



**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2023**

Court, Position, and Seat # for which you are applying:

Circuit Court, Judge, At-Large Seat 11

1. Name: The Honorable Russell David Hilton

Name that you are known by if different from above
(Example: A Nickname):

Russ Hilton

Are you currently serving in some capacity as a judge? If part-time, please note.
(Includes Municipal, Magistrate, Etc.)

I am currently serving as part-time Municipal Judge for the Town of Moncks Corner,
South Carolina.

Home Address: [Redacted]

County of Residence: Berkeley

Business Address: 104 South Pine Street, Summerville, South Carolina 29483

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]
(office): 843-376-5524
(cell): [Redacted]

2. Date of Birth: [Redacted] 1978
Place of Birth: North Charleston, South Carolina
Social Security Number: [Redacted]

3. Are you a citizen of South Carolina? Yes
Have you been a resident of this state for at least the immediate past five years? Yes

4. SCDL# or SCHD#: SCDL:[Redacted]
Voter Registration Number: [Redacted]

5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.

No.

6. Family Status:

- (a) State whether you are single, married, widowed, divorced, or separated.
- (b) If married, state the date of your marriage and your spouse's full name and occupation.
- (c) If widowed, list the name(s) of spouse(s).
- (d) If you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.
- (e) State the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

Family Status: Married on October 13, 2006, to Elizabeth Brewer Hilton.
My wife is a paralegal for Russell D. Hilton, Attorney at Law, LLC.
Never divorced, no children.

- 7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) Charleston Southern University, 1996-1999, B.S. Political Science and B.S. Criminal Justice.
 - (b) Mississippi College School of Law, 2002-2005, Juris Doctor.
- 8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.
 - (a) Law Review, 2003-2005.
 - (b) Moot Court, 2004 and 2005.
 - (c) Student Bar Association (Honor Court). Appointed to investigate and prosecute (if necessary) an allegation of cheating in 2004.
 - (d) Inns of Court.
- 9. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.
 - (a) South Carolina, 2005. I took the bar exam once.
- 10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character changed over the years. Please also describe the extent to which you were involved with the

administrative and financial management of each of these entities, including management of trust accounts.

- (a) Assistant Solicitor for the First Judicial Circuit Solicitor's Office (Dorchester), 2005-2011: I prosecuted General Sessions and many magistrate/municipal level cases. My prosecution duties included case review, communication with victims, handling preliminary hearings, indictments, and any guilty plea or trial for cases to which I was assigned. During much of this time, my office was in the Dorchester County Courthouse, where I managed and facilitated the scheduling of, and witness testimony before the Grand Jury. Additionally, I handled most of the bond estreatments, civil asset forfeitures, and represented the state on magistrate level appeals to the Circuit Court.
- (b) Senior Assistant Solicitor for the First Judicial Circuit Solicitor's Office (Dorchester), 2011-2013: In addition to a full General Sessions case load as described above, I assigned cases to other prosecutors, advised and directed other prosecutors with their cases, made most of the financial decisions on purchases or approval of spending funds, approved cases for Pre-Trial Intervention and other diversion programs, approved employee leave, resolved employee issues, and had signatory authority on all of the accounts held by the Dorchester Office of the First Circuit Solicitor's Office. As the Senior Assistant Solicitor, my caseload became more focused on most serious/serious and violent crimes. I handled countless murder cases, armed robberies, burglaries, sexual assault cases, and tried dozens of cases to jury verdict. During my time at the Solicitor's Office as a prosecutor, I handled thousands of felony criminal cases.
- (c) Member/Owner of Russell D. Hilton, Attorney at Law, LLC, 2013-Present: As a solo practitioner, I meet and contract with new clients and interact with them throughout their case. I manage all the firm accounts including the IOLTA, ensure all financial obligations such as taxes and professional fees are met, resolve any necessary employee issues, and manage all other business matters for my office. Additionally, I am the only attorney on the client's case and appear at any necessary court dates. I represent the client by providing legal advice and all other obligations resulting from the lawyer-client relationship. As a solo practitioner, my practice has intentionally consisted mainly of representing clients in criminal matters, but I have also handled civil cases involving property, construction, personal injury, contracts, statutory public road closure litigation, administrative appeals, and a myriad of civil, probate and other legal issues including trials and contested hearings. I have also been appointed as the guardian ad litem in probate guardian and conservator matters, as well as litigated other probate issues, in addition to drafting wills, powers of attorney, and other health care documents.
- (d) Contract Attorney for South Carolina Commission on Indigent Defense (SCCID), 2015-2016: As an indigent defense contract attorney, I received cases in which the public defender's office had a conflict of interest such that external representation was required. These cases were handled just as any private client, with the distinction of payment coming from SCCID instead of the client. I tried many of these cases to jury verdict or picked a jury before ultimately resolving the case in an agreeable plea offer for my client.
- (e) Dorchester County Bar Association, Bar President, 2017-2018: As president, I led the efforts in organizing and planning our meetings, events, and CLEs.

