS TO YOU IT IS ALL IN THE EVEDEANCE FILE THANK ABOUT IT A JHON DOE CALL IN THANK YOU

Officer Review:

Officer Findings:

FORWARDED TO SOLICITORS OFFICE AS WAS YOUR OTHER REQUEST. SENDING YOU COPIES

ISSUE (5) DID THE JUDGE ERR IN DENYING APPLICANTS MOTION FOR A MISTRIAL DUE TO THE FACT THAT HE COULD NOT QUESTION THOMAS MILLER ON HIS CREDIBILITY.

When testimonial inconsistencies are revealed on cross-examination, the jury is entitled to weigh the evidence and decide the credibility issues for itself, it is the province of the jury and not of the court to determine whether a witness who may have been inaccurate, contradictory and even untruthful in some respects was nonetheless entirely credible in the essentials of his testimony. U.S. v. O'connor, 650 f3d 839, 85 fed R. Evid serv 781 (2nd Cir 2011)

During cross examination of Thomas E. Miller by Defendant Frost who was Pro se at his trial. Solicitor Price Objected to the question that was being asked. The judge then sent the jury out of the court room. See Trpg. 567 Ln. 17 The Defendant went on to explain the reason why. He explained Trpg.568 LN.6-10 "All I was going to ask him why he resigned from office. He resigned from office in -- I've got the right and the jury's got the right to know why he resigned from office." The judge then allowed the defendant to ask the question but outside of the jury. After a few questions the jury was called back in. However the judge limited the Applicants questions. Impeachment by use of a prior inconsistent statement is governed by Rule 613(b) ,SCRE, which requires a foundation be laid by advising the witness of the substance of the prior inconsistent statement, the time and place it was given, and the person to whom it was made. State v. Seirra337 S.C 368, 523 se2d 187 (ct.App. 1999) In the instant case defendant had strong reasons to believe that evidence was

tampered with and the fact that Thomas E. Miller was on the stand as if he was a up standing citizen was false. Had Applicant been allowed to thoroughly cross examine Thomas E. Miller, the testimony would have revealed that the then Chief of Police, not only did he not do a thorough investigation but two years later, was charged with (CDV) also by committing a assault on his son with a stick a almost exact copy cat crime in which the circumatsnces was very similiar. Only in the instant case a base ball bat was used. The jury should have been allowed to hear the testimony. If a witnes denies making a prior statement, the statement would then be admissible as substantive evidence. State v. Copeland, 278 S.C 572, 300 se2d. 63(1982); State v. Smith, 309 S.C 442, 424 se2d 496 (1992). An omission is subject to impeachment as an inconsistent statement. Powers v. Rawles, 119 S.C 134, 112 se2d. 78 (1992). The confrontation Clause of the Sixth Amendment guarantees a criminal defendant the right to a meaningful cross-examination of adverse witnesses. Delaware v. VAnarsdall, 475 U.S 673, 106 S.ct 1431 (1986); State v. Graham 314 S.C 383, 444 se2d. 525 (1994). Included within this constitutional guarantee is the right to impeach an adverse witness with prior inconsistent statements in order to reveal possible bias or ulterior motive for making such inconsistent statements. Davis v. Alaska, 415 U.S 308, 94 S.ct. 1105 (1974).

Insofar had Applicant been allowed to thoroughly question the Ex-Chief of Police he would have also showed that the witness committed Perjury under S.C Code of laws 16-9-10. Since witness initial trial testimony directly contradicted his testimony given

in a Police statement, witness was guilty of "Perjury" if the information given to officers was false, and if the information was true, witness perjured himself on the stand by contradicting it. State v. Stanley, (S.C APP. 2005) 365 S.C 24, 615 se2d 455, habeas corpus dismissed. See Trpg 568 Ln.15-25 & Trpg 569-572 Also see Exhibits BB1-BB10. Therefore Applicant is entitled to a New Trial.

Exhibit B-B-1

Case No# 2016-001828

This is investigator Chief of Police
Thomas E. Miller Booking and
incident Reports.

Please Make
Copy's and
Send Back

RECEIVED

JAN 25 2017

APPELLATE DEFENSE

Anderson County Sheriff

1009 DAVID LEE COFFEE PLACE--ANDERSON, SC

29625

Phone: (864) 260-4363

Facility Admission Report*Exhibit B-B-2***Booking #**

201403540

Jacket#

151907



MILLER, THOMAS EUGENE

Detainee Name: MILLER, THOMAS EUGENE**Alias:** MILLER, TOMMY**Maiden Name:****SSN:****Religion:****Birth Place:** SC**Date of Birth:** 07/09/1975**Address:** 1022 HAMPTON STREET**Age:** 40**City:** IVA**Marital Status:** MARRIED**State:** SC**# of Children:** 0**Zip Code:** 29655**Nationality:** American**Phone:** (864) 617 - 7883**US Citizen:** ☒**Occupation:****Sex:** Male**Hair Color:** BLOND**Race:** WHITE**Eye Color:** BLUE**Height:** 5' 9"**Complexion:** MEDIUM**Weight (lbs.):** 267**Build:** MEDIUM**Other Features:****Arresting Authority:** Anderson County Sheriff**Telephone Call:** YES**Arresting Officer:** B SURRAT ACSO**Number Called:** (864) 276 - 9650**Searching Officer:** BARRON**Cell Assignment:****Booking Officer:** MARTIN, B R**Classification:****Book Date/Time:** 07/26/2014 16:49**County of Charge:** ANDERSON**Last Rebook Date/Time:****Booking Assistant Officer(s):****Property Storage Location(s):** 020, ON PERSON**Contact Information**

Contact Type	Name	Address	City	State	Zip Code	Phone
Emergency Contact	HAWKINS, JASON					(864) 276 - 9650

Current Charges

Case #:	Case Bond Type:	Case Bond Amount:				
Charge Case #	Charge Code	Counts	Charge Description	Citation/Control #	Charge Bond	Amount
201436442	2671	1	Domestic / Criminal Domestic Violence 728		PR BOND	\$5,242.50
201436442	3414	1	Assault / Assault & Battery 3rd degree 350		PR BOND	\$1,092.50

I certify that the above information is correct to the best of my knowledge.

Detainee Signature

Staff Signature

Anderson County Sheriff

1009 DAVID LEE COFFEE PLACE--ANDERSON, SC
29625

Phone: (864) 260-4363

Facility Admission Report

Exhibit-B-B-3

Booking #
201403540Jacket#
151907

Detainee Name: MILLER, THOMAS EUGENE

Alias: MILLER, TOMMY

Maiden Name:

SSN:

Religion:

Birth Place: SC

Date of Birth: 07/09/1975

Address: 1022 HAMPTON STREET

Age: 40

City: IVA

Marital Status: MARRIED

State: SC

of Children: 0

Zip Code: 29655

Nationality: American

Phone: (864) 617-7883

US Citizen: ☒

Occupation:

Sex: Male

Hair Color: BLOND

Race: WHITE

Eye Color: BLUE

Height: 5' 9"

Complexion: MEDIUM

Weight (lbs.): 267

Build: MEDIUM

Other Features:



MILLER, THOMAS EUGENE

Arresting Authority: Anderson County Sheriff

Telephone Call: YES

Arresting Officer: B-SURRAT ACSO

Number Called: (864) 276-9650

Searching Officer: BARRON

Cell Assignment:

Booking Officer: MARTIN, B R

Classification:

Book Date/Time: 07/26/2014 16:49

County of Charge: ANDERSON

Last Rebook Date/Time:

Booking Assistant Officer(s):

Property Storage Location(s): 020, ON PERSON

Contact Information

Contact Type	Name	Address	City	State	Zip Code	Phone
Emergency Contact	HAWKINS, JASON					(864) 276-9650

Current Charges

Case #	Case Bond Type	Case Bond Amount
201436442	Domestic / Criminal Domestic Violence 728	PR BOND \$5,242.50
201436442	Assault / Assault & Battery 3rd degree 350	PR BOND \$1,092.50

I certify that the above information is correct to the best of my knowledge.

