



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

WITNESS AFFIDAVIT

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

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

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

Name: Karl Stoller
Age: 53
Address: 110 Avalon Court, Chapin, SC 29036
Phone Number: (803) 682-4754

People who have knowledge of testimony:
Sarah A. Ford: 1900 Broad River Road, Columbia, SC 29210
Nicole McCune: 1900 Broad River Road, Columbia, SC 29210
Rebekah Hiatt: 1900 Broad River Road, Columbia, SC 29210
Chloe Bess: 478 Foxhill Drive, Debary, Florida 32713
Brette Tabatabai: Phone Number: (267) 453-2157
Michelle Stoller: 110 Avalon Court, Chapin, SC 29036

Members of the South Carolina Judicial Merit Selection Commission,

I am writing to you today in opposition of 2nd judicial circuit Deputy Solicitor David Miller's possible appointment to the 2nd judicial circuit's bench.

As a citizen, a parent of a victim and a law enforcement officer, I cannot think of anyone less deserving of this honorable position.

Deputy solicitor David Miller has exhibited many times, he is clearly not victim friendly nor interested in true justice!

First I would like to speak to my experience with David Miller as a parent of a victim of violent crime. In October of 2018 my daughter, Dallas Stoller, was a victim of criminal sexual conduct in the 1st degree. The offense committed against her occurred in Bamberg County SC, which of course is in the 2nd Judicial Circuit. David Miller was not the original solicitor assigned to prosecute her case. However, due to the original prosecutor's withdrawal from the case, David Miller was assigned as lead prosecutor for Dallas's case. David Miller's selection as lead prosecutor turned out to be a very unfortunate turn of events. From the beginning, he exhibited no interest in speaking to my daughter or her legal counsel, attorney Sarah Ford with the South Carolina Victim Assistance Network, about this case. Dallas's case spanned a timeline of over four years, during which time he only spoke to my daughter one time. During the over four years this case drug on, the defendant, Bowen Turner remained free on bond with no opposition to bond put up by David Miller. Unfortunately while out on bond the defendant committed another criminal sexual conduct offense, 1st degree, the victim in this case was Chloe Bess. This offense was committed in Orangeburg County in the 1st judicial circuit. However, because the defendant's father was an investigator for the first judicial circuit, the Bess case was assigned to David Miller. This time however, the defendant was placed in the custody of the Department Of Juvenile Justice. While the defendant was being held in the custody of DJJ, Senator Brad Hutto took over as defense counsel on behalf of the defendant. Brad Hutto immediately requested the defendant's release, was granted a hearing and ultimately the defendant was released on bond with ankle monitoring with no opposition by David Miller on behalf of the state. Later, another bond modification hearing took place in Lee County SC, this hearing allowed the defendant to return to his parent's home with continued ankle monitoring. Once again, David Miller had no opposition to the defense's request, thus the bond modification was ordered by the court. While the defendant remained free on bond, on November 14th of 2021, my daughter Dallas Stoller passed away. In March of 2022, the solicitors office was shown evidence of at least 50 different violations of the defendant's bond. David Miller and Brad Hutto completely ignored the court's order to have the defendant "immediately" placed into custody and "held" until a bond revocation hearing could be scheduled. Instead, David Miller advertised a bond revocation hearing was forthcoming and would take place in April of 2022. The day before the hearing, David Miller held a zoom meeting with our family during which time he stated he was dismissing our daughter's case, because she was no longer available to testify against the defendant. Admitting after over four years he had just taken a look at the photos of our daughter's injuries just before

the zoom meeting. The next day the so-called bond revocation hearing was held in the Orangeburg County courthouse at which time a plea deal was accepted and no bond revocation hearing was held. The defendant was allowed to plead to 1st degree assault and battery under the youthful offenders act, sentenced to six years imprisonment suspended to five years probation with “no” sex offender registry required! With once again, no opposition by David Miller. Is this the kind of individual we want as a circuit court judge?

Secondly, David Miller very recently was involved in allowing a violent inmate to be released 12 years early at the request of attorney Todd Rutherford. According to Mr. Rutherford, this inmate provided instrumental assistance in prosecuting as a case and therefore eligible for early release. David Miller eagerly signed off on the deal and allowed a violent individual to be turned back out onto our streets. It should be noted there is no evidence of this inmate’s “instrumental assistance” being proven. Again, is this the type of person who should be entrusted with being a judge?

Lastly, David Miller was involved in a case in Bamberg County in which Kerry Trent Kinard stood accused of 16 different counts of sexually related crimes. It is my understanding due to some last minute conflict involving David Miller, this case was prosecuted in Greenville County and this subject received only two years house arrest for sexual offenses involving children.

Above are a few examples of the reasons I believe David Miller is not only unfit for his current position as a deputy solicitor, but certainly not fit to become a circuit court judge! He has illustrated many times that he cares nothing for victims, seems to be put out even having to speak to victims and is interested only in self advancement! I implore you, members of the Judicial Merit Selection Commission, to no longer consider David Miller as a qualified individual for appointment to the bench. His appointment to the bench would be an insult to victims and justice!

Respectfully,
Karl M. Stoller

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

WAIVER

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

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



Affiant Signature

Sworn to me this 22nd day of October, 2023

W. J. T. McCune L.S.
Notary Public of South Carolina

My commission expires: 6/6/2032