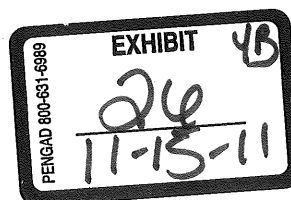


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Circuit Court, Eleventh Judicial Circuit, Seat 2

1. NAME: Mr. Royce Knox McMahon
BUSINESS ADDRESS: 205 E. Main Street
Lexington, South Carolina 29072
TELEPHONE NUMBER: (office): (803) 785-8239
2. Date of Birth: 1947
Place of Birth: Columbia, South Carolina
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
5. Family Status: Married on November 10, 1967, Connie Juanita (Nita) Derrick McMahon. Never divorced, four children.
6. Have you served in the military?
US Army Reserves, 1968-75, E-7 SFC, Honorable
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) University of South Carolina, BA (1966-67; 1974-75);
(b) University of South Carolina School of Law, JD (1975-78).
8. 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. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
South Carolina 1978
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
I worked full time during the last two years of undergraduate school as a City of Columbia police officer and a University of South Carolina police officer. I worked full time (45 hours per week) during my second and third years of Law School as a Lexington County Sheriff's Deputy.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) 2006 Orientation for New Circuit	7/10/2006;
(b) Mandatory ADR Training	8/10/2006;
(c) 2006 Annual Judicial Conference	8/23/2006;



(d)	2006 Annual SC Solicitors' Conference	9/24/2006;
(e)	16 th Annual Criminal Practice in SC	11/10/2006;
(f)	22 nd Annual Criminal Law Update	1/26/2007;
(g)	5 th Annual Civil Law Update	1/26/2007;
(h)	Circuit Court Judge's Conference	5/16/2007;
(i)	General Jurisdiction	7/15/2007;
(j)	2007 Annual Judicial Conference	8/22/2007;
(k)	2007 Annual Conference	9/23/2007;
(l)	23 rd Annual SC Criminal Law Update	1/25/2008;
(m)	6 th Annual Civil Law Update	1/25/2008;
(n)	Domestic Violence & Coordinated	4/24/2008;
(o)	2008 Judicial Conference	8/20/2008;
(p)	7 th Annual Civil Law Update	1/23/2009;
(q)	24 th Annual SC Criminal Law Update	1/23/2009;
(r)	Circuit Court Judge's Conference	5/6/2009;
(s)	Annual Convention	8/6/2009;
(t)	2009 Annual Judicial Conference	8/19/2009;
(u)	Litigation Conference in Conjunction	9/17/2009;
(v)	2009 SC Solicitors' Association	9/28/2009;
(w)	The Investigation and Prosecution of Domestic Violence	10/30/2009;
(x)	Civil Law Update	1/22/2010;
(y)	Criminal Law Update- Part 2	1/22/2010;
(z)	SC Circuit Court Judges' Association Conference	5/5/2010;
(aa)	SCAJ 2010 Annual Convention	8/5/2010;
(bb)	2010 Judicial Conference	8/18/2010;
(cc)	Civil/Criminal Law Update (Video)	1/20/2011.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) I presented the Recent Court Decisions for the 2006 and 2007 Annual South Carolina Solicitors' Association Conference.
 - (b) I was part of a panel of Judges that presented "Views from the Lexington Circuit Court Bench" at the Annual December "Attorney CLE" for the Lexington County Bar Association on December 5, 2007.
 - (c) I spoke on a panel entitled "Shareholder Disputes- Minority Buyouts" at the 2009 Litigation Conference for the South Carolina Association of Certified Public Accountants held on September 17, 2009.
 - (d) I was part of the Judicial Panel Discussion during the presentation entitled "Courage to be a Prosecutor" sponsored by the South Carolina Solicitors' Association and the South Carolina Commission on Prosecution Coordination on September 29, 2009.

- (e) I spoke on the topic of "Bond Settings and Revocations: Special Considerations" at a CLE for The Investigation and Prosecution of Criminal Domestic Violence on October 30, 2009.
 - (f) I spoke on a panel of Judges called "Straight from the Bench" during a Criminal Law Essentials CLE on May 20, 2011.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
 13. 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) Admitted to practice before the State Courts of South Carolina in 1978;
 - (b) Also admitted to practice before the United States District Court of South Carolina.

