

November 5, 2019

Re: The State v. Alex G. Duncan  
Appellant Case No. 2019-000625

**RECEIVED**  
NOV 12 2019  
SC Court of Appeals

To whom it may concern,

I am writing this letter on behalf of my appeal involving case # 2019-000625 The State of South Carolina vs. Alex G. Duncan. The incident in question occurred on July 17, 2018 – please refer to the case number and arrest warrant # 2018A2330206595. I am writing this letter for several reasons. I was represented by Public Defender Mr. Timothy Sullivan, Esquire.

First of all, I strongly feel that I was not given proper representation. Mr. Sullivan took very little time to counsel me on a first-hand basis and kept every conversation with me to a bare minimum. I often had trouble getting in contact with him. I sat in jail for an extended period of time because of his failure to gather my Motion for Discovery and my bond reduction, as I initially requested. I feel that he hardly took any time to review my case in detail and no time to get to know me as a client. I also feel that I was talked down to, not treated with dignity, and was lead to believe that there was no strong defense in my case, though there was very little evidence of any occurrence or wrong-doing. Even as of now, I have had trouble dealing with him handling my appeal or giving me any notification in a timely manner.

Second, I was lead to believe that there was no chance of clearing my name with this case, so I was convinced that taking a guilty plea with the Solicitor's Office for a minimal conviction of 2 years probation was my only positive option. This turned out not to be the case. On the day of my plea and sentencing, the prosecuting solicitor was not even present and my case was presented to the judge by another prosecutor in a very skewed way, with no plea offer presented. Mr. Sullivan did not say a word on my behalf when the prosecution presented the case to the judge, in the way that it had been previously been presented to me. I sincerely feel like my case was treated unfairly.

Third of all, the victim in question, Ms. Kathryn Miller wrote several lengthy statements to the Solicitor's Office explaining that on the night of the questioned incident, the occurrence did not go as the statement she had initially given, due to her psychological state at the time of the supposed occurrence. Even the victim advocate forms she filled out were overlooked, dismissed, and were given no plausibility. Her words were not given any consideration by the Solicitor's Office or the court on the day of my plea and sentencing. She felt that her words, both in document and verbally, in court, were completely overlooked and dismissed, as do I. Even my mother, who was told that she would be given the opportunity to make a statement, was not even given a chance to speak on my behalf.

In summation, I feel like my case was not handled properly, on any account. I would like the chance for an appeal and to get myself more appropriate representation for this case. I have never in my life been a violent human being and I truly feel like I have been given excess punishment for a crime that was given no extensive review by law enforcement, the Solicitor's Office, or the court. Enclosed are a few documents relative to my case. Again, I sincerely ask that you review my case and give me another chance to defend myself, so that I may have a chance at a positive and productive future. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Alex Duncan". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Alex G. Duncan

**cc: The South Court of Appeals  
PO Box 11629  
Columbia, SC 29211**

**otimothyatt@aol.com**

ARREST WARRANT

2018A2330206595

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

THE STATE

18-126915

against

Alex Glynn Duncan

Address: 704 Highcrest Drive

Greenville, SC 29617-

Phone: (864)326-8991

SSN: 433-57-6899

Sex: M Race: W Height: 6 4 Weight: 195

DL State: SC DL #: 0011314737

DOB: 3/17/1984 Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: Chad W Mcneely - S00667

Offense: Domestic / Domestic violence of a high and aggravated nature

Offense Code: 3814

Code/Ordinance Sec: 16-25-0065(A)

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Alex Glynn Duncan on 7-17-18

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

Chick Springs

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

Personally appeared before me the affiant Chad W Mcneely

being duly sworn deposes and says that defendant Alex Glynn Duncan

did within this county and state on or about 7/17/2018

State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Greenville

in the following particulars:

DESCRIPTION OF OFFENSE: Domestic / Domestic violence of a high and aggravated nature

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On today's date, the Affiant a Deputy of Greenville County Sheriffs Office, did obtain a sworn written statement from the Victim that stated the Defendant did knowingly and willfully cause or attempt to cause injury to the Defendant. The Defendant used a deadly weapon (firearm) in the commission of the assault by pointing the the firearm at the Defendant's person which caused the Defendant reasonable fear of imminent serious bodily injury or death and showed an extreme indifference to human life. The Defendant and Victim formerly cohabitated in the same household. This incident did occur in Greenville County South Carolina.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

Affiant's Address 4 Mcgee Street Greenville, SC 29601-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/17/2018 defendant Alex Glynn Duncan

did violate the criminal laws of the State of South Carolina (or ordinance of

[X] County/ [ ] Municipality of Greenville as set forth below:

DESCRIPTION OF OFFENSE: Domestic / Domestic violence of a high and aggravated nature

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 7/17/2018

Signature of Issuing Judge James P Hicks III (L.S.)