Detainee Signature

Staff Signature

A TRUE COPY

FEB - 2 2016

ANDERSON CLERK OF COURT

Anderson County Sheriff

1009 DAVID LEE COFFEE PLACE--ANDERSON, SC
29625

Phone: (864) 260-4363

Facility Admission Report

Booking #

201403540

Jacket#

151907



MILLER, THOMAS EUGENE

Detainee Name: MILLER, THOMAS EUGENE

Alias: MILLER, TOMMY

SSN:

Birth Place: SC

Address: 1022 HAMPTON STREET

City: IVA

State: SC

Zip Code: 29655

Phone: (864) 617 - 7883

Occupation:

Maiden Name:

Religion:

Date of Birth: 07/09/1975

Age: 40

Marital Status: MARRIED

of Children: 0

Nationality: American

US Citizen: ☒

Sex: Male

Race: WHITE

Height: 5' 9"

Weight (lbs.): 267

Other Features:

Hair Color: BLOND

Eye Color: BLUE

Complexion: MEDIUM

Build: MEDIUM

Arresting Authority: Anderson County Sheriff

Arresting Officer: B-SURRAT ACSO

Searching Officer: BARRON

Booking Officer: MARTIN, B R

Book Date/Time: 07/26/2014-16:49

Last Rebook Date/Time:

Booking Assistant Officer(s):

Telephone Call: YES

Number Called: (864) 276 - 9650

Cell Assignment:

Classification:

County of Charge: ANDERSON

Property Storage Location(s): 020, ON PERSON

Contact Information

Contact Type	Name	Address	City	State	Zip Code	Phone
Emergency Contact	HAWKINS, JASON					(864) 276 - 9650

Current Charges

Case #:	Case Bond Type:	Case Bond Amount:				
Charge Case #	Charge Code	Counts	Charge Description	Citation/Control #	Charge Bond	Amount
201436442	2671	1	Domestic / Criminal Domestic Violence 728		PR BOND	\$5,242.50
201436442	3414	1	Assault / Assault & Battery 3rd degree 350		PR BOND	\$1,092.50

I certify that the above information is correct to the best of my knowledge.

Detainee Signature

Staff Signature

A TRUE COPY

FEB - 2 2016

Richard M. Kiley
ANDERSON CLERK OF COURT

Exhibit - B-B4

AGENCY I.D.
SC0040000

INCIDENT REPORT

CASE NUMBER

NCIC

2,0,1,4,-,3,6,4,4,2

INQ. ENT. N N

EVENT	INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
	1. CRIMINAL DOMESTIC VIOLENCE-CASE JACKET-DISK (13B) -Add:ASSAULT A				☒ YES ☐ NO	☐ YES ☐ NO	Residence/Home		☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
	2. EXPUNGED 11/12/2015 DO NOT RELEASE W/O COURT ORDER ()				☐ YES ☒ NO	☐ YES ☐ NO				
VICTIM NO. 1	3.				☐ YES ☐ NO	☐ YES ☐ NO				
	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)						ZIP CODE	WEAPON TYPE		
	1022 HAMPTON ST, IVA						29655	40,		
	INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK	DISPATCH TIME	TIME ARRIVED	DEPART TIME	
	07/26/2014	14:00		07/26/2014	18:30	07/26/14	14:25	14:48	18:30	
	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	
	MILLER, LUKE, MATTHEW					☒ YES ☐ NO	W	M	12	
	ADDRESS			CITY		STATE	ZIP CODE	LOCATION NO.		
	1022 HAMPTON ST			ANDERSON		SC	29621	3		
	VICTIM'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	
MILLER, SHARON, JANINE			SE		☒ YES ☐ NO	W	F	28		
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
508	140	RED	BLU							
ADDRESS			CITY		STATE	ZIP CODE	LOCATION NO.			
1022 HAMPTON ST			IVA		SC	29655	3			
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO ☐ EXPLAIN -				COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES ☒ NO						
VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☒ NO ☐ UNK ☐ DRUGS: ☐ YES ☒ NO ☐ UNK ☐ TYPE:										
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/PLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐				J - This Jurisdiction. S - Sister. O - Out of State. U - Unknown						
SUBJECT NO. 1	☒ SUSPECT	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	AGE	ETH.	DATE OF BIRTH	
	☐ RUNAWAY	MILLER, THOMAS, EUGENE			W	M	39	N		
	☐ WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
	☐ WARRANT	ADDRESS			CITY	STATE	ZIP CODE	LOCATION NO.		
	☐ ARREST	1022 HAMPTON ST			IVA	SC	29655	3		
	☐ JAIL	SUBJECT (NO. 1) USING: ALCOHOL: ☐ YES ☒ NO ☐ UNK ☐ DRUGS: ☐ YES ☒ NO ☐ UNK ☐ TYPE:			ARRESTED NEAR OFFENSE SCENE: ☒ YES ☐ NO ☐		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST	
	☐ SUMMONS				TOTAL # ARRESTED 1		07/26/14 14:00		07/26/14 16:18	
	EXPUNGED 11/12/2015 DO NOT RELEASE W/O COURT ORDER WARRANT# 2014A0410200837 & 838									
	NARRATIVE	On 07-26-2014 I, Deputy Surratt along with Sgt. Hyslop responded to 1022 Hampton Street in reference to a domestic situation. When we arrived on scene I spoke with Sharon Miller and Sgt. Hyslop spoke with Thomas Miller. It was determined after taking a statement and observing video footage that an assault and battery as well as criminal domestic violence had taken place. At that time I advised Thomas Miller that he was under arrest and he was transported to the ACSO detention center. Warrant number 2014A0410200838 was issued for Assault and Battery 3rd and warrant number 2014A0410200837 for Criminal Domestic Violence.								
				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY				
PROPERTY EST.	TYPE (GROUP)							TOTAL VALUE		
	STOLEN									
	DAMAGED									
	BURNED									
	RECOVERED									
ADMINISTRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		DATE	
	☒ YES ☐ NO		☒ YES ☐ NO						07/26/14	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY				APPROVING OFFICER		DATE		UNIT	
	REPORTING OFFICER(S)				DATE		UNIT		UNIT	
	SURRETT, B.				07/26/14		547		SGT. HYSLOP, A. R.	
								FOLLOW-UP INVESTIGATION. ☐ YES ☒ NO		

A TRUE COPY

FEB 2 2016

07/26/14 14:00
ANDERSON, CLERK OF COURT

Exhibit-B.B-5

232

AGENCY I.D.
SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER

2,0,1,4 - 3,6,4,4,2

NCIC

INO.	ENTD.
N	N

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY

PAGE 1 of 1 PAGES.

