

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SEVENTH DIVISION**

STATE OF ARKANSAS

PLAINTIFF

vs.

Civil Case No. 60CR-19-196

PATRICK MILLER

DEFENDANT

VICTIMS' RESPONSE TO DEFENDANT PATRICK MILLER'S MOTION TO SEAL

Comes now Jane Doe 1¹, Jane Doe 2², and their respective families, by and through Gates Law Firm, PLLC, and for their Response to Defendant Patrick Miller's Motion to Seal, state and allege as follows:

Defendant Patrick Miller has asked this Court to seal the record of this case through the uniform Comprehensive Criminal Record Sealing Act of 2013 (Ark. Code Ann. § 16-90-1401 et seq.). Since the charges of felony sexual assault in the second degree were pled down to a misdemeanor harassment, the standard for sealing the record requires clear and convincing evidence that a misdemeanor or violation conviction should not be sealed. Ark. Code Ann. §16-90-1415. Not only do Jane Doe 1, Jane Doe 2, and

¹ Jane Doe 1 represents the victim in the underlying case. As she was a minor at the time of the alleged acts, she is proceeding under a Jane Doe to protect her identity in this public filing.

² Jane Doe 2 represents another alleged victim of Defendant Patrick Miller who was offended upon in a similar time, scope, and manner as Jane Doe 1 from the underlying case. Like Jane Doe 1, Jane Doe 2 was a minor at the time of the alleged acts. Also, Jane Doe 2 is filing under this pseudonym under Ark. Code Ann. §16-90-1104.

their families strenuously object to the Court sealing this record, as shown below, there is clear and convincing evidence that his record should NOT be sealed.

During the relevant time frame, Defendant Miller served on staff at a local church. While on staff, he taught fourth-grade girls. During Sunday night and Wednesday night services, he routinely played “hide and seek” with his class. This would include Defendant Miller hiding in a darkened and locked closet with one of the students. During these “hiding” sessions in a darkened and locked closet, Defendant Miller would tickle, grope, and molest the young adolescents he was charged to teach. Jane Doe 1 and Jane Doe 2 are victims of Defendant Miller’s calculated scheme. Jane Doe 2 and her family has been and is still currently working with Detective Brandon Eggerth of the Little Rock Police Department to investigate these alleged crimes.

As such, several factors under Ark. Code Ann. §16-90-1415(b)(1) are met. Jane Doe 1 and 2 recognize that this statute concerns the sealing of felonies, but they can provide instruction to this Court as to whether there is clear and convincing evidence to not seal these records. One, there is a high likelihood that Defendant Miller has reoffended or will reoffend again as there is already at least one other known victim of Defendant Miller’s criminal behavior. Plus, statistically, one does not offend in a vacuum. The average offender of young women will offend at least 50 victims.³ Giving that most victims of child abuse do not report until mid 30s,⁴ there is a great likelihood that several

³ Please see <https://ministriesafe.com/2011/01/31/sexual-offenders-and-rsos-in-your-church/#:~:text=A%20recent%20study%20of%20criminal,150%20victims%20prior%20to%20prosecution> (last visited November 8, 2023).

⁴ *Id.*

victims will come forward as time progresses. Thus, having a record of this known victim and plea deal will greatly aid any future prosecution.

The charges in the underlying case are very serious. The end result of the plea deal does not accurately represent the risk to society. As we learn more of child sexual abuse, we learn that victims come forward later in life. A similar pattern will very likely occur here. The fact that a young victim, Jane Doe 1, has already come forward to prosecute Defendant Miller in the underlying case is something to be commended. At least one if not two more additional victims besides Jane Doe 1 have come forward against Defendant Miller within the last few years of being offended upon. Thus, this Court has clear and convincing evidence to NOT seal these records as there is a pending criminal investigation and Defendant Miller represents a threat to society to reoffend.

Should the Court be inclined, a hearing is hereby requested.

Respectfully submitted,

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By:



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CERTIFICATE OF SERVICE

I hereby certify that on November 9th, 2023, I electronically filed the above Response via eFlex, which shall send notification to the following counsel of record:

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