



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

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

Full Name: Harry Steven DeBerry, IV

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

I want to serve as a Circuit Court Judge because I care deeply about our system of justice. I want to serve in a position that I can have a direct influence on core values that most importantly include, integrity, impartiality, and fairness. I live my life by these values, and I consciously display these values in everything that I do.

My education at The Citadel instilled in me a great sense of integrity. A sense of integrity that ensures that under any circumstance, no matter the pressure or the variables, that doing the right thing is paramount, and will always outweigh all other factors, no matter what they may be. Our system of justice must have integrity. Our Judges must have integrity. When elected, I will serve with the highest of integrity to ensure that justice is administered as fair and impartial as possible to all involved.

Throughout my career, whether it be as a prosecutor, a defense attorney, a plaintiff's attorney, or a public servant as a member of the Florence County Council, fairness is something I have sought, and fought for tirelessly. No matter the side that I may have appeared on, I have always pled for fairness, whether it be from a jury, a Judge, or a panel, I have always asked for a fair and impartial hearing for all involved.

Our Judges encounter people off all facets of life, of all cultures and ethnicities, of all races, and of all financial spectrums. These encounters are sometimes in favorable situations, but often under grave and tumultuous circumstances. Tensions can be high, and often our Judges must make life altering decisions. I want to serve in such a position because I know I can do so fairly. I can make decisions that will best serve justice under any circumstance, and I can do so fairly for all involved.

Serving as a Circuit Judge will enable me to have a greater positive impact on the legal profession than I can as a practicing attorney. It will give me the opportunity to serve the public in a way that brings justice and fairness to all. It will allow me the opportunity to make the legal profession better for all involved. It will allow me to instill integrity into the system that deserves this characteristic so much. When elected as Circuit Court Judge I will do all that is necessary to deliver justice with the highest regard to integrity and fairness.

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?

In general, *ex parte* communications are not allowed because of the appearance of impropriety and the opportunity for impartiality to occur. I strongly agree with the rules regarding the prohibition of *ex parte* communications because *ex parte* communications can degrade our system of justice's integrity, and result in the unfair treatment of litigants or defendants.

Under such circumstances that the rules allow for specific types of *ex parte* communications in times of emergency, scheduling, or for administrative purposes, I will tolerate such communication with the express directions that the communication will be extended to the opposing parties as soon as possible and a chance for their response will be given. I will tolerate this type of *ex parte* communication only in the event that the type of information is not dealing with substantive matters or issues that are material to the merits of the action.

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?

I would give great deference to any party that may request my recusal on any particular matter. I would consider the grounds for which their motion is made and make a decision accordingly. The appearance of impropriety or bias is something that should never be taken lightly, as these appearances can erode the public opinion of the integrity, fairness, and impartiality in our system of justice. In my opinion, these values must be protected, as our system of justice must be fair and impartial, above all else.

If my disclosure of something may appear as bias, and result in a motion being made for my recusal, then I would grant the motion. Even though I may believe it would not actually prejudice my impartiality, the appearance that it may is serious enough that it would be best not to preside over such a matter without the consent of all parties on the record.

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

If the financial or social involvement of my spouse or a close relative created an appearance of impropriety, I would take the appropriate action given the circumstances to remedy the situation as soon as possible to the extent that I have control over the family member. Otherwise, I will do all I can to avoid the appearance of impropriety.

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

I would go by the rules regarding accepting gifts and social hospitality. So long as a gift is given as a result of a special occasion and its value is commensurate with ordinary gifts for the specific occasions, then the gift's acceptance is ok. If the acceptance of any gift at any time creates the appearance of bias or impropriety, then I will not accept it.

I would partake in an invitation for ordinary social hospitality only if my appearance or participation would not create the appearance of bias or impropriety. If there would be a chance that a reasonable person would believe that my attendance would create such an appearance, then I would not attend.