Offense: Criminal Domestic Violence and Assault and Battery 3rd

Offender: Thomas Eugene Miller

Victim: Sharon Miller and Thomas Austin Miller

Reporting Deputy: B. Surratt

On 07-26-2014 I received a call from Deputy Stipe who stated that his step son had called him stating that they needed the police at "Tommy's" house. Deputy Stipe stated that his step-son was at this Tommy's house and him along with a few of the other kids ran from the residence in fear that Tommy was going to hurt Mrs. Miller. I then called county dispatch over the radio and asked who was working the Starr/Iva area and they stated that it was Delta 36 (M. Branyon). I then asked if he was in service and they stated that he was not that he was en-route to the detention center. I then called Sgt. Hyslop and advised him of the situation and he stated that he and I would respond to the incident location. When I pulled into the drive way I observed Mrs. Miller sitting on the sidewalk on a rock with her mother and a few of her kids. When we arrived on scene I spoke with Sharon Miller behind the residence on the back porch and Sgt. Hyslop spoke with Thomas "Tommy" Miller in the front yard. Mrs. Miller advised me that the altercation between her and Tommy happen because of her taking up for their son.

NARRATIVE

I did receive a video statement from Mrs. Miller. During her statement she stated that Thomas "Tommy" Miller had been in a verbal altercation that turned physical with their son Thomas "Austin" Miller. Mrs. Miller stated that she was trying to stop her son Austin from being assaulted by Tommy by getting in between them. Mrs. Miller stated that Tommy had been assaulting Austin with a closed fist and also a piece of wood. I did observe superficial abractions to both of Austin's arms from his thumbs to his upper forearms. I was unable to locate piece of wood that was used. I did observe a video that was taken from Luke who is one of their other kids. The video shows Tommy and Austin arguing back and forth. Then you can see in the video that Mrs. Miller got in between Tommy and Austin, telling Tommy to stop and trying to take up for her son Austin. A short time later you can see Tommy physically grabbing Mrs. Miller and throwing her from in between them.

After Tommy threw Mrs. Miller you can see Tommy get in a fighting posture clinching his fist and began to challenge Austin again and that is when the video footage stops. There were several other videos that were on the phone and you can hear some yelling and screaming between Mrs. Miller and Tommy. You can also see a few struggles between Mrs. Miller and Tommy as well. Tommy did make a few statements that he did strike Austin several times with the piece of wood but he was unsure on how many times. Tommy did not give me a video statement or written statement. I did transport Tommy to the detention center and he was served the warrants by Sgt. Hyslop. The phone was taken and placed into ACSO evidence until we are able to retrieve the videos. The phone was taken due to Luke stating that he did video several of the altercations that occurred during this incident.

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION				3. ☐ EXTRADITION DENIED.		4. ☐ VICTIM DECLINES COOPERATION.	
REPORTING OFFICER(S) SURREATT, B		DATE 07/26/14		UNIT NUMBER		APPROVING OFFICER SGT. HYSLOP, A. R.	
				FOLLOW-UP INVESTIGATION ☐ YES ☒ NO		OFFICER	

ATRIE COPY

FEB - 2 2016

08/09/14 248

Anderson Clerk of Court

Exhibit-B-B6

99 43

AGENCY I.D.
SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER

2,0,1,4,-,3,6,4,4,2

NCIC

IND.	EXTD.
N	N

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE 2 of _____ PAGES.
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

Offense: Criminal Domestic Violence and Assault and Battery 3rd

Offender: Thomas Eugene Miller

Victim: Sharon Miller and Thomas Austin Miller

Reporting Deputy: B. Surratt

On 07-30-2014 a search warrant was issued by Judge Sharp. The search warrant for the phone and the phone was taken to Investigator Buehler to access the data. I did receive a copy of the data from Investigator Buehler on a DVD and it was taken to Investigator C. Wilson with forensics and he was going to make a copy of the DVD. When the DVD was turned over to Investigator Wilson it was logged into evidence. Also on 07-31-2014 the search warrant was returned to Judge Sharp and I did sign the form at forensics for the phone to be released to the owner.

NARRATIVE

A TRUE COPY

FEB 2 2015

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLERK UNDER 18 ☐ EX-CLERK 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH		2. ☐ NO PROSECUTION		3. ☐ EXTRADITION DENIED		4. ☐ VICTIM DECLINES COOPERATION	
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
SURREATT, B		07/31/14		SGT. HYSLOP, A. R.		08/11/14	248
FOLLOWUP INVESTIGATION		☐ YES ☒ NO		OFFICER		ANDERSON CLERK OF COURT	

ADMINISTRATIVE

Exhibit-B-B-7

9

AGENCY I.D.
SC0040000

INCIDENT REPORT

CASE NUMBER

2,0,1,4,-,4,8,1,1,9,

NCIC

INO. ENT.D.
N N

EVENT		INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
1. DOMESTIC DISPUTE (90F)				☒ YES ☐ NO	☐ YES ☐ NO	Residence/Home (		☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
2.				☐ YES ☐ NO	☐ YES ☐ NO				
3.				☐ YES ☐ NO	☐ YES ☐ NO				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)						ZIP CODE	WEAPON TYPE		
1022 HAMPTON ST, IVA						29655			
INCIDENT DATE		24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK		LOCATION NO.	
09/30/2014		10:23		09/30/2014	10:34	DISP. DATE DISP. TIME TIME ARRIVED DEPART. TIME 09/30/14 10:34 10:51 11:15		3	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH.
MILLER, SHARON, JANINE			#1 #2 #3		☒ S O U	W	F	28	N
ADDRESS			CITY		STATE	ZIP CODE		LOCATION NO.	
1022 HAMPTON ST			IVA		SC	29655		3	
VICTIM'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH.
MILLER, SHARON, JANINE			#1 #2 #3		☒ S O U	W	F	28	N
ADDRESS			CITY		STATE	ZIP CODE		LOCATION NO.	
1022 HAMPTON ST			IVA		SC	29655		3	
HEIGHT			WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.			
508			140	RED	BLU				
ADDRESS			CITY		STATE	ZIP CODE		LOCATION NO.	
1022 HAMPTON ST			IVA		SC	29655		3	
VISIBLE INJURY (VICT. 1) ☐ YES ☐ NO ☒ EXPLAIN —									
COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES ☒ NO									
VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☐ NO ☒ UNK ☐ DRUGS: ☐ YES ☐ NO ☒ UNK ☐ TYPE:									
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/PLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ *J—This Jurisdiction. S—State. O—Out of State. U—Unknown									
SUSPECT		NAME (LAST, FIRST, MIDDLE)				RACE	SEX	AGE	ETH.
☐ RUNAWAY		MILLER, THOMAS, EUGENE				W	M	39	N
☐ WANTED		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							
☐ WARRANT									
☐ ARREST		ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.
☐ JAIL		1022 HAMPTON ST				IVA	SC	29655	3
☐ SUMMONS		SUBJECT (NO. 1) USING: ALCOHOL: ☐ YES ☐ NO ☒ UNK ☐ ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO ☒ DATE/TIME OF OFFENSE				DATE/TIME OF ARREST			
		DRUGS: ☐ YES ☐ NO ☒ UNK ☐ TYPE:				TOTAL # ARRESTED			
On 9-30-2014 I Deputy Dunlap was dispatched to the above address in reference to a domestic problem. Upon arrival I spoke with the victim Sharon Miller who said that her husband Thomas Miller has been calling her constantly and she told him to stop calling her. The victim said that the suspect continued to call her and she said she didn't answer the phone and that's when the suspect text message her saying "Its in your best interest to answer the phone" The victim said the suspect arrived at the residence and entered to get some of his personal belongings such as clothes. The victim said that when the suspect picked up a folder that contained her work credentials and certifications she told the suspect to put it back and he refused, the victim said she and the suspect began pulling on the folder in a tug of war. The victim said that she was able to get the folder away from the suspect and she took the folder and placed it in her vehicle and locked it. The victim said the suspect told her that she had hit him and he was going to have her arrested and show her how it feels. The victim said the suspect was driving a golden colored SUV. The victim said that there was no physical altercation. The victim said that she and the suspect are supposed to									
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY					JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY				
TYPE (GROUP)		TOTAL VALUE							
STOLEN									
DAMAGED									
BURNED									
RECOVERED									
SEIZED									
SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
☒ YES ☐ NO		☒ YES ☐ NO						FEB 2 2016	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE		UNIT NUMBER	
DUNLAP, SHAWN		09/30/14	757	SGT. LEE, T. F		09/30/14 PM		164	
				FOLLOW-UP INVESTIGATION: ☐ YES ☒ NO		OFFICER		JUDICIAL CLERK OF COURT	