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

After graduating from law school I entered into the private practice of law with William (Bill) Cotty. Our practice focused on civil litigation, real estate and criminal defense. I then opened my own practice in Lexington with an emphasis on civil, criminal, and domestic litigation.

In 1981, I had the opportunity to return to the Lexington County Sheriff's Department as Legal Advisor. This was a developing area in police agencies in the late 1970s and early 1980s. This position combined my legal education with my law enforcement training and experience.

In 1983 I transferred to the 11th Circuit Solicitor's Office as an assistant solicitor. I prosecute many significant violent cases and was promoted to Deputy Solicitor in 1986. Upon the election of W. Barney Giese in 1995, I transferred to the 5th Circuit Solicitor's Office. I was team leader for the newly created Violent Crime Task Force being responsible for the supervision of the team and the prosecution of many violent offenders in Richland County. I was assigned as a Special Assistant Attorney General and prosecuted violent offenders in the 3rd, 4th and 8th Circuits during my career in addition to the 5th and 11th Circuit responsibilities.

In 2003, I retired with twenty-eight years of service and joined the firm of James C. Anders P.A. and Associates focusing on civil litigation and criminal defense. Upon Mr. Anders' death I joined the firm of Whetstone, Myers, Perkins and Young, P.A. (now Whetstone, Myers, Perkins and Fulda, P.A.) with the same focus.

I was elected Circuit Court Judge February 15, 2006, and sworn in March 9, 2006. I have served continuously since that time.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super

Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any. None.

22. Have you ever held judicial office?

(a) Lexington Municipal Judge, 1980-81 Limited to \$200.00/30 days criminal, no civil jurisdiction;

(b) Circuit Judge, Eleventh Judicial Circuit, Seat 2, March 9, 2006- Present.

23. If the answer to question 22 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) In State v. Ferris Geiger Singley, Opinion 26954, S.C Supreme Court filed April 4, 2011. The Defendant broke into his mother's residence and was charged with first degree burglary, kidnapping, and armed robbery. The Defendant held a 12.5% ownership interest in the residence. The Court denied the Defendant's motion for a directed verdict as to the charge of first degree burglary. The Supreme Court examined and reaffirmed the ruling that burglary was a crime against lawful possession not ownership interest.

(b) In State v. Darrell Burgess, 703 S.E. 2d 512 The Defendant was convicted of the drug related homicides of David Slice and Kim Fauscette. The Court of Appeals affirmed the trial court's ruling as to the decision not to remove a juror who realized after the jury selection that the brother of Defendant Slice's estranged wife worked for him. Further, the Defendant argued that the Judge violated his constitutional right to present a complete defense by excluding evidence of third-party guilt. The Court examined the third-party guilt issue and determined that the trial judge properly identified and applied the standard as proclaimed in State v. Gregory, 198 S.C. 98, 16 S.E.2d 532, (1941).

(c) In Lanier Construction Co., Inc. v. Bailey & Yobs, Inc., et al., 681 S.E. 2d 909 The Court of Appeals affirmed the granting of a motion for summary judgment in favor of the Defendant homeowners. The Court of Appeals examined the homeowners' duty of care as to the contractor and affirmed the trial court's ruling which denied the contractor and subcontractor's motions for reconsideration under Rule 59, SCRCP.

(d) In Kirby A. Oblachinski v. Dwight Raymond Reynolds, et al., Opinion 26932 S. C. Supreme Court filed February 22, 2011 Dr. Reynolds examined an alleged victim of sexual abuse and diagnosed the victim with having been sexually abused. Mr. Oblachinski was subsequently indicted for criminal sexual conduct with a minor; however, the charges were dropped after it was determined that Dr. Reynolds misdiagnosed the child. Mr. Oblachinski then brought a civil law suit against those who wrongfully diagnosed him. The trial court held that that Reynolds owed no duty of care to Mr. Oblachinski. The Supreme Court of South Carolina affirmed the circuit court's granting of summary judgment and

held that no cause of action exists for a third party to sue for negligent diagnosis of sexual abuse.

