

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Circuit Court, At-Large, Seat 14

1. NAME: Mrs. April Woodard Sampson
BUSINESS ADDRESS: 1701 Main Street
Columbia, SC 29201
TELEPHONE NUMBER: (office): 803-800-3915
2. Date and Place of Birth: 1973; Knoxville, TN
3. Are you a citizen of SC? Yes
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on March 8, 1997, to Eric Sampson. Never divorced; two children.
6. Have you served in the military? I have never served in the military.
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) Washington University, 1991-95, BA;
 - (b) USC School of Law, 1995-98, JD.
8. List the states in which you have been admitted to practice law and the year of each admission. Are you a member in good standing in the states in which you are admitted? Has there ever been a time in which you were not a member in good standing? List the date(s) and reason(s) why you were not considered a member in good standing. 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.

SC, 1998. I am currently in good standing and have always been in good standing. I have never taken the bar exam in any other state.
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.

While at Washington University, I participated in the following:

 - (a) Member of National Mock Trial Team, 1991-95; Team Captain, 1994-95;
 - (b) Winner of Top 10 Best Attorney Award at the National Mock Trial Competition, 1995;
 - (c) Co-Founder and Hotline Volunteer of the Sexual Abuse and Rape Awareness Hotline (S.A.R.A.H.) 1994-95;
 - (d) Teacher's Assistant, African-American Psychology, 1993-95.

While at USC School of Law, I participated in the following:



- (a) Member of the National Products Liability Moot Court Team;
 - (b) Co-Writer of the Moot Court 2L Competition Problem;
 - (c) Member of the John Belton O'Neal Inn of Court.
10. Describe your continuing legal or judicial education during the past five years:
- | <u>Conference/CLE Name</u> | <u>Date(s)</u> |
|--|----------------|
| (a) Beginning Westlaw | 3/24/2007; |
| (b) School Law Conference | 8/25/2007; |
| (c) Winning Before Trial: The 10 Ways to Win Depositions | 1/11/2008; |
| (d) Fighting to Win Your DUI Case | 10/31/2008; |
| (e) Civil Court Mediation Training | 3/26/2009; |
| (f) Practicing Before Masters in Equity | 4/2/2009; |
| (g) Advanced Westlaw | 4/28/2010; |
| (h) DL-146 | 2/28/2011; |
| (h) Capital Litigation for Prosecutors | 5/2/2011; |
| (i) Solicitor's Conference | 9/26/2011. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) Lecturer, SC Bar Program, "It's All a Game – Top Trial Lawyers Tackle Evidence";
 - (b) Presenter and Lecturer, "Criminal Trial Techniques," William W. "Bill" Daniels Trial Advocacy Program sponsored by the Georgia Association of Criminal Defense Lawyers;
 - (c) Adjunct Professor, University of SC, 2002-04;
 - (d) Associate & Adjunct Professor, South University, 2006-11.
12. List all published books and articles you have written and give citations and the dates of publication for each. I have not been published.
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 SC in 1998;
 - (b) Admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 2006.
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.
- (a) Assistant Solicitor, Fifth Circuit Solicitor's Office, Columbia SC
January 2011 to Present. Responsibilities include prosecuting major felonies and supervising a team of attorneys.
 - (b) Attorney, Law Office of Richard Breitbart, L.L.C., Columbia, SC
May 2008 to September 2010. Responsibilities included representing clients charged with crimes in both state and federal court, and interviewing potential clients.