A TRUE COPY

Exhibit B-B-8

AGENCY I.D.
SC0040000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

2014-48119

NCIC

INQ. ENFD.
N N

☒ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY

PAGE 2 of 2 PAGES

VICT/SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)										VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.
	☐ VICTIM #											#1	#2	#3						
	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.														
	☐ RUNAWAY	ADDRESS										CITY		STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE	
	☐ WANTED																			
	☐ WARRANT																			
	☐ ARREST																			
	☐ JAIL																			
	☐ SUMMONS																			
	☐																			

VICT/SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)										VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.
	☐ VICTIM #											#1	#2	#3						
	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.														
	☐ RUNAWAY	ADDRESS										CITY		STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE	
	☐ WANTED																			
	☐ WARRANT																			
	☐ ARREST																			
	☐ JAIL																			
	☐ SUMMONS																			
	☐																			

NARRATIVE	go to family court on 1-1-2014 for their first hearing. The victim said that suspect no longer lives at the residence.																	

VEH. / GUN / ETC. 1	STATUS		TYPE		VIN AND/OR LICENSE NO.				BOAT HULL NO. AND/OR REG. NO.					
	☐ STOLEN	☐ VEHICLE												
	☐ RECOVERED	☐ GUN			SERIAL AND/OR OWNER APPLIED NO.				STATE					
	☐ FOUND	☐ BOAT			YEAR OF REGISTRATION		YEAR OF EXPIRATION		YEAR	MAKE	TYPE			
	☐ TOWED	☐ LICENSE PLATE			MODEL		STYLE		COLOR	BRAND NAME		CALIBER		
	☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS			HIC NO.		DENOMINATION		ISSUER	SECURITIES DATE				
	☐ VICTIM	☐ ARTICLE			MISCELLANEOUS									

ADMINISTRATIVE PROPERTY EST.	TYPE (GROUP)											TOTAL VALUE
	STOLEN											
	DAMAGED											
	BURNED											
	RECOVERED											
	SERIALIZED											

SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADM. CLOSED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	
☒ YES ☐ NO		☒ YES ☐ NO		☒ UNFOUNDED		☐ EX-CLERK AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY							
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER			
DUNLAP, SHAWN		09/30/14	757	SGT. LEE, T. F.			
				FOLLOW-UP INVESTIGATION ☐ YES ☒ NO			
				OFFICER			
				CLERK OF COURT			

A TRUE COPY

FEB - 2 2015

09/30/14 164

REASONABLE DOUBT, YOU MUST FIND THE DEFENDANT
NOT GUILTY.

CREDIBILITY OF WITNESSES

NECESSARILY, YOU MUST DETERMINE THE CREDIBILITY OF WITNESSES WHO HAVE TESTIFIED IN THIS CASE. CREDIBILITY SIMPLY MEANS BELIEVABILITY. IT BECOMES YOUR DUTY AS JURORS TO ANALYZE AND TO EVALUATE THE EVIDENCE AND DETERMINE WHICH EVIDENCE CONVINCES YOU OF ITS TRUTH.

IN DETERMINING THE BELIEVABILITY OF WITNESSES WHO HAVE TESTIFIED IN THIS CASE, YOU MAY BELIEVE ONE WITNESS OVER SEVERAL WITNESSES OR SEVERAL WITNESSES OVER ONE WITNESS. YOU MAY BELIEVE A PART OF THE TESTIMONY OF A WITNESS AND REJECT THE REMAINING PART OF THE TESTIMONY OF THAT SAME WITNESS. YOU MAY BELIEVE THE TESTIMONY OF A WITNESS IN ITS ENTIRETY OR REJECT THE TESTIMONY OF A WITNESS IN ITS ENTIRETY. YOU MAY CONSIDER WHETHER ANY WITNESS HAS EXHIBITED TO YOU ANY INTEREST, BIAS, PREJUDICE, OR OTHER MOTIVE IN THIS

CASE. YOU MAY ALSO CONSIDER THE APPEARANCE AND
MANNER OF A WITNESS WHILE ON THE WITNESS STAND.

EXPERT WITNESSES

THE RULES OF EVIDENCE ORDINARILY DO NOT PERMIT WITNESSES TO TESTIFY TO OPINIONS OR CONCLUSIONS. AN EXCEPTION TO THIS RULE EXISTS FOR WITNESSES WE CALL "EXPERT WITNESSES". A WITNESS WHO, BY EDUCATION AND EXPERIENCE, HAS BECOME EXPERT IN SOME ART, SCIENCE, PROFESSION, OR CALLING MAY STATE AN OPINION AS TO RELEVANT AND MATERIAL MATTER, IN WHICH THE WITNESS CLAIMS TO BE AN EXPERT, AND MAY ALSO STATE THE REASONS FOR THE OPINION.

YOU SHOULD CONSIDER ANY EXPERT OPINION RECEIVED IN EVIDENCE IN THIS CASE AND, LIKE ANY OTHER EVIDENCE, GIVE IT THE WEIGHT YOU THINK IT DESERVES. IF YOU DECIDE THAT THE OPINION OF AN EXPERT WITNESS IS NOT BASED ON SUFFICIENT EDUCATION AND EXPERIENCE, OR IF YOU CONCLUDE THAT THE REASONS GIVEN IN SUPPORT OF THE OPINION ARE NOT SOUND, OR

ISSUE (6) DID THE COURT ERR IN FAILING TO GRANT DEFENDANT A
INVESTIGATOR BECAUSE HE WAS AFRICAN AMERICAN?