- (f) Special Referee, appointed by The Honorable Diane S. Goodstein, October 18, 2018: Section 14-11-60, of the SC Code of Laws, allows a Circuit Court judge to appoint a “special referee” when the Master-in-Equity is conflicted or unavailable. I was appointed by court order to serve as the special referee for a civil case in Common Pleas in Dorchester County. I was tasked with reviewing, in camera, documentation related to telephone records to determine which information would be discoverable to the adverse party.
- (g) Part-Time Municipal Court Judge for the Town of Moncks Corner, South Carolina, 2023-Present: In my role as the associate municipal judge, I sign search and arrest warrants as necessary, and preside over municipal court, including jury trials, bench trials, and any sentencing.

Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a full-time judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience *prior to serving on the bench.*

11. Please answer the following:

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court judge. Please also indicate the frequency of your appearances before a Family Court judge within the past five years.

Not Applicable.

- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years, and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years, and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, and whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court judge, or how you would compensate for your lack of experience in this area. Please also indicate the frequency of your appearances before a Circuit Court judge within the past five years.

Criminal: During my career as a prosecutor and now solo practitioner, I have handled thousands of varying criminal cases and continue to do criminal work on

a daily basis. In the past five years, I have handled criminal matters including General Sessions and Magistrate/Municipal level offenses. These cases have included issues of the Protection of Persons and Property Act (16-11-410 *et seq.*), as well as multiple murder, burglary, and other complicated criminal offenses. Over my career, I have represented the State as a prosecutor, and as a private practitioner, I have represented defendants, and victims and their families in criminal court. On occasion, other attorneys have associated me to assist them in their criminal cases. Largely due to the COVID pandemic, I have not had any General Sessions trials in the past 5 years. However, over my career I have tried 27 felony cases to verdict as either a prosecutor or defense attorney. I have gone through numerous jury selections before coming to a resolution prior to a trial, and I have handled thousands of guilty pleas. One of my last General Sessions trials was State v. Edward Bonilla. I was appointed to represent the defendant on the charge of murder. The Public Defender's office was conflicted because his public defender revealed the location of the victim's body to law enforcement. This became one of the major issues in the case that was novel for South Carolina courts and is explained in more detail in question 15 below. I have also handled many bond hearings, preliminary hearings, and other matters that are commonly heard in General Sessions Court.

Juvenile: I have represented countless juveniles in criminal cases. While not directly in Circuit Court, I have handled waiver cases that originated in Family Court and one that incorrectly originated in the Circuit Court and was remanded to Family Court.

