

JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Circuit Court

(New Candidate)

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1. Why do you want to serve as a Circuit Court judge?

Public service has been at the forefront of my life. I believe that my life experiences coupled with my professional experiences make me a very unique candidate. I have learned how to selflessly give of myself through the fire service. I have learned compassion through holding a child whose parent just passed away. I have learned to be forceful and direct in a kind way when someone wants to re-enter a dangerous situation. I have learned to take orders and follow the rules because if you do not, you can make the situation worse. All of these lessons, relate directly to being a great judge. Understanding the loss that a victim of a crime or a wreck has had or that a defendant faces because of their decisions shows compassion. The ability to be very direct and rising above the emotions of a situation would allow me to dispense justice fairly but sternly. Most importantly, I understand that statutes and precedents are there to be followed. To ensure there are predictable outcomes, they should not be twisted or changed.

Beyond having experience as a public defender, a solicitor, doing civil work, going to probate court, handling property matters, representing local governmental entities, and all the other legal experiences I have had, my desire to serve the public is the reason I want to serve as a Circuit Court judge.

2. Do you plan to serve your full term if elected?

Yes.

3. Do you have any plans to return to private practice one day?

No.

4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?

Yes.

5. What is your philosophy regarding ex parte communications? Are there circumstances under which you could envision ex parte communications being tolerated?

Ex parte communications, as a general rule, should be avoided at all costs. There are however circumstances that require them to take place as discussed in Judicial Canon 3(B)(7)(a). It is my belief that even in these very narrow circumstances every effort must be made to ensure that not even the appearance of impropriety occurs and full compliance with Judicial Canon 2 in promoting public confidence in the integrity and impartiality of the judiciary.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

First and foremost, if I ever felt the need to give deference to either party for any reason I would immediately recuse myself. On the issue of granting a motion to recuse I would focus on Judicial Canon 3(E) which relies upon whether the judge's impartiality might reasonably be questioned. Again this determination should also take into account if there is even an appearance of impropriety. If my actions or disclosure could reasonably be interpreted as a bias for or against any party, I would recuse myself.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I believe my spouse's financial or social involvement should be looked at as if it is mine. Judicial Canon 3(E) is the guide to this situation. Subsection (c) clearly states that the Judge should recuse themselves in

this situation. I would know that such a case was appearing on my docket and would continue the matter beyond the term of court at which I was presiding. I would advise all parties as to why I was continuing the case, and would further advise the Clerk's office to ensure that the case did not appear on any future docket assigned to me.

8. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?

I believe it is incumbent on all Judges to be keenly aware of who they exchanged gifts with and socialized with before becoming a Judge and be very wary of any new person making gifts or offering invitations to social events after they were elected. These relationships would need to be reviewed on a case by case bases taking into account the standards discussed above.

9. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

If I became personally aware of misconduct or infirmity of a lawyer or judge, I would have direct communication with the other party and ensure that the matter was reported as required. If substance abuse issue was involved I would refer the person to an assistance program as stated in Cannon 3(g).

10. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

11. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

Yes. Through our local F3 group we put on the "9/11 Never Forget Challenge" to raise funds for a scholarship that is awarded yearly at the Batesburg-Leesville High School. I have also helped raise money through my local Rotary Club, and local volunteer fire Department. I have paid entry fees and taken part in several runs or running events by many different organizations that raise funds for various philanthropic purposes.

I fully understand that if elected to the bench that I would no longer be able to take part in any fundraising of any kind for any organization.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

No.

13. If elected, how would you handle the drafting of orders?

In some situations I would draft the order myself. In others, I would let my clerk draft the order. I can also see a situation where when dealing with a very technical issue I would request that the attorneys involved to draft competing orders, and then using these as the basis of the final order. In each and every situation, it would be incumbent upon me to ensure that the order is correct and proper before it is signed. It would be vital that I uphold the high standards of the judiciary of South Carolina as the written orders issued are the permanent record of that.

14. If elected, what methods would you use to ensure that you and your staff meet deadlines?

I would use a "tickler" system which essentially is a detailed calendaring system that prompts the user prior to a deadline. This is the system I have used in private practice and can be done on nearly any calendaring program. These reminders would be on every staff member's calendars so that multiple people are alerted prior to the deadline. This redundancy would ensure efficiency.