The pivot question in this case is whether a defendant, appearing Prose is entitled to a State funded investigative service once one was requested and should he be denied a Investigator because he is African American. The present rule is that an indigent defendant has a constitutional right to investigative services Mason v. Arizona 504 F.2d 1345 (9th cir 1974), but that right comes into existence only when some need is demonstrated by the defendant. SEE Hoback v. Alabama, 6007 F2d 680 5th Cir. 1979 In the case at hand Defendant Robert Frost was allowed to proceed Prose in his Murder Trial. See Trpg 17 Ln.22 During the Pre-trial motions and before Defendant file a Motion to the Court on Nov 17 2014. This motion was ignored. Judge R. Lawton McIntosh granted the Motion for the defendant to receive a investigator on January 14 , 2016. On May 24, 2016 Defendant requested a African American Investigator and was called to in-camera hearing where he was told, "he was not going to have no African American as a Investigator or anyone from the lower part of the State See Trpg 56 where a incamera hearing was held of the record. Also see Exhibit CC-1 Thru CC-4 inmate greivance record. The Defendant was constantly denied his constitutional right to present a meaningful defense by the Court. Two days into his trial he was given a Private investigator that was paid \$3500.00 dollars to do nothing, this investigator was the Brother of Lt. Jason Hawkins a

police officer that worked for Ex-Investigator Thomas E. Miller. If this Court would read through Trpg 157-172 they will clearly see the gauntlet that defendant was put through to get a private investigator. When all the Judge had to do is remain neutral and allow the defendant to have any Qualified Investigator in the State. But the record and Exhibits show the extent the Court went through to deny Defendant the opportunity to have a complete defense.

Applicants due process rights were violated when he was tried without having had any meaningful opportunity to prepare his defense. In the circumstances of this case it is clear that his rights were violated. After Applicant elected to represent him self, the state not only affirmatively failed to provide defense resources, but also materially impeded use of the minimal tools for defense preparation which the trial court should have ensured. A Applicant who excercises his right, under Paretta, 422 U.s 806, 95 S.CT 25225, 45 L.ED 2d 562. to conduct his own defense does not have to subject himself to the possibility that he will have no opportunity to prepare that defense.

It is clear a defendant in jail is constitutionally entitled to conduct his own defense. If he elects to do so by rejecting the services of an attorney to conduct his defense, he cannot be confined to his jail simply to look at the four walls and appear on the day of trial to defend himself. He must be afforded reasonable access to resources, and providing a Private

Investigator is one way to do this it should not matter what race he is, or part of the state he is from. Again the Applicant ask that court See trpg 157-172 as well as Exhibits CC-5&6. Insofar Applicant originally chose investigator Henderson out of Taylors S.C which the exhibit also shows. But the Court chose Ex-Investigator Thomas E. Miller deputy's brother Scott Hawkins two days into the trial, in which he done nothing.

Exhibit CC-1

INMATE GRIEVANCE RECORD

Grievance Type: ID:	Legal		60184
Inmate:	2659	FROST, ROBERT JOE	B6 - B10
Grievance Status:	CLOS		
File Date:	7/30/2016 3:32:00 PM		
Subject:	LEGAL/GRIEVANCE/LEGAL GRIEVANCE		
Level:	Lgl		
Resolution Date:	8/1/2016 9:32:00 AM		
Resolved By:-	B6 - B10		
Founded/Unfounded:	B6 - B10		

Inmate Statement:

LEE COLE JR. FAX 864-847-7895. I GOT A LEETER FROM SOLICITOR COURT DATE AUGUST 22 2016 I NEED YOU TO BRING AT LEST 10-TO 15 PRIVATE INVESTGATOR PICTURES UP HEAR FOR ME TO CHOOSE FROM MIXTHEM UP I DONT UNDER STAND WHY I CANT HAVE A A-FRICAN AMERCIAN IT ANT RIGHT FOR JUDGE MCINTOSH TO TAKE ME IN TO JUDGE CHAMBERS AN TELL ME THAT I CANT HAVE A A-FRICAN AMERCAIN AS A PRIVATE INVESTGATOR I HAD MY TRUST IN WILLIAMS INVESTGATOR SERV. LEON ROBERISON SO I NEED TO LOOK AT SOME PICTURE OF INVESTGATOR TO SEE IF I CAN FIND ONE THAT I CAN TRUST NOT ONE THAT JUDGE MCINTOSH CHOOSE FOR ME. I NEED TO SEE AT LEAST 10 PICTURES IF NOT MORE ARE SEND ME SOME TO CHOOES FROME SEND A BOOKLET I GOT TO HAVE SOMETING TO CHOOSE FROM AND SOON AT LEST 10 TO 15 WOMEN AND MEN .THANK YOU.

Officer Review:**Officer Findings:**

FAXED 8/1/16 AT 9:15

Exhibit CC-2

INMATE GRIEVANCE RECORD

Grievance Type: ID:	Legal	60644
Inmate:	2659	FROST, ROBERT JOE B6 - B10
Grievance Status:	CLOS	
File Date:	8/3/2016 5:18:00 PM	
Subject:	LEGAL/GRIEVANCE/LEGAL GRIEVANCE	
Level:	Lgl	
Resolution Date:	8/4/2016 10:15:00 AM	
Resolved By:	B6 - B10	
Founded/Unfounded:	B6 - B10	

Inmate Statement:

ATTORNEY LEE COLE JR. FAX 864-847-7895 WILLIAMS INVESTGATOR SERV. LRON ROBERISON WAS MY FIRST PICK MARCH- 26-2016 AND IME STICKN WITH IT AND IF YOU BEING BIASS IN MY CASE THEN IM GOIN TO HAVE TO TALK WITH N.A.A.C.P JUST BECAUSE HE IS A AIFRICAN - MARICAN LEON WAS MY FRIST PICK I GOT THE E. MAIL TO PROVE IT LEON ROBERISON WILLIAMS INVESTGATOR SERV.843-367-2383 THANK YOU.

Officer Review:**Officer Findings:**

ALREADY ADDRESSED.

EXPERIENCE MEET OUR TEAM OF INVESTIGATORS

OVER SEVENTY-SIX (76) COMBINED YEARS OF EXPERIENCE

At Williams Investigative Services & Associates, we have Seventy Six years of Law Enforcement Experience. We also have 32 years of Military Experience, ranging from U.S. Army, Marines, and Coast Guard.

CONTACT US TODAY

5861 Rivers Avenue
North Charleston, SC, 29406 USA

Telephone: 843-746-2388

Telephone: 843-367-2383 (24 Hour Hotline)

Email: admin@williamsinvestigativeservices.com
(mailto:admin@williamsinvestigativeservices.com)



ABRAHAM A. WILLIAMS

Twenty-eight (28) years law enforcement experience. Retired Lieutenant, South Carolina Highway Patrol, 28 Years US Army and Coast Guard (Ret.)



DAVID A. HILL

Twenty-eight (28) years law enforcement experience. Retired Corporal, South Carolina Highway Patrol.



HORACE LEYSATH

Twenty (20) years law enforcement experience. Four (4) years in the United States Marine Corps (USMC). Retired Corporal, South Carolina Highway Patrol.