Civil: Though I have narrowed my practice to predominantly criminal matters, I have considerable experience in civil cases, as well. In the past 5 years, I have represented plaintiffs in quite a few personal injury cases involving automobile accidents, a case involving foreign matter in food, medical malpractice, false imprisonment, dog bite, negligent supervision, and many other torts. Some have involved wrongful death and minor settlement approvals by the court, as well as varying legal issues related to liability, insurance coverage, and other matters. While most have settled without the necessity of filing suit, I was co-counsel in a complex product liability case in Federal Court involving a defective climbing tree stand. The case had massive amounts of discovery, in-depth issues on choice-of-law and jurisdiction, as well as overcoming issues surrounding the proper use of a safety harness. In representing the plaintiff, we were seeking compensatory and punitive damages due to allegations of similar product failures and our belief the company was aware of the failures. The case lasted approximately 2 years and ended in 2019 with a settlement agreement being reached during jury selection. Presently, I am serving as local counsel for an Indiana attorney who has been admitted *pro hac vice*. The case involves some parallel criminal issues as well as civil causes of action for breach of contract, breach of trust, Unfair Trade Practice Act violations, and other causes of action. Beyond the past 5 years, I was the sole attorney on a prescriptive easement case that proceeded through discovery, mediation, and ultimately trial. I represented the defendants in that case, who

obstructed a road by building a berm and were attempting a permanent closure of the road. The case involved property rights, along with damages claimed by the plaintiffs. It was resolved with a verdict by the Master-In-Equity after a multi-day trial. I also defended a client in the Court of Common Pleas where my client was being sued over an owner-financed home. The case ended with a trial resulting in a verdict for my client.

Over the past 5 years, except during the pandemic closures, I have appeared in Circuit Court multiple times per month. I would estimate I appear in Circuit Court between 4 to 8 times on an average month.

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years, and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court judge within the past five years.

Not Applicable.

- (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.

Not Applicable.

12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
- (a) federal: Rarely.
 - (b) state: I often appear daily in state court (Circuit, Magistrate, or Municipal), sometimes multiple courts and appearances per day. There are usually 1 to 2 days per week where I do not have court appearances scheduled.
13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
- (a) civil: 10%
 - (b) criminal: 85%
 - (c) domestic: 0%
 - (d) other: 5%
14. During the past five years
- (a) What percentage of your practice was in trial court, including cases that settled prior to trial? Approximately 98%.
 - (b) What number of cases went to trial and resulted in a verdict? 3.
 - (c) What number of cases went to trial and resolved after the plaintiff's or State's case? 0 (Resolved may include settlement, plea, by Judge's order during a motion hearing, etc.

(d) What number of your cases settled after a jury was selected but prior to opening statements? 3

During the past five years, did you most often serve as sole counsel, chief counsel, or co-counsel?

During the past five years, I most often served as sole counsel.

For sitting judges seeking a judgeship different than your current position, During the five years prior to your election to the bench, what percentage of your practice was in trial court, including matters that settled prior to trial?

98% of my practice is in trial court.

15. List five of the most significant litigated matters you have personally handled in either trial or appellate court, or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

(a) *State v. Donsurvi Chisolm* (2015–UP–501, Unpublished Opinion). This was a Dorchester County case that I prosecuted. The defendant was charged with murder and the case proceeded to trial. The allegations were that he and two acquaintances were riding around when he produced a pistol and shot the front seat passenger, killing him. The defendant then threw the gun into a swamp and cut the seatbelt out of the SUV to attempt to eliminate any trace evidence among other things. After multiple hearings, the defendant chose to exercise his right to self-representation, and proceeded *pro se*. The case presented some unusual security issues in the courtroom in that the defendant was actually the one examining witnesses and speaking directly to the jury. Most interestingly, the defendant was former military, clearly educated, intelligent, and had studied the applicable law and facts in his case. The case presented an interesting problem for the prosecution, in that I, nor law enforcement, ever determined exactly why he shot the victim. While the back seat passenger participated in the prosecution, he also did not know why the victim had been shot. I was able to overcome the motive issue and catch the defendant attempting to present false testimony through his sister when she testified that she previously owned the car and had cut the seatbelt to avoid being trapped in the car with an abusive boyfriend. We had an expert testify that to remove the seatbelt in the manner in which it had been removed, the casing would have to be removed and then the seatbelt cut close to the reel with a razor. The case was won predominantly when the sister (sequestered during the expert's testimony) testified that she cut the strap with some scissors, allowing the remaining strap to coil up in the reel. The defendant was found guilty of murder and sentenced to life.

