

CURRICULUM VITAE

Miller W. Shealy, Jr.

Assistant Professor of Law
Charleston School of Law
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EMPLOYMENT

Assistant Professor of Law
8/05-present

Charleston School of Law
Charleston, South Carolina

Teaching: White Collar Crime,
Substantive Criminal Law, Criminal
Procedure, Constitutional law, Evidence,
Trial Advocacy

Committees: Curriculum, Bar Review,
Moot Court, Externship

Assistant U.S. Attorney
5/95-8/05

United States Department of Justice,
United States Attorney's Office

Coordinator: Corporate and Investor
Fraud Working Group (Corporate Fraud
Task Force) 9/02-8/05

General Criminal Section 2/02-8/05

Organized Crime and Drug Enforcement
Task Force (OCDETF) from 6/95-2/02

Assistant State Attorney General
7/88-5/95

South Carolina Attorney General's
Office, Columbia, South Carolina,
Criminal Division

Substantial criminal appellate practice before South Carolina appellate courts and the United States Supreme Court, defense of post-conviction relief actions in state court, state agency representation and some federal *Habeas Corpus*. Cases involved include capital and non-capital homicides, all major felonies, and some civil actions involving the State or its agencies

Section chief of the Death Penalty Post-Conviction Relief Unit, South Carolina Attorney General's Office, Columbia, South Carolina, Criminal Division; Primary responsibility for State capital Post-Conviction Relief cases, including conducting all civil discovery, hearings, and appeals.

Adjunct Professor
1/95-5/95

University of South Carolina
(Columbia), College of Criminal Justice

Taught at graduate level for criminal justice majors, including students from University of South Carolina School of Law. Primary Course: "Philosophy of Law." (Left position to come to Charleston to be Assistant U.S. Attorney)

Civil Trial Practice
7/87-7/88

Associate Attorney: Barnes, Alford,
Stork, & Johnson; Columbia, South
Carolina.

Insurance defense, corporate law,
construction litigation, products liability,
personal injury, medical and legal
malpractice.

Assistant Solicitor
7/85-7/87

Prosecutor, Fifth Circuit Solicitor's
Office, Columbia, South Carolina.

Prosecution and trial of criminal cases,
including homicide, capital murder,
criminal sexual conduct, child abuse,
drug trafficking, as well as major
property crimes.

EDUCATION

Law School
9/82-5/85

University of South Carolina School of
Law, Columbia, South Carolina, Juris
Doctor Degree, Student Bar Association,
Phi Alpha Delta.

Graduate School
9/81-5/82

University of South Carolina, Columbia,
South Carolina, Department of
Government and International Studies,
Political Science.

Undergraduate
9/77-5/81

University of South Carolina, Columbia,
South Carolina, Bachelor of Arts in
Political Science, Philosophy Minor.

Cum Laude
President's List
Phi Beta Kappa
Phi Eta Sigma
Dean's List

ADMITTED TO PRACTICE

United States Supreme Court
United States Court of Appeals for the Fourth Circuit
United States District Court
Supreme Court of South Carolina

AWARDS, PUBLICATIONS, & PRESENTATIONS

2005 DOJ DIRECTOR'S AWARD: presented in Washington, D.C., October 28, 2005

Computer and Intellectual Property Crimes, 2003, co-author, published by the South Carolina Bar Association

Faculty Member/Lecturer, National Advocacy Center, U.S. Department of Justice

National Security Division/FBI Training	March 20, 2008
Evidence for Criminal Litigators	February 12, 2008
<i>Criminal Federal Practice Seminar</i>	January 8, 2008
<i>Criminal Federal Practice Seminar</i>	April 3, 2007
<i>Criminal Federal Practice Seminar</i>	December 12, 2006
<i>Criminal Federal Practice Seminar</i>	March 28, 2006
<i>Criminal Federal Practice Seminar</i>	December 2005
<i>Criminal Federal Practice Seminar</i>	April 2005
<i>Criminal Federal Practice Seminar</i>	November 2004
<i>Criminal Federal Practice Seminar</i>	Spring/Summer 2004
<i>Basic Narcotics Seminar</i>	August 2003
<i>Criminal Federal Practice Seminar</i>	May 2003
<i>Criminal Federal Practice Seminar</i>	January 2003
<i>Criminal Federal Practice Seminar</i>	December 2002
<i>Criminal Federal Practice Seminar</i>	October 2002
<i>Criminal Federal Practice Seminar</i>	July 2002
<i>Basic Narcotics Seminar</i>	July 2002
<i>Criminal Federal Practice Seminar</i>	February 2002
<i>Criminal Federal Practice Seminar</i>	December 2001
<i>Law Enforcement Coordinating Council</i>	July 2001
<i>Basic Narcotics Seminar</i>	July 2001
<i>Basic Narcotics Seminar</i>	June 2000
<i>Basic Narcotics Seminar</i>	October 1998

Teaching at the above seminars hosted by the National Advocacy Center (NAC) involved the preparation of lengthy written materials for all students and the presentation of materials during the seminar. Students at NAC sponsored seminars are primarily

Assistant U.S. Attorneys from around the country. Class size ranges from 75-150. Course subject matter includes Fourth Amendment issues and search and seizure law generally; trial advocacy; law of evidence; and electronic surveillance issues.