- (c) Attorney, Duff, White & Turner, L.L.C., Columbia, SC
October 2006 to May 2008. Responsibilities included representing school districts on a variety of issues including special education, tort claims, and employment discrimination in both state and federal court, representing indigent defendants in criminal proceedings.
- (d) Instructor, South University, Legal Studies Department, Columbia, SC
July 2006 to 2011. Responsibilities include preparing PowerPoints for classes, teaching courses on Evidence, Constitutional Law, Criminal Law, Advanced Legal Writing, Introduction to Paralegalism, and Employment Law, Family Law, Probate, and grading exams.
- (e) Adjunct Professor, University of SC, Department of Criminal Justice, Columbia, SC
January 2002 to 2004. Responsibilities included preparing for class, teaching courses on the American criminal court system and Race and the Criminal Justice System, and grading exams.
- (f) *Deputy Chief Public Defender, Richland County Public Defender's Office, Columbia, SC*
November 2002 to October 2006. Responsibilities included training new attorneys, scheduling and presenting training seminars for attorneys, supervising attorneys, arguing motions, pleading clients, preparing and representing clients at criminal trials and at preliminary hearings, filing appeals.
- (g) Attorney and Partner, Johnson, Kearse, and Sampson, L.L.C., Columbia, SC
April 2003 to November 2003. Responsibilities included managing Columbia office, preparing motions, preparing and representing clients in family court, preparing wills, preparing and representing clients in criminal court.
- (h) Attorney, Smalls Law Firm, P.C., Columbia, SC
October 2001 to April 2002. Responsibilities included preparing motions, preparing and representing clients in family court, preparing wills, preparing and representing clients in criminal court.
- (i) Public Defender, Richland County Public Defender's Office, Columbia, SC
June 1999 to September 2001. Responsibilities included arguing motions, pleading clients, preparing and representing clients at criminal trials and at preliminary hearings, filing appeals.
- (j) Attorney, Protection & Advocacy for People with Disabilities, Inc., Columbia, SC
March 1999 to May 1999. Responsibilities included representing clients at school board appeal hearings, attending Individualized Educational Program meetings, preparing material for due process hearings.

14.(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, 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 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.

Most of my career I have practiced criminal defense. As an attorney with the Richland County Public Defender's Office, I began by handling misdemeanor matters in General Sessions and progressed to major felonies. I am certified to defend Death Penalty cases, and served as defense co-counsel in a death penalty trial in 2003. After leaving the Public Defender's Office, I continued to handle felony cases in General Sessions Court through appointment list and being retained by family members of criminal defendants. From 2008 until 2010, I worked for Richard Breibart handling felonies and misdemeanors in General Sessions, and misdemeanors in city and magistrate courts. Beginning in 2011, I joined the Fifth Circuit Solicitor's Office as a Senior Assistant Solicitor and team leader, and now prosecute major felonies including murder, armed robbery, and criminal sexual conduct. In the past five years, I have been involved in the following criminal trials:

State v. Steven Kranendonk: (2012)

Defendant was accused of reckless homicide of two victims and causing great bodily injury to two other victims by recklessly operating a boat on Lake Murray. As the second chair in this prosecution, I was responsible for learning about and then explaining to the jury the technicalities of boating, boating laws and boating safety. During the trial, I qualified a Department of Natural Resources officer as an expert in the field of boating rules and regulations for the first time in her career. We obtained a guilty verdict on both counts of reckless homicide and the Defendant was sentenced to 10 years on each, to run concurrent. The other two charges were nolle prossed.

State v. Robin Reese and Henry Gray: (2012)

Again, I served as second chair in the prosecution of co-defendants for murder. Both Defendants were accused of causing the death of the victim by beating and stomping the victim to death. There were some questions as to intervening causes in the victim's death, but we were able to overcome these through the testimony of medical expert. During the trial, I directed witnesses and performed the closing argument. We obtained a guilty verdict against both Defendants, 30 years each.

State v. Alirio Ortiz: (2012/Pending)

The Defendant is accused of cutting his neighbor's parents with a machete on the hand and on the arm. The defense asserted that the Defendant was entitled to prosecutorial immunity under the Protection of Persons and Property Act because he was defending himself on his own property. At the pre-trial ("Castle Doctrine") hearing, I successfully argued that the Act was not applicable because: (1) the defendant was not acting lawfully; (2) the incident did not occur on the defendant's property and (3) the defendant was not in a place where he had the legal right to be. The case is currently on interlocutory appeal.

State v. Zachary Oree: (2012/Pending)

The Defendant is accused of murdering the victim by shooting him while he was driving his car. The defense is asserting that the defendant is entitled to prosecutorial immunity under the Protection of Persons and Property Act because the Defendant was in a place where he had the legal right to be. At the pre-trial ("Castle Doctrine") hearing, I argued that the Act is not applicable because the defendant was not in a place where he had the legal right to be because the incident occurred on a public highway. The case is still waiting for a ruling from the Honorable G. Thomas Cooper, Jr.

State v. Mark Roberts: (2011/Pending)

The Defendant was accused of robbing a postal worker at knifepoint. The defense argued that a police sketch disseminated by SLED during the investigation was an accurate rendering of a suspect, and thus any out-of-court identifications or line-ups with our Defendant, who did not resemble the sketch, should be suppressed. During the trial, I successfully argued that the defense should not get a jury charge on witness misidentification and suggestibility nor should a witness' out-of-court identification be excluded. The case is currently pending as there was a mistrial due to a hung jury.