LEON ROBINSON

Thirty-one (31) years law enforcement experience. Six (6) years in the United States Army. Retired Lieutenant, South Carolina Highway Patrol.

Photo Left Available



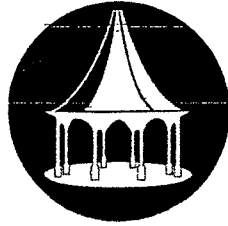
CONNIE F. STRICKLAND

Eleven (11) years South Carolina Highway Patrol

Lee Cole

844-847-7895

Exhibit CC4



COX & COLE
ATTORNEYS AT LAW

G. Lee Cole, Jr., Esq.

32 East Main Street
Post Office Box 315
Williamston, SC 29697

Telephone: (864) 847-9289
Facsimile: (864) 847-7895
LeeCole@CoxandCole.com

March 21, 2016

Robert Joe Frost
Anderson County Detention Center
1009 David L. Coffee Place
Anderson, SC 29625

Re: State v. Robert Joe Frost
Warrant Nos: J500412; J500413; J500414; J500415; J500416

Dear Mr. Frost:

Enclosed is a list of African-American Private Investigators that I have been able to find in South Carolina. I have also included the "About" page from their websites, if available.

Thank you for your kind attention to this matter.

Sincerely,

G. Lee Cole, Jr.

Enclosures

Exhibit CC-5

in the Court of General Sessions
Anderson County

The State of South Carolina
Against
Robert Joe Frost

Motion to Contain
Private investigator
Warrant # J500412, 13, 14, 15, 16

Now Comes the defendant Named in the above Caption to move
before this honorable Court to contain A private investigator
to investigate on the previous Charges that was signed
and issued on 7/16/2012 by judge Barrister I.R. SC
Chip Miller served these Warrants on 7/17/2012

1. To Contain private investigator.

Therefore the defendant ask that the Court move at the
earliest possible moment in regards to this Motion.

Robert Joe Frost
10029 David Cullen Dale
Anderson SC 29625

Respectfully Submitted
Robert Joe Frost

COMMON PLEAS AND
GENERAL SESSIONS

2014 NOV 17 AM 11:48

FILED-CLERK'S OFFICE
ANDERSON SC

A TRUE COPY

NOV 20 2014

Richard X. Kiser
CLERK OF COURT

Exhibit CC-6

in the Court of General Sessions
Anderson County

State South Carolina, motion to Contain
County of Anderson, Private investigator

vs. , Warrant, 3500412, 3500413

Robert Joe Frost, 3500414, 3500415, 3500416
Defendant

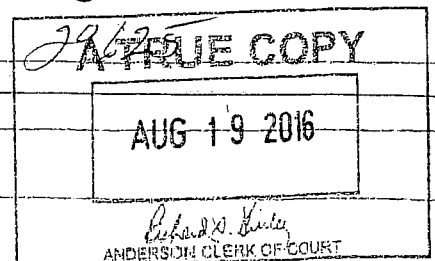
Now come the Defendant Name in the above
caption to move before this Honorable Court
to contain a private investigator.

FILED-CLERK'S OFFICE
ANDERSON SC
2016 AUG 19 AM 11:22
COMMON PLEAS AND
GENERAL SESSIONS

Judge McIntosh dangerous attorney Lee Cole
35.00 Hundreded dollar to contain a private
investigator, Henderson to investigate Thomas E. Miller
credibility. The defendant Case Victim Husband
The defendant further for Exempt Session
for a fair Trial.

Date
August 16, 2016

Pro Sec attorney
Robert Joe Frost
1009 David Coffee Drive
Anderson South Carolina



INMATE GRIEVANCE RECORD *Exhibit CC 7*

Grievance Type: ID:	Legal		60771
Inmate:	2659	FROST, ROBERT JOE	B6 - B10
Grievance Status:	CLOS		
File Date:	8/4/2016 6:14:00 PM		
Subject:	LEGAL/GRIEVANCE/LEGAL GRIEVANCE		
Level:	Lgl		
Resolution Date:	8/5/2016 10:38:00 AM		
Resolved By:	B6 - B10		
Founded/Unfounded:	B6 - B10		

Inmate Statement:

LEE COLE JR FAX 864-847-7895 WILLIAM INVESTGATOR SERV.IS THE FRIST ONE THAT I PICK MARCH 26-2016 LEON ROBINSON WILLIAMS INVESTGATOR AND THAT IS THE ONE THAT IME GOING TO STICK WITH IF YOU GOT A PROBLUM WITH IT TALK TO THE TRIAL JUDGE ABOUT IT. THANK YOU.

Officer Review:**Officer Findings:**

OK

INMATE GRIEVANCE RECORD

Exhibit CC-8

Grievance Type: ID:	Legal		44964
Inmate:	2659	FROST, ROBERT JOE	B6 - B10
Grievance Status:	CLOS		
File Date:	3/26/2016 1:32:00 PM		
Subject:	LEGAL/REQUEST/LEGAL - OTHER REQUEST		
Level:	Lgl		
Resolution Date:	3/28/2016 12:15:00 PM		
Resolved By:	B6 - B10		
Founded/Unfounded:	B6 - B10		

Inmate Statement:

ATTORNEY AT LAW G. LEE. COLE ,JR, ESQ, FACSIMILE 864,847,7895. WILLIAMS INVESTGATEIVE SERVICES INVESTGATOR THAT I WONT LEON ROBINSON 31 YEARS AT LAW . THANK YOU.

Officer Review:**Officer Findings:**

FAXED TO THIS NUMBER AT 12:10 ON 3/28/16

ISSUE # (7) DID THE COURT ERR IN NOT GRANTING A MISTRIAL DUE TO
THE FACT NO BLOOD SAMPLES OR SWAB SAMPLES WAS PRODUCED FROM THE
RESIDENCE.

During the Applicants trial the Solicitor asked Ex-chief of Police what Items did he collect pursuant to a search warrant. See trpg 557 Ln. 21-25 -Trpg 558 Ln 1-8. in the list there was Blood swabs listed. Despite collecting these swabs, these swabs was not presented during trial. See Trpg 563 Ln 20-25 -564 Ln.1-11 The excuse used by Ex-Chief of Police Thomas E. Miller was that he had talk to the Solicitor and Investigator and determine that it was a waist of money shows that all attention had been centered on the Applicant. Brady v Maryland 373 U.s 83 (1963) (3) Violation when police concealed evidence favorable to the defence. The U.S Supreme Court stated in Strickler v Green 527 U.S 263 281-282 (1999) "When the State withholds from a Criminal Defendant evidence that is material to his guilt or punishment, it violates his right to Due Process of law which is a violation of his 14 Amendment of the U.S Constitution. Not only should Ex-Chief of Police Thomas E. Miller suppose to have all evidence tested, it was his duty as a Law enforcement official to do so. Insofar at no time should the Solicitor have agreed with Miller to do so. As a Solicitor she knew that allowing Miller to not test evidence or exclude it from trial was a violation of Brady v Maryland Not to mention that the Applicant before trial contacted the Solicitor through the inmates grievance Process, which E-mails the Solicitor or Attorney messages from inmates. In

this message See exhibit (f)-Which states in part that Applicant strongly believe that Ex-Chief of Police Thomas E. Miller had killed his father and tampered with the evidence. When first Question by the Prosecution Ex-Chief of Police stated (that there was alot of blood. See Trpg.(551 Ln 24) Yet no test was done. The ultimate finding of guilt in this case required the jury to pile speculation on top of inferences drawn from more inferences. Each step of the way required to jury to eliminate one or more alternatives, thus multiplying the risk of error. Such a verdict is not rational. See Kelly v Roberts 998 f2d 802 (10th cir 1993)(Granting habes relief because the jury could not find guilt without impermissibly stacking inferences.