James P Hicks III

Judge Code: 7203

Judge's Address 20 Mcgee Street Greenville, SC 29601-

Judge's Telephone

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

JUL 17 '18 07:23

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

DEFENDANT COPY

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

AFFIDAVIT

who

violate the criminal laws of the

)

+ 1600 / 1333

# State of South Carolina Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647  
Telefax: 864-467-8610



Greenville County Courthouse  
305 E. North Street, Suite 325  
Greenville, SC 29601-2185

Solicitor  
**W. Walter Wilkins**

August 21, 2018

KATHRYN MILLER  
11 WILLOW DR  
GREENVILLE, SC 29609

**State v. Alex Duncan**  
Case No. 012018126915, DVHAN

According to our files, you are a recent victim of a domestic violence crime. An informational meeting will be held at the Greenville County Courthouse located at the above address **September 27, 2018 at 9:45am on the 2<sup>nd</sup> floor (Suite 236)**. At this meeting, we will talk with you about the process involved in prosecuting this case, as well as your rights as a victim of domestic violence. Your presence at the above scheduled meeting will be helpful in determining the best way to proceed with the pending criminal case.

Please complete the portion below and the enclosed Victim Impact Statement and return all forms within 10 days. If you will not be able to attend the informational meeting, please contact me at 864-467-8647 to provide any input you may have in this case.

- I will attend the meeting on September 27, 2018.
- I will not be able to attend the meeting. (Please note: DV informational meetings are held every month. For a list of future meeting dates call 864-467-8647).

I wish to be present for any guilty plea. My phone number is (864) 326-6492.

I recommend that you use your own discretion in the disposition of this case. I would like to see the case handled in the following way(s):

**NO Prison** → ~~Prison~~

**NO Probation** → ~~Probation~~

**Absolutely NOT. NO WAY.**

**Absolutely NOT!**

**YES** → Counseling (anger management, addiction treatment, mental health counseling)

**YES** → Dismissed (the prosecutor has the sole authority on whether or not to dismiss a case, but your input is valued and appreciated)

**This is the only right answer to this case.**

If you have questions or need further assistance, please do not hesitate to call. I look forward to seeing you at the informational meeting.

**Yes Counseling**  
**Yes 1st choice is dismissal!**

**Alex has needed a means to help him cope and manage his feelings, past, emotional, and chemical imbalances**

Sincerely,  
*Julie Wilson*  
Julie Wilson  
Victim Advocate

*Kathryn Miller*  
9/6/18

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September 5, 2018

To Whom It May Concern,

I am writing this in response to the form mailed to me by the Solicitors Office. It said that a separate document for answering the accompanying questions was welcomed. I have more than enough to say on this matter, and have opted for the additional explanation in hopes that I can be clear and easily read. My wish to one who is reading this: please understand it is from my heart. I am calm and thinking rationally, as I have taken up meditation for an hour and a half every day to shut off my lingering worries for peace. I hope this allows the opportunity to express in detail what this is all about. I hope perspective is gained and an attempt to relate to this whole situation through my value systems, moral standards, and personal constitution. I hope for understanding as well as compassion.

I am not perfect. I act ugly and sometimes more than the average person. I have issues with depression, anxiety, Attention Deficit Disorder and hyper-activity. These conditions are impossible to explain to someone who does not suffer from such ailments, which may make comprehending all of this difficult. Please consider this: meeting someone who understands one's thought process, life experiences, the intensity of basic human senses, and the limiting, societal judgements--let alone how strenuous the undertaking to reverse such judgements-- all while trying to build a normal life, one will hang on to that person with all strength possible. Love and respect that person with every ounce; if that person doesn't act within conventional ways, then show them as much compassion and guidance possible. This is what I have come to realize in life: people are far too ready to make things worse for individuals, before trying to understand what wars, perils, techniques, values, coping skills, emotional intelligence, or chemical balances are/is within that person.