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 aware of misconduct or appearance of infirmity of a lawyer or fellow judge, I would consider the conduct or appearance, apply it to the law or applicable rules, and act accordingly.

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.

No

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?

If elected, I have no problem with drafting my own orders. I enjoy legal writing. I do believe in some circumstances that there is value in receiving drafted orders from opposing parties in some matters. In any event, I will always know and understand, as well as all parties involved, what is included in my orders. If any clarification of any order is requested, I will always take the time to meet in chambers with all involved, or on the record to explain my orders.

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

I will promptly calendar and keep my calendar updated as to scheduled hearings and terms of court. As I hold court, I will continue to update my calendar as to outstanding or pending matters that require specific attention. I will make sure my staff reinforces and duplicates these same actions to ensure that all deadlines are met.

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

Judges should have no effect in setting or promoting public policy. This very behavior goes against many aspects of our Constitution and should not be tolerated. Our General Assembly is the legal body that is charged with creating the laws of our state, and our judges’ responsibility is to apply the law that is created by our General Assembly.

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?

When individuals find themselves as a party in a civil action, as a victim of a crime, accused of a crime, or otherwise become involved in a legal action, time is of the essence. Most often, these situations are uncommon, uncomfortable, and extremely stressful for ordinary people. Often, life changing decisions and outcomes take place.

I would like to focus on bringing justice to such matters as swiftly as possible, as I feel this is healthier and more advantageous to all involved. I am well aware of the due process of law, and the importance of every step along the way. No matter the type of litigation I believe there is room for improvement procedurally, and administratively that can help bring sooner resolution for the people who find themselves in a legal action. These are the things I would like to make better as a Judge.

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?

I think that my core values and morals will serve me well as a Judge. I believe they will help me adapt in a way that will not strain my personal relationships with friends and family, but that will help my personal relationships. I have always handled my professional career and my relationships well. If being a Judge changes this situation, I will seek help and remedy the situation as soon as possible with the best interests of my family first.

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:

An individual's criminal history would play a role in my sentencing determination. The facts of the case before me, the frequency of the prior offenses, the similarity in offenses, the prior sentences received by the offender, any information received from PPP, the State's recommendation, Defense mitigation and input from the victim if applicable, would all be used to determine a fair sentence.

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

I think it is important to know and understand the circumstances of a Juveniles involvement in any particular crime. I think that some deference should be given to a Juvenile offender if he or she may have been coerced or influenced by others to commit a criminal act. I also believe that a Juveniles age should be considered while deciding on sentencing. I would use all information available to me in order to fashion a fair and just sentence.

c. White collar criminals:

I believe that the law should be applied to individuals who are being sentenced regardless of the type of crime committed. I would listen to the circumstances and the level of sophistication that would show an individual's culpability in a crime to determine a fair sentence.

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

I believe it would be unfair to sentence a person differently than others based on their social or economic status. I would use all information available to me in order to fashion a fair and just sentence.

e. Elderly defendants or those with some infirmity:

Just as with juveniles, I believe a person's age, ability to be influenced, and infirmities should be considered in sentencing. I would use all information available to me in order to fashion a fair and just sentence.

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?

No

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?

I think it is important for a judge to remain cool, calm, and collected at all times. I think it is important for judges to treat every person he or she meets with dignity and respect. I think that it is important for judges to be nice and respectful to all attorneys, no matter the decision that has been made. These rules should apply at all times.

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?

I believe that it is imperative to control anger at all times while being a judge. Although situations and circumstances may incite a feeling of anger, it should be a quality of every judge to be able to channel that anger in a way that does not display it to the public, nor to allow it to lead to bias or impartiality under any circumstances. It is important for the facts or situations that a judge may encounter in the court room to speak for themselves. By doing so, a judge can then make a decision or ruling based on the facts and circumstances of a situation or matter before them without using or displaying anger.

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

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Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

\_\_\_\_\_

(Print Name)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_