15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

A Judge's job is to apply the law as written to the facts before them. It is not to twist the law to manufacture a desired outcome. It is not to create law where there was none. Statutes and precedents should be followed so that there are consistent and predictable outcomes.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you

plan to undertake to further this improvement of the legal system?

Beyond being polite, fair, and kind to all litigants and ensuring to the best of my ability that they feel that they have been heard and their case has been fairly tried, I would like to take part in different treatment courts. I have already taken a course on being a Drug Court Judge. I am also interested in taking part in Mental Health Court. Becoming an instructor for the Fire Academy has shown me the importance of teaching and sharing experiences. If this opportunity presented itself in the legal realm I would gladly teach and mentor other lawyers.

17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

Confidentially issues and dealing with emotionally draining cases for the past 26 years as well as the fact that every client I have had putting their lives in my hands has given me experience in dealing with pressure of the legal profession. I have one of the greatest and most supportive wives in the world who has been with me for 29 years. Christy and my children (as well as friends and other relatives) fully understand there are things that I cannot talk about or explain. I rely on my partners advice and my faith when I have a particularly difficult task. I am hopeful that if elected that there would be other judges I could lean on as I have in the past with my partners if a particular case became problematic.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

a. Repeat offenders:

Rehabilitation so that someone can remain a valued member of society should always be first priority. If the offender continues to violate after attempts at rehabilitation have failed, consideration must be made to housing the offender to protect society. The seriousness of the crime, the defendant's upbringing, the defendant's ability or inability to modify actions, the seriousness of the past offences, prior sentences received, the victim's input, as well as safety of society would all be factors I would consider. Each case is different and there would be more specific factors based on the facts of each case I would take into account beyond these.

b. Juveniles (that have been waived to the Circuit Court):

Saving the child should be the priority. However, the seriousness of the offence that would necessitate the waiver to adult court and the danger the child could pose to society must be at the forefront of sentencing. The age of the child, the fact that they would be housed in a juvenile facility until adulthood, the victim's input, the seriousness of the crime, and the chance of rehabilitation would all be factors. Each case is different and there would be more specific factors based on the facts of each case I would take into account beyond these.

c. White collar criminals:

These are not victimless crimes as perceived by some. These kind of crimes destroy the financial lives of their victims. The seriousness of the offence, any prior record of the defendant, the ability to make restitution, the victim's desire for restitution vs. punishment, and the effect of the crime on society at large would all be factors I would consider. Each case is different and there would be more specific factors based on the facts of each case I would take into account beyond these.

d. Defendants with a socially and/or economically disadvantaged background:

I would expect to hear about every defendant's upbringing. This would be a factor in every sentence. All of the other factors discussed above would also be taken in to account. Each case is different and there would be more specific factors based on the facts of each case I would take into account beyond these. On this specific question, I will add that when a fine is involved in a sentence, the ability to pay and the resources available to a defendant should be taken into account. In a perfect world the fine should have the same impact on an individual and therefore should be increased or decreased based upon the financial situation of a defendant if the law allows.

e. Elderly defendants or those with some infirmity:

The cost of housing individuals with health problems coupled with the danger of a short sentence possibly being life sentences for an elderly defendant would be added factors. All of the other factors stated above would also be considered. In the end, the sentence must match the crime.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

20. Would you hear a case where you or a member of your family held a de minimis financial interest in a party involved?

Judicial Canon 3(E)(1)(c) says that a judge does not have to disqualify themselves if there is a de minimis interest involved. However, I would be very cautious to protect the integrity and impartiality of the Court in ruling on a recusal in this situation.

21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes.

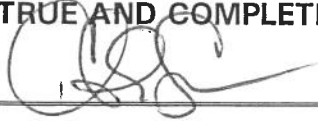
22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

The rules should always apply. A judge is always representing the bench even on personal time. A judge should treat everyone fairly, respectfully, and with kindness on and off the bench. There is a heightened standard while holding court for sure, but as a representative of the State, of the Bar and of the Bench, the rules should always apply.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

Anger is not appropriate in a court setting where justice is dispensed. A judge must remain in control of all emotions to ensure that expressions, words or even movements are not interpreted as siding with one litigant over another. Everyone should always be treated with respect, kindness, and fairness.

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



Sworn to before me this 28 day of June, 2023.



(Signature)

Elizabeth D. Miller
(Print Name)

Notary Public for South Carolina

My Commission Expires: 5/2/2024