State v. Darrin Goodwin: (2011)

The Defendant was accused of breaking into a motor vehicle and stealing money from the console. My role was assisting co-counsel in his first trial as lead attorney.

State v. Sean Toran: (2011)

The Defendant was accused of stabbing three people outside of a local bar. Prior to trial, the defense asserted that the defendant was entitled to immunity under the Protection of Persons and Property Act. I successfully argued that the defendant was not entitled to an evidentiary hearing because even if he was acting in self-defense, he did not have a legal right to be on a public sidewalk.

State v. Ricky Bowman: (2011)

The Defendant was accused of breaking into an apartment with three others and robbing three victims at gunpoint. I successfully convinced a reluctant witness to testify at the trial, along with his co-Defendant, and convicted the defendant of Burglary 1st degree and Armed Robbery.

Stave v. Daniel McAllister: (2010)

The Defendant was accused of committing homicide by child abuse for beating his girlfriend's child. While preparing for trial, I determined that the medical examiner had not properly examined the body. I successfully represented the Defendant at trial, thoroughly cross-examined the coroner and was able to get him to concede he had not internally examined the body during the autopsy. I obtained a verdict of not guilty.

(2010):

The Defendant was charged with solicitation of a minor and attempted Criminal Sexual Conduct with a minor. The Defendant was alleged to have instant-messaged a law enforcement official, believing him to be a 14 year-old girl, asking for sex and arranging a date and time to meet for sex. The Defendant drove from Georgia to Aiken, SC, to the arranged place for the meeting and was arrested. After pre-trial hearings and picking a jury, we were able to arrange a plea deal with the prosecutors from the Attorney General's office and the Defendant pled guilty.

State v. Matthew Colling: (2009)

The Defendant was accused of driving under the influence. We successfully argued that the officer improperly performed the field sobriety tests and the case was dismissed in the pre-trial stage, after the jury had been sworn.

(2009):

The defendant was charged with criminal domestic violence for slapping his girlfriend and mother of his child. My role was to assist my co-counsel as this was her first trial as lead counsel. The Defendant was found guilty, but we successfully argued that he should not go to prison for his crime.

State v. Eric Caulder: (2008)

The Defendant was accused of robbing two people at gunpoint in their driveway. The Defendant was adamant that he wanted a trial and would not plea to more than 10 years in prison. After picking the jury and discussions with the Assistant Solicitor, we negotiated a plea offer for the defendant to plead to 10 years in prison.

(2008):

The Defendant was charged with criminal domestic violence in city court. The victim alleged that the defendant hit her and spit on her while driving home. The defendant alleged that the victim attacked him while he was driving so he drove to the closest police station to get help. I successfully argued that the Defendant acted in self-defense when he pushed his wife to keep her from hitting him and the jury found him not guilty.

From 2006 until 2010, I was involved in several civil matters. While an associate at Duff, White, and Turner, I represented school districts in defending lawsuits on a variety of issues. Primarily, I worked on cases involving wrongful termination, employment discrimination, and personal injury. My work in these areas continued when I joined the Law Office of Richard Breibart in 2008. I argued for summary judgment in cases involving a roller skating

accident on school property in Fairfield County, improper dismissal of a teacher in Orangeburg, and wrongful termination of a school employee in Cherokee County. I conducted and attended dozens of depositions in many different cases. I attended three mediations, two of which were settled successfully at the mediation. My only civil trial was a breach of contract case between two private citizens. I argued to the jury that the plaintiff had not proven that a contract existed, and even if a contract did exist, the defendant had completed the work he had been contracted to do. The jury found for the defendant.

Clearly, I do not have as much experience in civil matters as I do in criminal matters. However, in my career, I have completed over 60 trials and prepared three times as many cases for trial. Although the rules of evidence for civil and criminal trials are similar, there are differences which I am aware of, not only from my experiences, but also from teaching Evidence at South University. I believe I am fully prepared to preside over both criminal and civil matters, but I also understand that I do not and cannot know everything. Therefore, if a matter came up with which I was unfamiliar, I would listen to the arguments made by the attorneys before me, read the cases handed up by the attorneys, research the issue myself, and have my law clerk research the issue. If I was still unsure of the answer, I would consult with other judges more familiar with the issue.