Because the Blood samples was omitted from the trial this allowed the jury to draw inferences that no one else was involved in the murder, without having expert testing to be done to be sure that no one else was involved in the homicide. The guilty verdict depended upon the rejection of to many reasonable possibilties. One is that Applicant had been saying all alone that he did not cut his father on the neck. To start with the assumption that the crime was committed and then to show that each piece of circumstantial evidence can be explained in a consistent manner is fundamentally different from examining each piece of evidence and finally concluding beyond a reasonable

doubt that the Applicant was guilty. The Brady violation is clear. And the Applicant can not have had a fair trial.

To take away the Applicants liberty based on Trial where the only evidence the state presents is evidence that would help them prove there case. Not true evidence that would show the guilt of another. The excuse used by Ex-Chief of Police Thomas E. Miller was not govern by the rules of court and Solictor should not have allowed it. **A structural Discovery Error occurs when the government witholds material evidence favorable to the defendant. See rule 16 - Discovery & Inspection.** It is a basic principle of the law that presumptions and inferences may be drawn only from facts estabelished and presumptions may not rest upon presumptions or inferences on inferences. See Trpg 567-572 The Applicant should receive a **New Trial.**

INMATE GRIEVANCE RECORD

Exh. B. 1. F

Grievance Type: ID:	Legal	44165
Inmate:	2659	FROST, ROBERT JOE
Grievance Status:	CLOS	B6 - B10
File Date:	3/19/2016 3:46:00 PM	
Subject:	CLASSIFICATION/GRIEVANCE/CLASSIFICATION - OTHER GRIEVANCE	
Level:	Lgl	
Resolution Date:	3/21/2016 10:07:00 AM	
Resolved By:	B6 - B10	
Founded/Unfounded:	B6 - B10	

Inmate Statement:

SOLICITOR ADAMS THIS WAS A JHON DOE CALL IN THOMAS MILLER PUT THE 2 CUTS ON VICTIM NECK THAT KILL HIM PLUS TAMPERD WITH THE VICTIM BODY THE WEAPON NOT MACHING THE 2 CUTS ON VICTIM NECK AND YOU CAN TELL THAT THE VICTIM WAS STELL, PAST OUT THN THOMAS E. MILLER THROW A COPY CAT IN HIS ARREST THE SIMILARTY IN HIS INCIDENT REPORTS TO BLOW THE CASE BECAUSE HE SAW ME FIRE ALL MY ATTORNEY TO GET MY HANDS ON THE EVEDEANCE FILE AND SOLICITOR PRICE NOS THAT I CAN PROVE THIS IN THE EVEDEANCE FILE SO NOW AFTER 4 YEARS THEY WONT TO TAKE MY PRO. SE. ATTORNEY SEND ME TO CLUMBIA JUDGE MCINTOSH I CAN PROVE IT IN THE EVEDEANCE FILE THAT TOMAS E. MILLER KILLD THE VICTIM TAMPERD WITH THE BODY TO SEAT A JHON DOE UP BUT TUERN OUT NOT TO BE A JHON DOE I HAVE THIS TO YOU IT IS ALL IN THE EVEDEANCE FILE THANK ABOUT IT A JHON DOE CALL IN THANK YOU

Officer Review:

RECEIVED
FEB 23 2017
APPELLATE DEFENSE

Officer Findings:

FORWARDED TO SOLICITORS OFFICE AS WAS YOUR OTHER REQUEST. SENDING YOU COPIES

**ISSUE # 8 DID THE JUDGE ERR IN CONTINUING THE TRIAL AFTER
APPLICANT PUT IN A MOTION FOR A NEW FILE WHEN HIS FILE WENT
MISSING?**

While being detained at the Anderson County Detention center Applicant file went missing, when he left the jail to be evaluated. When asked about the file Applicant was informed that it was put into a trash bag. See Trpg 156 Ln 20-25 & 157-158 Ln. 1-12. On June 20, 2016 Applicant filed a motion for a New Evidence file. With the Applicant proceeding Pro Se and preparing for a murder trial for the first time, it was highly important for him to have his file. See Motion Exhibit B-2. The evidence missing was material to Applicants defense. **See Kyles v Whitley 514 U.S 434-435.** As the Court explained in **Kyles** "The question is not whether the defendant would more likely than not have received a different verdict with the [Undisclosed] evidence, but whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence" **ID. at 434** The defendant must show "that the favorable evidence [Witheld] could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict". See Cone 556 U.S 452 Evidence material when there is "Reasonable" probability that with held evidence would have altered at least one Juror's Assessment of the case. Defendant has submitted a Inmate Grievance form filed at the County jail on May 23, 2016. See **Exhibit B-3 & B-4** The defendant twice reminded the Judge about his missing file. Applicant ask that this Court review the record and Grant a **NEW TRIAL**

B-2

State South Carolina. In the Court General Sessions
County of Anderson. Tenth judicial Circuit

State South Carolina. Motion for New Evidence
vs. file.

Robert Joe Frost, WARRNT # J500412, J500413
Defendant. J500414, J500415, J500416

Now Come the defendant in good faith to
move before the Court in asking for
a New Evidence file. That contain
all Evidence picture, All officer
incident Report, All Court Hearing
TRANSCRIP, All picture of defendant

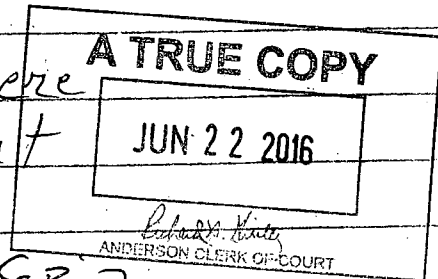
- A Defendant picture was Not in
the Evidence file.
- B All officer incident Reports where
Not in the Evidence file. just
supplementary Reports
- C All Court House Hearing TRANSCRIP
where Not in the Evidence file
- D All E.M.S incident Reports

Date...