Seminars last from two to four days.

Drug Enforcement Administration (DEA) Drug Interdiction School

May 2001 Columbia, South Carolina
June 2002 Myrtle Beach, South Carolina
April 2003 Columbia, South Carolina

Speaker at DEA training for DEA agents, as well as State and local law enforcement agencies. Course topics included basic evidence law, drug interdiction, and related Fourth Amendment issues.

South Carolina Bar Presentations: CLE & JCLE

TENTH ANNUAL CRIMINAL LAW UPDATE, Judicial Continuing Legal Education Seminar, January 13, 1995. Speaker and author of "Post-Conviction Relief and Related Matters."

1994 ANNUAL MEETING OF THE SOUTH CAROLINA BAR, Young Lawyers Division Continuing Legal Education Seminar, June 3, 1994. Speaker, Moderator, and Program Coordinator for "Ethics and the Law."

CRIMINAL PRACTICE IN SOUTH CAROLINA, Continuing Legal Education Seminar, November 12, 1993. Speaker on "The Fourth Amendment" and "Death Penalty Cases."

1993 ANNUAL MEETING OF THE SOUTH CAROLINA BAR, Young Lawyers Division Continuing Legal Education Seminar, June 4, 1993. Speaker, Moderator, and Program Coordinator for "Ethics and the Practice of Law: The Problems Faced by the Practitioner."

POST-CONVICTION RELIEF: A PRACTICAL SEMINAR FOR THE COURT-APPOINTED LAWYER, Continuing Legal Education Seminar, March 19, 1993, Speaker and Author of "Procedural Bars and Successiveness in Post-Conviction Relief Cases."

EIGHTH ANNUAL CRIMINAL LAW UPDATE, Judicial Continuing Legal Education Seminar, January 30, 1993. Speaker and author: "The Right to Effective Assistance of Counsel, Collateral Review, and Related Matters."

1992 ANNUAL MEETING OF THE SOUTH CAROLINA BAR, Young Lawyers Division Continuing Legal Education Seminar, June 19, 1992. Speaker, Moderator, and Program Director for program on "Ethics and Trial Practice."

SEVENTH ANNUAL CRIMINAL LAW UPDATE, Judicial Continuing Legal Education Seminar, January 17, 1992. Speaker and author of material on Appellate Practice, Post-Conviction Relief, Habeas Corpus, and Criminal Law.

1991 ANNUAL MEETING OF THE SOUTH CAROLINA BAR, Young Lawyers Division Continuing Legal Education Seminar, June 8, 1991. Program Director, Speaker, and Moderator for program on "Ethics and Trial Practice."

SIXTH ANNUAL CRIMINAL LAW UPDATE, Judicial Continuing Legal Education Seminar, February 1, 1991. Speaker and author of material on Appellate Practice, Post-Conviction Relief, Habeas Corpus, and Criminal Law.

FIFTH ANNUAL CRIMINAL LAW UPDATE, Judicial Continuing Legal Education Seminar, January 25, 1990. Speaker and author of material on Appellate Practice, Post-Conviction Relief, Habeas Corpus, and Criminal Law.

1990 MID-YEAR MEETING OF THE SOUTH CAROLINA BAR, Criminal Law Section Continuing Legal education Seminar, January 1990. Speaker and author of material on Forensic DNA Analysis in criminal investigation and the admissibility of DNA identification testimony in criminal prosecutions.

1987 ANNUAL JUDICIAL CONTINUING LEGAL EDUCATION SEMINAR, Hickory Knob State Park, South Carolina, May 1987. Speaker on Recent developments in Criminal Law.

1987 JUDICIAL CONTINUING LEGAL EDUCATION SEMINAR, February 6, 1987. "Search and Seizure-Recent Decisions."

SIGNIFICANT CASES

(As Assistant State Attorney General, Appellate Section)

(On oral argument and brief, approximately 80 published opinions in total)

Yates v. Evatt, 500 U. S. 391, 111 S.Ct. 1884 (1991): I argued before the U.S. Supreme Court, January 1991. Although the Petitioner was granted a new trial, the United States Supreme Court agreed with the State in holding that the harmless error test set forth in *Chapman v. California*, 386 U.S. 18 (1967) is the proper test to use in analyzing the prejudicial effect of burden shifting malice instructions.

State v. Ford, 301 S.C. 485, 392 S.E2d 781 (1990): The Court, for the first time, approved forensic RFLP DNA analysis, commonly known as "DNA fingerprinting," for use in criminal proceedings. The Court was one of the first appellate courts in the country to thoroughly address and approve this type of DNA analysis for forensic use.

