

Fifteenth Judicial Circuit
Harrison County Courthouse
301 West Main Street
Clarksburg, West Virginia 26301
Attention: Judge Lewis Marks, Chief Judge

July 18, 2006

RE: Miller v L&J Developers, LLC, et al.
Case No 04-C-630-2

Dear Judge Marks:

I would like to respond to the letter I received dated July 12, 2006 from Lillian J. Miller, C.C.R. in regards to my request for copies of the **(VOICE)** tapes in the above referenced matter.

Per her letter, I was informed that these tapes are not available to the public unless directed by the Court. However, in early June I had spoken with Judge Marks' secretary and she told me that Lilly was trying to obtain the voice transcripts from a woman in Charleston, and mentioned that over a two week period she was having difficulty getting these tapes. This led me to believe that procuring these **(VOICE)** tapes was a real possibility, however, after receiving this letter I was told otherwise. This concerns me since between the time I spoke with your secretary and receipt of this letter, I had filed a case against the developers, yourself, and several other parties.

At this point I would like to take the steps necessary as "directed by the Court" to receive copies of these voice tapes for several reasons. One, it is my contention that the written transcripts that I have already received do not match exactly what transpired during the trial in September, 2005 and the phone conference hearing in February 6, 2006. Two, without these **voice** tapes as direct proof, I am concerned that the West Virginia Supreme Court of Appeals will not have an accurate version of what transpired. Three, there have been issues in the past with other transcriptions where I have discovered inaccuracies, which resulted in corrections needing to be made. This furthers my questioning as to the accuracy of the written transcripts I have received. Four, I believe the **voice** tapes will show inflection and emphasis on certain words and phrases which will be key in providing an accurate interpretation of the events that transpired. Fifth, I am not aware of any precedent cases where voice tapes of any trials or hearings were not provided to a defendant when requested and appropriate expenses were willing to be paid in advance.

I have already expended over \$3500 in expenses attempting to request transcriptions over a four month period. This should show my definitive need to have these transcripts, both written and **voice**, to assist me in my Appeal to the West Virginia Supreme Court and my case before Federal Judge Irene Keeley also.

I look forward to your response as to what my next steps I need to take to obtain the voice tapes "as directed by the Court".

Sincerely,

Eugene Miller

cc: Irene Keeley, US District Court, Northern District West Virginia
cc: Robin Jean Davis, Chief Justice West Virginia Supreme Court