**“Did I suffer any physical injuries? IF so, did any of these injuries cause any longterm disabilities or disfigurements? Please describe:”**

NO.

No physical injuries, as well as no actions were made toward me, that would cause any of these unfortunate outcomes.

**“Have you noticed any changes in your lifestyle since this happened?**

**(this may include personal habits, close relationships, the amount of tension and nervousness or your ability to work) Please describe:”**

• Alex is my family. Spending time with my family (Alex) would mean enrichment in education, skills, knowledge, perspectives, exploration, adventures in gem mining, geology, pursuing constructive activities, and discussion. In building on our quality time, I must elaborate this means growing our rock collection, minerals, gemstones, and fossils. Our love of music and his incredible gift with music have impacted and facilitated my improvements in

Kalynn  
9/6/18

engage much, calm down, breathe or even begin to show any open arms and nurturing behaviors, I was absolutely a wreck. I had not been much of a drinker as of the last 18 months but i was having 3 to 4 stiffer cocktails and taking my anti anxiety medications... It didn't make me much of a joy to be around but i couldn't think of any other avenues. I only drank to sleep and when the carousel of thoughts became too much to endure.. Alex had had it and had been drinking regularly and greater quantities. This was one legal and safe way for us to try and numb the stress, the hyper focus and the feeling of being overlooked... We got in a heated argument one night because he spared a more than kind and sweet word for some girl he was on the phone with and it was a little over the top and it hurt my feelings. I couldn't get so much as a real hug. there had been some seeds planet that had caused me to have concerns that maybe he could go through with cheating on me and making me feel inadequate and fearful. These were just a means to get a rise out of me and I know in my heart that Alex is not like this but he can be brash and mean when he is mad at me. Well I started nagging him having had a little bit too much to drink and a real problem with buttoning my lip. He said some mean and uncalled for names and insults about the way i look and feel. So i slapped a beer out of his hands and demanded that he give me my gemstones back and even the medicine bag i had made for him. I was done and I didn't deserve this shit. I pointed right in his face and said you're an asshole and i hope you meet someone as horrible and mean as you are and I hope you love them unconditionally and without abandon and they do you the way you have done me. I said f... u to him and squatted to go under the garage door. His roommate had opened the door and glared out the door we were annoying her with our back and fourth and I had apologized . I grabbed the Mikes hard lemonades I had purchased for him and tossed one on the ground outside the garage and this made him really angry. He screamed at me to leave and I said no I am not leaving I am going to get to the bottom of this.. I kept nagging and nit picking and he had had enough so i went out of the garage i went and looked for the mikes hard lemonades and had found them under his room mates car and one at my front tire.. It was quiet and then Alex said to me your not gone yet \*\*\*\*\*! I said no I m not leaving make me leave. I called him all sorts of names for a cheater and a trifling sneaky person who subjects someone to being cheated on. Although I truly know he would not do that it still had been planted there in my mind as to poke at it with doubts and when I feel down. So in this argument between an inebriated me and a liquor drunk Alex who had taken a medication that can cause black outs when taken with alcohol.. Alex not acting like the person I knew in the four years of being together, him being impulsive and horrible at all angels. Mean and irrational i was frightened of what I would say, what had happened and what pain I was carrying with me and nobody to care for me. I said a lot of things that were shameful and nasty and dark. I pushed and pushed him with more awful and evil insults anything that i could think of. blaming him for all of the horrible things because he wouldn't show me affection, pushing me away, and making me hurt more than ever, jumpy paranoid, hungry and the most angry I can ever remember I was in a different plane of existence altogether... I had enough going on, and I blamed Alex, and Alex blamed me.. We yelled and insulted and got nastier and nastier toward one another. Alex said to me get the \_\_\_ off my property \_\_\_\_, called me a few words that were extremely upsetting and looked at me very unusually, and reached into his pocket and I freaked out that statement and the motion of pulling something from his pocket at the same time had me freaked out.

- I have been cramping in my stomach every time I think about how much I miss him. I am incredibly sad and isolated in realizing that I haven't many other we would do as a family

*Handwritten signature and date: 11/18*

uncan  
crest Dr.  
ville, SC 29617

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GREE

RECEIVED

NOV 12 1993

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The South Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

29211-162929