State v. Anderson, 304 S.C. 551, 406 S.E.2d 152 (1991): The Court held for the first time in a criminal case that the prosecution could, under certain circumstances, have one of its own witnesses declared hostile and subject that witness to cross-examination and impeachment. This case is significant because prior law required the prosecution to show that it was actually surprised and prejudiced by a witness's change in testimony before having that witness declared hostile. The strict "surprise and prejudice test" was abandoned in this case.

Plath v. State, 309 S.C. 157, 420 S.E.2d 834 (1992), *cert denied*, 507 U.S. 922 (1993): In this capital case, the Court applied the rule set forth in *Yates v. Evatt*, supra, and found certain burden shifting instructions to be harmless beyond a reasonable doubt.

State v. Bell, 305 S.C. 11 406 S.E.2d 165 (1991), *cert denied*, 502 U.S. 1038 (1992): This capital case addressed issues such as jury composition, the definition of "reasonable doubt", accomplice liability, and mitigation evidence in capital sentencing.

State v. Truesdale, 301 S. C. 546, 393 S.E.2d 168 (1990), *cert denied*, 498 U. S. 1074 (1991): This capital case addressed the propriety of certain types of closing arguments which may be made to the jury by the prosecutor, as well as the admissibility of incriminating statements made by the accused.

State v. Johnson, 315 S.C. 485, 445 S.E.2d 637 (1994): The Court held that “Reasonable Doubt” need not be specifically defined and that no specific language defining “Reasonable doubt” is mandated by South Carolina law.

State v. Wilson, 315 S.C. 289 , 433 S.E.2d 869 (1993): The Court reaffirmed traditional doctrines of conspiracy law in this Statewide Grand Jury prosecution. The prosecution was permitted to aggregate smaller amounts of drugs in various transactions over time to prove one continuing conspiracy of trafficking in a large amount of cocaine. Also, the fact that the statute under which the defendants were charged was amended during the time of the alleged conspiracy to increase the penalties and enlarge the scope of criminal liability did not bar the prosecution.

Moore v. South Carolina Alcoholic Beverage Control Commission, 308 S.C. 160, 417 S.e.2d 555 (1992): In this case the Supreme Court of South Carolina reversed the Court of Appeals and held that the ABC Commission may consider, as a ground for rejecting a permit to sell alcoholic beverages, the express wishes and desires of members of the community that such a permit not be granted. The Court, therefore, concurred with the State’s position that the public interest, as expressed by members of a community that an alcoholic beverage permit not be granted, should be considered by the Commission in making its decision to issue such permits.

State v. De La Cruz, 302 S.c. 13, 393 S.E.2d 184 (1990): This case dealt with a broad challenge to the State’s Cocaine Trafficking Statute. The Statute was upheld against all Constitutional challenges.

State v. Webb, 301 S.c. 66, 389 S.E.2d 664 (1990): This case arose out of a double homicide which occurred as a result of an accident caused by the driver of an automobile who was highly intoxicated. The Court reaffirmed the old common law rule that conduct which is sufficiently reckless, such as operating a motor vehicle while highly intoxicated, can constitute malice and justify a conviction for murder.

State v. Torrence, 305 S.c. 45, 406 S.E.2d 315 (1990): I prepared the Amicus Curiae Brief for the South Carolina Solicitors’ Association. The Court addressed the standard of review in capital cases. The Court abolished the *in favorem vitae* doctrine and concluded that it would no longer consider alleged errors on direct review in the absence of a contemporaneous objection at trial.

Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991): In this case, the Court reaffirmed and expounded upon its rule preventing successive collateral attacks upon criminal convictions.

State v. Cohen, 305 S.C. 432, 409 S.E.2d 383 (1991) *cert denied*, 503 U. S. 942 (1992): In this case, the Court had the opportunity to address an unusual factual situation involving the distinction between a “public” versus a “private” search under the Fourth Amendment to the United States Constitution.

State v. Culbreath, 300 S.C. 232, 387 S.E.2d 255 (1990): In upholding a search and subsequent arrest against a Fourth Amendment challenge, the Court elaborated upon the meaning of the “Plain View Doctrine,” as well as what constitutes sufficient “reasonable suspicion” to conduct a brief detention of a criminal suspect.

State v. Huiett, 302 S.C. 169, 394 S.E.2d 486 (1990): In this case, the Court adopted the State’s position and upheld the State’s committal procedure to be used whenever a criminal defendant is acquitted by reason of insanity. The Court held that the law was not a violation of the Ex Post Facto Clause of the Federal or State Constitution.

PERSONAL DATA

Date of Birth:	July 31, 1959
Marital/Family Status:	Married <i>Wife: Jennifer Kneece Shealy</i> <i>Children:</i> <i>Miller Williams (“Wills”) Shealy, III (13)</i> <i>Chandler Kneece Shealy (12)</i>
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