

***CURRICULUM VITAE***

**Miller W. Shealy, Jr.**

**Personal  
Information**

Assistant Professor of Law  
Charleston School of Law  
81 Mary Street  
Charleston, S.C. 29403

Phone: (843) 377-2428 (W)

E-mail: [mshealy@charlestonlaw.edu](mailto:mshealy@charlestonlaw.edu)

Occupational Field: Assistant Professor of law/Attorney

**Work  
Experience**

8/05-present

**Assistant Professor of Law** Charleston School of Law, Charleston,  
South Carolina

Teaching: White Collar Crime, Law of the Sea, Substantive Criminal  
Law, Criminal Procedure, Evidence, Constitutional Law, Trial  
Advocacy

Stetson University School of Law -- Center for Excellence in  
International Law -- Teaching Abroad:

August 2009: Buenos Aires Argentina: *Counter-Terrorism  
and International Security*

July 2010: Tianjin, China: *White Collar and Business  
Crime: An international Perspective*

Committees/Administrative: Moot Court, Recruitment, Curriculum,  
Externship

**Work  
Experience  
continued**

5/95-8/05

**Assistant U.S. Attorney**, United States Department of Justice,  
United States Attorney's Office

State Coordinator for 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) (6/95-2/02)

7/88-5/95

**Assistant State Attorney General**, South Carolina Attorney  
General's Office, Columbia, South Carolina, Appellate/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 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. Duties involved litigation of State  
capital Post-Conviction Relief cases, including conducting all civil  
discovery, hearings, and appeals.

1/95-5/95

**Adjunct Professor**, 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)

7/87-7/88

**Civil Trial Practice** - Associate Attorney: Barnes, Alford, Stork, &  
Johnson; Columbia, South Carolina.

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

7/85-7/87

**Assistant Solicitor**, 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

A Reasonable Doubt About "Reasonable Doubt", *forthcoming article*, 2011

South Carolina Criminal Procedure, *forthcoming book*, 2011, South Carolina Bar

South Carolina Crimes: Elements and Defenses, 2009, co-author, South Carolina Bar

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

Computer and Intellectual Property Crimes, 2003, co-author, South Carolina Bar

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

<i>Criminal Federal Practice Seminar</i>	October 2010 (scheduled)
<i>Criminal Federal Practice Seminar</i>	April 2010
<i>DOJ Paralegal Seminar</i>	January 2010
<i>Criminal Federal Practice Seminar</i>	October 2009
<i>Criminal Federal Practice Seminar</i>	April 2009
<i>DOJ Paralegal Seminar</i>	January 2009
<i>National Security Division/FBI Training</i>	March 20, 2008
<i>Evidence for Criminal Litigators</i>	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 written materials for all students and the actual presentation of materials during the seminar. Students at NAC sponsored seminars are primarily Assistant U.S. Attorneys or federal agents 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, (1991): I argued and briefed this case before the U.S. Supreme Court in 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.E.2d 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 triaffick 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.