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. I have never been rated
16. What was the frequency of your court appearances during the last five years?
 - (a) federal: Rarely;
 - (b) state: Weekly.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
 - (a) civil: 20%;
 - (b) criminal: 75%;
 - (c) domestic: 5%.
 - (d) other:
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
 - (a) jury: 35%;
 - (b) non-jury: 65%.Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? I most often served as chief counsel.
19. 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. Daniel McAllister:

This case involved a Defendant who was charged with beating to death his girlfriend's child. I was appointed counsel in this matter. My client was the only one with the child when she began having seizures. He took her to the emergency room, where doctors determined that she had a subdural hematoma and needed surgery. She died a few days later, and the coroner determined that her death was due to blunt force trauma to her head that caused bleeding. In reviewing the medical records, I found a discrepancy between the findings of the coroner, who reported that all of the child's organs had been harvested for donation, and the report of the physicians who treated the child at the hospital, who reported that the child's lungs, kidneys, and intestines were placed back in the body because they were diseased and could not be transplanted. Based on this, I was able to prove at trial that the medical examiner had not internally examined the body, which provided support to my expert's opinion that the child had not died from abuse, but instead had bleeding on her brain for days prior to her death. My client had always asserted his innocence, but other than my paid expert, I had nothing to support his assertions. The jury came back with a not guilty verdict for my client after just an hour of deliberations. It was a poignant lesson for me as a defense attorney. I learned that no matter how much it may seem a person is guilty and you feel like there is nothing you can do, you must advocate zealously for one's client. You must cull through each and every record, as many times as necessary, to contextualize and understand the entire picture. Had I not, I have no doubt he would be sitting in prison today.

(b) State v. Sharon Smith:

The Defendant was accused of murdering her boyfriend by stabbing him one time in the chest with a knife. By the time her case went to trial, I had been a criminal defense attorney for several years and had a great deal of confidence in my abilities. Because my client was the only witness to the event, I felt strongly we would win when the jury heard her tell her story of how the victim defended herself when the decedent came at her, and she pushed him away. At trial, I made several errors due to not knowing the law. The most devastating was when the judge asked whether or not I wanted the jury charged on the law of accident. I told him no, without discussing it with my client and without asking for time to research the parameters of an accident charge. I have never been so devastated by a guilty verdict, and to this day, when people ask me how I defended murderers and rapists, I tell them in all honesty that this case is the only one that causes me to lose sleep. It is significant to me because it showed me that there is no such thing as a "slam dunk" case when a jury is involved, that I will never know everything there is to know about trying a case, to ask for help when I need it, and to do everything I can to fix my mistakes. This case

is currently awaiting a ruling on the defendant's Post Conviction Relief hearing, where I put on the record every mistake I made in an attempt to right the wrong I made.

(c) State v. Brenda Gail Cutro:

This case involved a woman who ran a daycare out of her home and was accused of killing two infants and injuring a third. This was the first high profile case I tried. It is significant to me for three reasons. One, it showed me how important it is to learn the science involved with a case as well as you can. There were several experts involved in the case, and it soon became clear that although they were brilliant, speaking in regular English so that a jury could understand them was not something they had ever been taught to do. Second, it opened my eyes to the fact that, no matter what a person is charged with, a defendant is a human being first. At the time of the trial, my oldest child was a little over a year old. Upon learning that I had a toddler at home, Mrs. Cutro started giving me some wonderful parenting tips, and in that moment, I realized I was either sitting next to an innocent woman accused of the worst crime a person could commit, or a murderer who had taken people's children from them. I had to accept that it wasn't my job to figure out which one she was, but to make sure she had a fair trial and the best defense possible. Third, I learned that part of my job as an attorney is coping with pressure without letting it affect my performance. As stated earlier, this was a highly publicized case, and one of the first in SC where Court TV was filming the entire trial. During the third week of trial, while I was questioning a witness, she made a statement that the court had ruled she could not say. The State objected and the judge discussed whether he should grant a mistrial. I was sitting second chair to my boss, Doug Strickler, and had several witnesses who had been there for two days prior in order to testify. When the judge asked the witness if I had instructed her not to make the statement, she said I had not. I calmly explained to the judge what I had told the witness and silently prayed that not only would he not grant a mistrial, but that I would not be fired. He did not grant a mistrial but instead gave a curative instruction. We finished with the witness, but had to bring all the others back the next day to testify. I then had to explain to some very upset people why they would need to come back for a third day. All of this going on while cameras were focused on me and the Chief Public Defender of Richland County was standing right next to me. I dealt with it all, but I learned that no matter how bad it gets, never let them see you sweat.

