



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

**Circuit Court**  
**(New Candidate)**

Full Name: De Grant Gibbons

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

I was raised in a family that took public service very seriously. My parents taught me that public service is a sacred trust, an honor, a privilege, and duty. I have spent my entire career as a public servant.

At this time in my career, I feel that I can best serve our system, by becoming a Circuit Court judge.

I have been working in the General Sessions Court in the entire Second Circuit continuously for over 30 years. I have been a prosecutor, defender, or supervising attorney for nearly every term of court.

I have been either lead counsel or co-counsel for 7 death penalty cases. I was on the prosecution side for 6 and the defense side for 1.

I spent 16 years as a prosecutor. During that time, I had the opportunity to try hundreds of cases. I also created and managed trial dockets for all 3 counties in my circuit. I worked closely with the various court staff and gained a great understanding of all the cogs and wheels involved in our court system. This position also gave me the opportunity to work closely with many of the great judges of our state.

I have worked closely with victims of violent crimes and have helped them navigate the court system.

I also worked closely with law enforcement and continue to have great working relationships with the agencies in my circuit.

In 2008 I was approached by local attorneys and encouraged to run for

Circuit Public Defender. I saw this as a great opportunity to improve the criminal court process in our circuit. I have now spent 15 years on the defense side of the system.

This position has also given me vast experience in organization, leadership, and financial responsibility.

While I know that I will have to adapt and assimilate to the Common Pleas side of being a Circuit Judge, I am confident that I can make the learning curve very steep and very short.

I will be a judge that is fair and respectful to all parties involved in each case, whether they are an attorney, a plaintiff, a defendant, a victim, a witness, a law enforcement officer, or a citizen visiting the court.

I will strive to uphold the law as it is written by the legislature and the courts, irrespective of my personal beliefs or feelings.

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?

I have no plans to return to private practice.

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

I have met all Constitutional requirements.

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 are only condoned in very specific instances, such as the list in Canon 3(B).

Other than those few exceptions, a judge should never initiate or engage in communications of this kind.

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?

A recusal request is a very serious matter. The standard to consider is the appearance of bias. If all parties did not agree to waiving the disqualification, 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 would always err on the side of recusal when any situation involved my spouse or a relative. Again, the standard to consider is the appearance of impropriety.

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

I would not accept gifts, and I would not allow gifts to be made to my family. Social hospitality is more difficult, but I would strive to avoid any hospitality that could even appear to be inappropriate under Judicial Canon 5(D)(5).

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?

Should I become aware of misconduct or infirmity, I would report the situation as required by my oath and the canons.

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.

I am not a member of any such organization.

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

I have not engaged in any fundraising.

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

I have no business activities of any kind.

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

I envision drafting my own orders. On complex issues, I would ask each party to submit draft orders. I would review these orders to ensure that all necessary points were addressed, then I would prepare my own order.

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

I would use an electronic calendar to track tasks. I would also set specific times for completing outstanding items.

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

A Circuit Judge should follow the law as it is written. There is no place for activism, and I would not engage in this behavior.

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?

I have enjoyed my time teaching trial skills to young attorneys. I would take advantage of any opportunity to further legal education.

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?

My children are grown and my wife and I both work full-time. I do not anticipate any pressure or strain from this position as far as my personal relationships are concerned.

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:

A sentence must address repeated criminal conduct. If possible, the

root cause should be addressed as part of any sentence, but the choice to reoffend must have consequences.

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

A judge must consider a juvenile's background, family, education, and maturity. Attempts to address underlying causes are also an important consideration. Many young defendants have been through the family court process and have a mistaken understanding about the seriousness of offenses once they are in the adult system.

c. White collar criminals:

These offenders often have extremely high restitution amounts. They often have a higher level of support and resources. Their ability to make restitution should be examined and incarceration should be an option to encourage repayment.

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

Those offenders who come from difficult circumstances represent a large portion of folks coming before the court. Where possible, vocational, educational, and treatment should be made a part of the sentence, so that they can have more legal opportunities to be productive citizens.

These life circumstances may explain what happened, but do not excuse what happened.

e. Elderly defendants or those with some infirmity:

Courts should consider the health and condition of these defendants. If they are not endangering society, alternatives that allow them to receive appropriate care and medical attention should strongly be considered.

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?

I would address the issues with the parties involved and proceed if they all agreed. Otherwise, I would consider recusal.

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?

A judge should set and model the tone of the courtroom. A judge should be firm, but respectful to all present. There is no place for belittling or berating anyone. The courtroom should be given its due respect and professional decorum.

Court decorum is important and must be enforced, but a judge's example goes a long way toward maintaining this atmosphere.

These rules should apply to everyone equally and should extend to all encounters, whether in the courtroom, chambers, the hallway, or the parking lot.

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 should not be a part of anything that goes on in the court system. A judge must be patient and respectful.

I have seen judges take a recess when things start getting heated. This allowed everyone to reset. I believe this is sound practice.

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 \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_