- (e) In State v. Branham, Opinion 4802 S.C. Court of Appeals file March 2, 2011

The Court of Appeals affirmed the Appellant's conviction for driving under the influence, first offense. The Appellants' sole issue on appeal was whether the State failed to comply with any statutory duty to produce the breath test site video pursuant to 56-5-2953. When analyzing the word "produce," the court found that the legislature intended that a video of the breath site be created. The court did not find that the State may only stratify any statutory obligation by physically handing or turning over the videotape to the defendant or counsel; the State may produce the video online and provide a password to the defendant for access.

24. Have you ever held public office other than judicial office? No
25. 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.

I was a private practicing attorney with an emphasis on civil litigation while I was a part time Lexington Municipal Judge.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? Yes, Candidate for Circuit Judge at Large May 1999.
27. 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?
- (a) 1970-74 Police Officer, Columbia Police Department;
 - (b) 1974-75 Police Officer, University of South Carolina Police Department;
 - (c) 1977-78 Deputy Sheriff, Lexington County Sheriff's Department;
 - (d) 1981-83 Captain/Legal Officer, Lexington County Sheriff's Department.

28. Are you now an officer or director or involved in the management of any business enterprise? No.
29. A complete, current financial net worth statement was provided to the Commission.
30. 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. Explain how you would resolve any potential conflict of interest.

I am a retiree of the SC State Retirement System and the S C Police Officers Retirement System. I would not hear any case in which either of these entities were parties.

31. 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?
No.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. 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? No
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?
- (a) First Carolina Savings and Loan v Donald L. McCracken, et. al
79-CP-32-1671
Named defendant as a junior lien holder on mortgage which mortgagor defaulted. Case dismissed November 21, 1979;
- (b) Leonard A. Smith v Knox McMahan and Wayne Wilson
90-CP-32-3038
Smith, convicted criminal defendant, sued me in my capacity as an assistant solicitor. Case was dismissed March 23, 1992;
- (c) Pagan v. Manning, et.al.
4:01-CV-04240-CWH
Pagan was a criminal defendant tried and convicted of murder in Florence County. I was assigned to prosecute this case due to a conflict with the 12th Circuit Solicitor's Office. Pagan brought suit in federal court against many of the officials involved including the judge. I was never served by the plaintiff. The suit was dismissed by Judge C. W. Houck on February 18, 2004;
- (d) Donald W. Gay v. State of South Carolina, McMahan, et. al.
10-CP-40-3865
Gay was a criminal defendant tried and convicted of murder in Richland County. He brought suit against the State, the 5th Circuit Solicitor and assistant solicitors that prosecuted his case alleging various and assorted violations by the parties. There is a pending Motion for Summary Judgment filed on behalf of the defendants.
36. 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? No.
37. 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)? No
38. 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? No
39. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office,

membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None

40. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None
41. 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. None
42. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None
43. 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? 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? No
44. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
45. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
46. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No
47. 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;
 - (b) Lexington County Bar.
48. 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, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
49. 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.

I have presided over more than 100 jury trials since being elected to the bench. These have been civil and criminal trials. My background prior to being

elected to the bench was in criminal law. Many of the cases I have presided over have been civil cases ranging from simple negligence to breach of contract and medical malpractice to construction defects. I have learned so much since my time on the bench especially in the field of civil law and motions practice. I was appointed by the Chief Justice to the Commission on Alternate Dispute Resolution which has honed my civil administrative skills.

I am also a member of a Committee chaired by Justice Kaye Hearn examining ways to address and streamline the caseloads in Family, Common Pleas and General Sessions Courts. I specifically am assigned to the General Sessions Subcommittee chaired by Justice Costa Pleicones. I would like to continue being a part of and contributed to these endeavors.

50. References:

- (a) R. Keith Dooley
468 Old Cherokee Road
Lexington, South Carolina 29072
(803) 359-3800
- (b) J. Carroll Shealy
3030 Leaphart Road
West Columbia, South Carolina 29169
(803) 796-8150
- (c) Steven A. Smith
308 Old Wood Drive
Columbia, South Carolina 29212
(803) 309-9809
- (d) Susan and Robert Corley
236 Palmer Drive
Lexington, South Carolina 29072
- (e) SAFE Federal Credit Union
Debra Shoemaker
P.O. Box 2008
Sumter, South Carolina 29151
(803) 359-5355 Ext. 21

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: Knox McMahan

Date: August 9, 2011