(d) State v. Steven Kranendonk:

This case involved a boat wreck that occurred on Lake Murray. The defendant was accused of recklessly causing the death of two female passengers and injuring two male passengers of a boat that he

collided with while driving his boat. Before, during, and after the trial, I had to deal with the victims, their families, and the families of the dead women, the Department of Natural Resources officers, and other law enforcement officials, explaining the law, the system, and the trial process. This case is significant for me because it was the first time that I realized how important trials are not only to the victims, but also to law enforcement and the prosecutors. Because most of my legal experience involved defending people in criminal court, I viewed criminal trials as a time to ensure that the rights of the defendant were protected. I understood, of course, that victims also got to speak at trials and at pleas, but this was the first time that I ever realized how much that could affect not only the victims but the officers. The DNR officials were very involved in this case, worked very hard preparing it, and worked side by side with us during trial. I came to understand that a trial or plea is the only time that victims, families, and law enforcement have their opportunity to speak about not only how the crime affected them, but it also gives them their day in court. I learned that closure, for all those involved in the process, is necessary, and that it can only be done with a positive outcome at trial.

(e) State v. Quincy Allen:

This case involved the killing of two people and the shooting of a third. The defendant also killed two people in North Carolina. This case is significant to me for several reasons. First, I not only learned how to do a death penalty case first hand, but I also learned that it is very costly to pursue an execution. The trial was held in 2003, and the defendant is still appealing and filing post conviction relief hearings, which the citizens have to pay for. Second, it became clear to me that the way you treat people, especially children, has a profound effect on the adults they turn out to be. This defendant was horribly abused by his mother, who starved him, beat him, and forced him to sleep outside, beginning at the age of 3. When he was allowed to visit family, he would eat so much that he would get sick. This led to his developing an eating disorder called rumination, whereby when he eats, he vomits it back into his mouth and chews on it as a comforting mechanism. He still suffers from the disorder, which made it very unpleasant to sit next to him during trial. Eventually, he became schizophrenic, and due to the abuse he suffered, when his disease manifested, he believed he was the Grim Reaper sent to kill people. Furthermore, because all of the abuse he suffered was at the hands of African-American females, he would become very upset when I tried to speak with him, even though I had never done anything to him. It was very sad to watch. I also learned how polarizing the death penalty can be. Just like religion, people have strong beliefs about the death penalty, and it is not a topic to bring up unless you are prepared for any response, even when speaking with

- your own family.
20. 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.
I have never personally handled a civil appeal
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
I have never personally handled a criminal appeal.
22. Have you ever held judicial office? I have never held judicial office.
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.
Not applicable.
24. Have you ever held public office other than judicial office?
I have never held public office.
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. Not applicable
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
I have never been an unsuccessful candidate for elective, judicial, or other public office.
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) Law Clerk, Fleet Mortgage, 1997-98;
 - (b) Law Clerk, Law Office of Thomas Levy, Summer of 1997;
 - (c) Law Clerk, Law Office of Sally Walker, 1996-97;
 - (d) Server, Applebee's, 1995;
 - (e) Librarian, Washington University School of Law Library, 1991-95;
 - (f) Server, Red Lobster, 1994-95;
 - (g) Concession Worker, AMC Movie Theater, 1990-92;
 - (h) Cashier, Dunkin Donuts, 1989-90.
28. Are you now an officer or director or involved in the management of any business enterprise?
I have never been an officer or director or involved in the management of any business enterprise
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 do not currently have nor in the past have had any financial arrangements or business relationships that could constitute or result in a possible conflict of interest with my seeking this Circuit Court Judge seat.

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?

I have never been arrested, charged, or held by federal, state, or other law enforcement authorities for violation of any federal, state, county or municipal law, regulation, or ordinance.

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

To my knowledge, I have never been under federal, state, or local investigation for possible violation of a criminal statute.

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 federal, state or local authority has instituted a tax lien or collection procedure against me. I have never defaulted on a student loan. My husband and I filed for bankruptcy in 2005, which was discharged when it was satisfied in 2010.

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?

Foreclosure proceedings were issued against me in 2005 for getting behind on my mortgage payments. I filed for bankruptcy, but allowed the foreclosure proceedings to go forward in 2006.

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?

I have never been investigated by the Department of Social Services or been enrolled on the Central Registry of Child Abuse and Neglect.

37. 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?

I am not in private practice, and I have never been covered by a tail policy that I am aware of. Currently, I am employed by the Fifth Circuit Solicitor's Office and unsure of the amount of coverage and deductible for our current malpractice policy.

38. 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)?

I am not currently and have never been employed as a lobbyist or lobbyist's principal.

39. 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?

