

SOUTHEAST MISSOURIAN

Former Perry County coroner heading to prison after judge revokes probation

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By Mark Bliss ~ Southeast Missourian



Herbert Miller appears before Judge Benjamin Lewis at the Perry County Courthouse on Feb. 6, 2015.
Southeast Missourian file

Former Perry County coroner Herbert Miller will serve prison time after a judge Friday revoked his probation.

Circuit Judge Benjamin Lewis ordered Miller taken into custody to begin serving two concurrent seven-year prison sentences.

In 2015, Miller was convicted of felony financial exploitation of the elderly and theft of \$25,000 or more. The crimes occurred while Miller was coroner.

Lewis sentenced Miller in December 2015 to the two prison terms but suspended the sentence and placed him on five years probation. The judge also ordered Miller to make restitution of \$80,600.

Missouri assistant attorney general Gregory Goodwin, who prosecuted the 2015 case, filed a misdemeanor charge April 28 against Miller, accusing him of stealing by deceit.

Miller's attorney, Jason Tilley, in Perry County Circuit Court on Friday urged Lewis not to sentence his client to prison. He said his client was continuing to make restitution to the victim in the 2015 case.

Tilley suggested the court consider a lesser punishment such as "shock jail time."

But Lewis said in putting Miller on probation two years ago, “it was not my intention” Miller resort to stealing to pay restitution.

Lewis said he spoke to the jurors after the jury trial. They wanted Miller to serve time in prison, he said.

“The jury would not have done what I did,” he said.

Miller showed little reaction to the judge revoking his probation.

During the court appearance, Miller suggested there was other litigation, once concluded, that would allow him to make full restitution. But he said he couldn’t discuss that case because of a “gag order.”

The Attorney General’s Office later said it was not aware of any such lawsuit and expressed doubt such a case existed.

Missouri Attorney General consumer protection division investigator Quinton Dalton said earlier this year at least 40 complaints have been received about “deceptive business practices” involving Miller.

Herbert Miller and his wife, Kathleen, previously owned and operated Miller Family Funeral Home in Perryville, Missouri.

In May 2010, Tom and Lila Welch entered into a contract with the Millers “with the understanding of receiving prearranged direct cremation services,” according to a probable-cause statement.

The Welches made payments through April 29, 2016, according to the statement filed with the court.

The funds were to be deposited into a bank account.

The Millers filed for bankruptcy regarding their funeral home in February 2016.

“Knowing they were filing bankruptcy and permanently closing Miller Family Funeral Home, Herbert and Kathleen Miller accepted a payment from Lila Welch” of \$1,889 on April 29, 2016, Dalton wrote in the statement.

The Millers “misrepresented, made false promise and deceitfully deprived Tom and Lila Welch of moneys which they provided and believed were being deposited” in a First State Community Bank savings account, according to the statement.

By April 28, 2016, the Welches had paid more than \$3,300 to the Millers, according to Dalton’s statement.

On July 29, 2016, Tom Welch contacted the bank and learned the account held a balance of just over \$300, according to Dalton.

Goodwin, the special prosecutor, told the judge Friday while Miller was on probation, “he stole more money from other people.”

Goodwin said, “This is willful misconduct.”

The stealing-by-deceit case is pending in Perry County Circuit Court.

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