JUN 17 2016

Pro Se Attorney
Robert Joe Frost
1009 David Coffey Lane
Anderson SC 29625

FILED CLERK'S OFFICE
ANDERSON SC
2016 JUN 20 PM 12:48
COMMON PLEAS AND
GENERAL SESSIONS



remember

How Legal LAW UP
20-21 VISION

INMATE GRIEVANCE RECORD

B-3

Grievance Type: ID:	Legal	52924
Inmate:	2659	FROST, ROBERT JOE
Grievance Status:	CLOS	B6 - B10
File Date:	5/22/2016 5:30:00 PM	
Subject:	LEGAL/GRIEVANCE/LEGAL GRIEVANCE	
Level:	Lgl	
Resolution Date:	5/23/2016 12:11:00 PM	
Resolved By:	B6 - B10	
Founded/Unfounded:	B6 - B10	

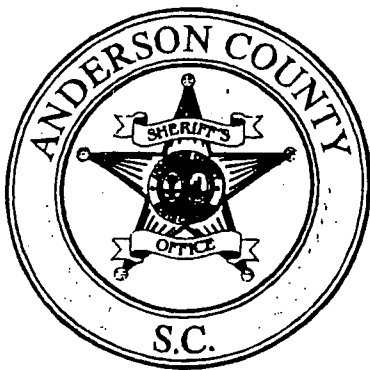
Inmate Statement:

LEE, COLE JR.FAX MAIL 864.847,7895. WEAN I WENT TO MEANTAL HEALTH I WAS SEAPRETEAD FROME MY PAPER WORK I AME MISSING DEPUTY OR. INCIDENT REPORT IT WAS LOCK A WAY IN A TRASH BAG LUCKY IT WAS NOT THROW A WAY IN THE TRASH IME NOT GOING THROUGH EACH LITTLE PICE OF PAPER WORK TO SEE IF ITS ALL HEAR TO MUCH PAPER WORK TO GO THROUGH AND MY MEMERY IS NOT THAT GOOD. AND NEED MY PRIVATE INVESTGATOR TO. THANK YOU.

Officer Review:**Officer Findings:**

FAXED 5/23/16 @ 12:08

B-4



OFFICE OF THE SHERIFF

ANDERSON COUNTY SC DETENTION DIVISION

INMATE CANTEEN INVENTORY

INMATE NAME FRIST, ROBERT

OFFICER NAME/ DATE W. LEAH 4-5-16

☒ T- SHIRT
☒ UNDERWEAR
☐ BRA
☒ RADIO
☒ EARBUDS
☒ PENS/PENCILS
☐ STAMPS
☒ BIBLE
☒ LEGAL PAD/PAPER (BILLS)
☒ SOAP (BARS) X2 (BOTTLES)
☒ DEODORANT
☒ TOOTHBRUSH
☒ LOTION
☒ BRUSH/COMB
☐ PAIN RELIEVER
☐ LAXATIVE/ROLAIDS
☐ SUDAFED
☐ CHIPS
☐ CANDY BARS
☐ COOKIES/CRACKERS
☐ CANDY

☒ SOCKS (PAIR)
☒ THERMAL SHIRT/PANTS
☐ SHOWER SHOES (PAIR)
☐ BATTERIES
☒ PUZZLE BOOK (DICTIONARY)
☐ ENVELOPES
☐ CARDS/CHECKERS/CHESS
☐ KORAN
☐ CARDS/STATIONARY
☐ SHAMPOO
☒ TOOTHPASTE
☐ BABY POWDER/OIL
☒ PETROLEUM JELLY/NOXEMA
☐ FOOT POWDER
☐ ORAJEL
☐ SANITARY NAPKINS
☐ COUGH DROPS
☒ DRINKS (COFFEE)
☒ HONEYBUN/CAKES
☒ NOODLES (PACKS)
☐ MEAT STICKS/TUNA

OTHER 3 BOWLS, 1 Roll toilet paper.

Packing personal Belongings Due to inmate going to Columbia for 15 days.

- W. Leah
4-8-16

Robert Frist
4/8/2016

Robert Frist

INMATE STATED DIDNT WANT TO SIGN DUE TO PERSONAL REASONS. (being separate from)

(GAA) PAPERWORK

Received on 4-22-16

Pat

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SEP 14 2017

SC Court of Appeals

X-investigator Chief of Police
Thomas E. Miller

No one is innocent Under Thomas E.
Miller's Credibility. And Thomas E. Miller
should be charged With felonies! and
as of jury they had the Right to Know the
Truth about X- Chief of Police Thomas E.
Miller arrest Being a Public official
should be setting example for the
Community. And the 403 Rule don't have
anything to do with Not Charging X- Chief
of Police With felonies. And to Question
his Cred to Cover a Crime a Copy let
especially after I don't told Solicitor
Price that he kill My Dad. My Case has
know Credibility on it. Why Wadn't they
any Credibility put on My Case? The
only Way that I Can get Credibility on
My Case is for a New Trial. And
have Captain John T. Bishop head
of Sled to investigate.

Pro Se
Robert Frost

And X- Chief of Police
Thomas E. Miller Held Evidence and didn't
Turn in Swap sample or said Blood Sample

RULE 403 SCRC Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County
HONORABLE J. CORDELL MADDOX, CIRCUIT COURT JUDGE

THE STATE

RESPONDENTS,

V.

ROBERT JOE FROST,

APPELLANT

APPELLATE CASE NO. 2016-001828

CERTIFICATE OF SERVICE

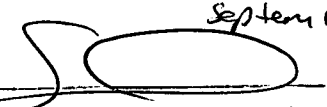
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SEP 14 2017

SC Court of Appeals

This certifies that on August _____ 2017 a PRO SE brief was mailed to the Attorney Generals Office served upon Donald J. Zelenka, Esquire: Rembert Dennis Building, 1000 Assembly street, room 519, Columbi SC and the Court Of Appeals, post office box 11629, Columbia SC, 29201.

SUBSCRIBED AND SWORN TO before me
this 7 day of August, 2017


Notary Public for South Carolina

My Commission Expires: 9/16/2026



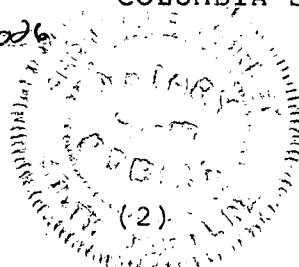
ROBERT FROST #171218

PRO SE BRIEF

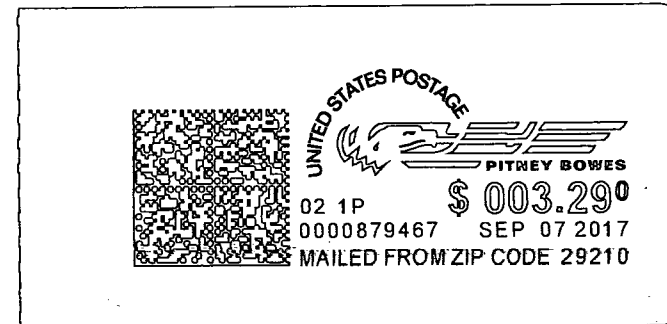
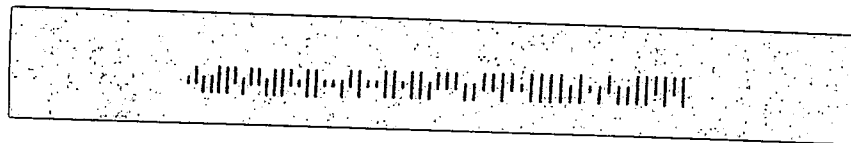
MARION UNIT A-42 BRCI

4460 BROAD RIVER ROAD

COLUMBIA S.C 29210



Robert Frost 171218 Case No# 2016-001828
MARION-A-242 BRCI
4460 Broad River Rd
Columbia, SC, 29210



LEGAL MAIL

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SC Court of Appeals

The South Carolina Court of Appeals
Jenny Abbott Kitchings

Post office Box 11629

Columbia, South Carolina, 29211

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SEP 07 2017

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