(b) *State v. Edward Primo Bonilla* (reported as *State v. Bonilla*, 838 S.E.2d 1 (S.C. App. 2019)). This case was appointed to me on an indigent defense contract. I served as defense counsel for the defendant who had been charged with murder. The defendant was accused of meeting the victim on a dating app, killing her, and burying her body in a shallow grave in upper Dorchester County. Originally the case was handled by

the public defender's office and there was a disclosure of the location of the victim's body by the defendant's attorney. This disclosure created a conflict with the public defender in that there then became an issue as to whether the disclosure was based on informed consent and if the consent was voluntary. This case presented a complex novel issue for South Carolina jurisprudence regarding the "Rule 1.6 Hearing." The case also involved many issues of expert testimony, search warrant issues, magistrate jurisdiction and other Fourth Amendment issues, as well as balancing media rights against the rights of the defendant. The case was heavily covered in the media as the "Kik" app murder and lasted a full week. Ultimately, the defendant was found guilty of murder at trial.

- (c) *State v. DR* (expunged, not reported). I served as defense counsel for the defendant. The case involved an individual who had pointed a firearm at someone who threatened to fight him. DR was in his 70s, of small stature, and was the homeowner's association president for his neighborhood. The HOA had issues with people coming to do "Pokémon raids" whereby they would appear in large groups at the HOA gazebo and search for digital caricatures placed via coordinates. DR was on his property, near the end of his driveway, when he told the individuals they needed to leave immediately. One of them took an intimidating stance, poured out his drink, and made threatening remarks towards DR. As the guy got in his car and drove approximately 100 feet to DR's driveway, DR reached in his car, grabbed a pistol, and held it by his side. When the individual pulled up and went to get out of his car, DR pointed the gun at him and told him to get out of there. Bystanders called police and law enforcement responded but did not arrest DR. Instead, law enforcement created an incident report and returned DR's gun. Unknown to DR, law enforcement issued a warrant and six months after the event, DR was served and arrested for Pointing or Presenting a Firearm. I filed a motion to bar prosecution under the Protection of Persons and Property Act ("Stand Your Ground" law). The State argued that the act did not apply because he only "presented" deadly force and did not actually "use" deadly force. I argued that this was clearly contrary to public policy and against the intent of the legislature. The Court granted protection and the case was barred further prosecution. The charge was dismissed and expunged.
- (d) *Carter v. Kemmerlin* (not reported). I served as counsel for the defendants in a civil case involving the plaintiff's suit to establish a prescriptive easement over one parcel of property to an adjoining parcel. The case was significant because it involved in-depth property law and issues regarding adverse possession, prescription, property interests, chain of title, and other issues. The case began in Circuit Court and was referred to the Master-in-Equity by agreement. The matter progressed from discovery to mediation to trial. The case ended after a multi-day trial before the Master-in-Equity. The Court ruled in favor of the plaintiffs on the issue of the prescriptive easement, but significantly lessened the damages sought.
- (e) *State v. McCombs*, 762 S.E.2d 744 (S.C. App. 2014), vacated after Defendant's death by 772 S.E.2d 510 (S.C. 2015). *McCombs* was a case that I prosecuted while in the Solicitor's Office. The case involved a lewd act on a minor where the defendant had been charged and convicted previously on eerily similar conduct. Pretrial, I sought to introduce evidence of the prior bad act through testimony of the previous victim that we had located and brought in from out of state. Over a

two-day period, I offered evidence and argued for the admissibility of the prior bad acts to show a common scheme or plan under Rule 404(b), SCRE. The trial judge held that the evidence of the prior lewd act was inadmissible despite the striking similarities in the details. I believed the decision was in error and contrary to the rule of evidence and case law. On behalf of the State, I appealed the Court's decision. The appeal was handled by the Attorney General's office, but the trial judge's decision was reversed by the Court of Appeals and a published opinion issued. However, the decision was later vacated by the Supreme Court after the defendant died during the pendency of the appeal.

16. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.

(a) While I have never handled a civil appellate case in the Court of Appeals or the Supreme Court, I did handle a civil appeal to the Circuit Court involving a landlord/tenant dispute where I represented the landlord.

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.

(a) I have filed appellate paperwork on behalf of the State and defendants but have never had to argue a criminal appeal in the South Carolina Court of Appeals. However, I have argued many criminal appeals to the Circuit Court for Magistrate or Municipal Court cases.

18. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

Yes.

(a) Circuit Court Special Referee, appointed by The Honorable Diane S. Goodstein, First Judicial Circuit, October 18, 2018: As special referee, I had the statutory authority equivalent to the Master-in-Equity. I was appointed to review discovery in a civil matter regarding an automobile accident and determine which information would be discoverable to the adverse party.

(b) Municipal Court Judge for the Town of Moncks Corner, part-time, appointed by Town Council, 2023 – Present: The municipal court's jurisdiction is typically limited by statute to criminal matters carrying a fine of up to \$500 and/or incarceration of up to 30 days in jail. There are some exceptions to this jurisdictional rule which allow the court to handle matters of greater penalty.

19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also, list citations to any appellate review of these orders or opinions.

- (a) As a municipal judge, I have not issued any orders that would be considered “significant”.
20. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) South Carolina, 2005.
(b) US District Court of SC, 2014.
21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) CLE presentation at the Dorchester County Bar Association. Representing and Communicating with Incarcerated Clients. CLE # 166303. August 14, 2016. Along with speaking about how best to represent and communicate with clients that are in jail, we also toured the newly built Dorchester County Detention Center.
(b) Lectured at the Summerville Police Department on several occasions for the Officer Block Training Program. The classes focused on officers’ testimony at preliminary hearings.
(c) Taught basic criminal and legal principles to the Dorchester County Sheriff’s Office cadet training program. This was an academy program created within the Sheriff’s Department where students went through a multi-week training on law-enforcement fundamentals.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
- See Attachment A.
23. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Hilton, R 2014, “Stop Losing Clients Over Your Fear of Payment Plans”, Lawyerist.com: <https://lawyerist.com/news/stop-losing-clients-fear-payment-plans/>
24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission’s use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)
- See Attachment B.
25. What is your rating or membership status, if any, by any legal rating organization; such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who’s Who Legal, Super Lawyers,

Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

- (a) I have an Avvo rating of 10 out of 10.
- (b) I have a Martindale Hubbell Peer Review rating of 4.5 out of 5.
- (c) I have a Justia rating of 10 out of 10.

26. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.

- (a) South Carolina Bar – 2005 to Present.
- (b) Dorchester County Bar Association – 2005 to Present, President 2016-2017.
- (c) Berkeley County Bar Association – 2013 to Present.
- (d) South Carolina Association of Criminal Defense Lawyers (SCACDL) – 2014 to Present.
- (e) National Association of Criminal Defense Lawyers (NACDL) – 2020 to Present.
- (f) DUI Defense Lawyers Association (DUIDLA) – 2018 to Present.

27. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

No.

28. For sitting or former judges, list all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

- (a) While serving as the part-time Associate Municipal Judge for the Town of Moncks Corner (2023 – present), I am also the Owner/Member of Russell D. Hilton, Attorney at Law, LLC (2013 – present).

29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

No.

30. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including

a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

- (a) Installer for Mullinax Services, 1993-1999. My duties included assisting Mr. Mullinax, owner, with deck construction and ceramic tile installation.
 - (b) Network Administrator for First Circuit Solicitor's Office, 1999 to 2005. My duties included managing all office computers and software. I authored/created the case management software that was used by the First Judicial Circuit prior to the Prosecution Case Management System by Spartan Technologies. I also prepared legal documents including indictments for prosecutors during that time.
31. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

Member/Owner of Russell D. Hilton, Attorney at Law, LLC, 2013 to present.

32. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

No.

33. Provide, as a separate attachment, a complete, current financial net worth statement that itemizes in detail:
- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
 - (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(A net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.)

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

A complete, current financial net worth statement was provided to the Commission.

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details. Also, proof of satisfaction of any liens or defaults must be submitted with your application package.

- (a) No, I have never had a tax lien or other collection procedure instituted against me by federal, state, or local authorities.
- (b) No, I have never defaulted on a student loan.
- (c) No, I have never filed for bankruptcy.

35. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.

No.

36. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?

I do not have any expenditures over \$100.

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years. If you are a sitting judge, please include such contributions since your last screening.

- (a) Christopher J. Murphy - \$500
- (b) Robby D. Robbins - \$500

38. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

No.

39. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek or currently hold. Explain how you would resolve any potential conflict of interest.

None.

40. Describe any interest you or a member of your immediate family has in real property:
(a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
(b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or

- (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

None.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
(b) nature and value of any public improvements; and
(c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

Not Applicable.

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

None.

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

See Attachment C.

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

No.

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

No.

45. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

In May of 2022, I paid a \$210 ticket in Cottageville (Colleton County) for careless operation for speeding approximately 50-mph in a 40-mph zone. I sped up thinking I was out of the 40-mph zone and did not contest the ticket.

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

No.

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

No, I have never been sued by a client. I sold a car in 1998 that resulted in the plaintiff suing me for a later issue that she had with the car. The suit was judicially dismissed. In 2003, I was the plaintiff against Alltel Communications in a suit for breach of contract. They settled, and the case was dismissed.

48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

Yes. I have carried malpractice insurance since 2013. My current coverage is \$1,000,000.00 with a \$5,000 deductible. I have never been covered by a tail policy.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been cautioned with or without a finding of misconduct, sanctioned, or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

No.

51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened, or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening?

Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

No.

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

No.

53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

Yes.

54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

No.

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application.*

- (a) Sam Richardson, [Redacted]
- (b) David Whittington, [Redacted]
- (c) John Crumrine, [Redacted]
- (d) Lynn Hoover [Redacted]
- (e) Kendall Burch, [Redacted]

56. Are you active on or a member of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.?

Yes.

If so, please list the account names for each account and the relevant platform.

Facebook – [Redacted]
Instagram – [Redacted]
Instagram – [Redacted]
Twitter – [Redacted]
LinkedIn - [Redacted]

How would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

The accounts will all be set to completely private and used only to follow family members and close personal friends. There would be little effect in that I rarely post anything to any social media platforms.

57. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, and any professional honors, awards, or other forms of recognition received and not listed elsewhere.

- (a) Lowcountry Flying Club, Member since 2020. President, 2023-Present. Maintenance Liaison, 2021-2023.
- (b) Friends of the USVI National Park.
- (c) EAA (Experimental Aviation Association).
- (d) Cypress Church, Administrative Council and Chairperson of Trustees, approximately 1995 to present.
- (e) Mimms Lake Fishing Club (SC Audubon Society), Member since 2020.
- (f) DUI Defense Lawyers Association (DUIDLA).
- (g) South Carolina Association of Criminal Defense Lawyers (SCACDL).
- (h) National Association of Criminal Defense Lawyers (NACDL).
- (i) Berkeley County Bar Association.
- (j) Dorchester Bar Association.

58. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

Over the past 45 years of my life, I have spent over half of that time practicing law or working in the legal field. Fortunately, I have not limited myself to law and have done many other things along the way which I believe contribute to a skillset and personality that would be beneficial to a Judge. Over the years, I have done a tremendous amount of woodworking, became an avid fly-fisherman, a private pilot, a beekeeper, a musician, husband, homebuilder, uncle, and many other things to many people. I believe too much of one thing limits a person's ability to truly thrive. I have been fortunate enough to have family, friends, and a

spouse support me in many endeavors, and this has all contributed to the attorney and person that I have become. I am more than grateful to be in the position to apply for this seat and would be truly humbled to have it.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

Sworn to before me this ____ day of _____, 2023.

(Notary Signature)

(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____