I have not accepted lodging, transportation, entertainment, food, meals, beverages, money or any other thing of value from a lobbyist or lobbyist's principal since filing with the Commission my letter of intent to run for judicial office.

40. 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."

I do not know of any formal charges or informal allegations against myself or any other candidate for violating S.C. Code § 8-13-700.

41. 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."

I do not know of any formal charges or informal allegations against myself or any other candidate for violating S.C. Code § 8-13-765.

42. 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.

No expenditures have been made by me or on my behalf in furtherance of my candidacy.

43. 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.

No contributions have been made by me or on my behalf to members of the General Assembly since the announcement of my intent to seek election to a judgeship.

44. 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?

I have not directly or indirectly requested the pledge of any member of the General Assembly as to my election for Circuit Court Judge, and I have not 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 my election for Circuit Court Judge.

45. 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?

I have not requested a friend or colleague contact members of the General Assembly on my behalf, and I am not aware of any friends or colleagues contacting members of the General Assembly on my behalf.

46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? .

Neither I nor anyone acting on my behalf has solicited or collected funds to aid in the promotion of my candidacy.

47. 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?

Neither I nor anyone acting on my behalf has contacted members of the Judicial Merit Selection Commission about my candidacy or intention to become a candidate.

48. 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) I am a member of the SC Bar Association;

(b) I am a member of the Richland County Bar Association;

(c) I am a member of the Black Lawyer's Association.

49. 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.

I have not been a member of any civic, charitable, educational, social, or fraternal organization in the past five years.

50. 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.

As a child, I grew up with two parents who were determined that I would have a better life than they had. To that end, they moved to a home in a predominantly white, middle income neighborhood in Knoxville, TN, when I was 2. They worked every day, sometimes 2 or 3 jobs, in order to make sure I had everything I could want or need, and still were my basketball and softball coaches, my Girl Scout troop leader and Do-Dad, and, quite honestly, two of the most dedicated parents you will ever meet. They taught me, not only through their words but also by their actions, that skin color is irrelevant; that it is the type of person you are and the work ethic you have that is important. Watching them, I learned that to get what you want, you must work at it, and work hard. It is because of that upbringing that I have a no nonsense approach when it comes to people expecting to get something for nothing. Furthermore, I do not believe the difference between races can be attributed to skin color, but instead to socio-economic differences. As a child, my parents

never called someone black or white, so I didn't either. They did not want me to feel like I had something to prove because I am Black, or feel inferior to other races because I am Black. I believe that my upbringing will influence the type of judge I will be because I will be fair no matter the race, color, or economic background of the people before me. Also, my legal experience of having been a defense attorney before becoming a prosecutor puts me in a very unique position. As a defense attorney, you learn that defendants aren't necessarily evil people, just a person who has done some bad things. As a prosecutor, I have the power to ultimately decide whether someone will even face charges, and if so, what charges will be presented to the court. When you are a prosecutor who has never dealt with defendants, you get a skewed view of justice in that you are very aware of the desires of the victims and law enforcement, and taking into account the background and circumstances of the defendant is often not even in your realm of thought. However, having been a defense attorney, I know that many victims are just a step away from being a defendant, and that victims, law enforcement, and defendants can have beliefs and ideals about justice that just aren't realistic. As a judge, I would use my experiences to do what I feel is right, not what society, my friends, or the media thinks is right, but what will let me sleep at night.

51. References:

- (a) Lesley Coggiola
Office of Disciplinary Counsel
P.O. Box 12159
Columbia, SC, 29211
(803) 734-2038
- (b) Reginald Lloyd
Lloyd Law Firm
715 West Dekalb St.
Camden, SC, 29021
(803) 432-0004
- (c) Douglas Strickler
Richland County Public Defender's Office
1701 Main St.
Columbia, SC, 29201
(803) 765-2592
- (d) John Delgado
Bluestein, Nichols, Thompson, & Delgado
1614 Taylor St.
Columbia, SC, 29202
(803) 779-7599
- (e) Brian Seller
Wells Fargo Bank
930 Assembly St.
Columbia, SC, 29201

(803) 253-7684

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: April Sampson

Date: August 9, 2012

The State of South Carolina



Dan Johnson
Solicitor

Paulette Edwards
Deputy Solicitor

SOLICITOR'S OFFICE
Fifth Judicial Circuit
1701 Main Street
Post Office Box 192
Columbia, South Carolina 29201

Phone: (803) 576-1800
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Daniel R. Goldberg
Deputy Solicitor

Brett Perry
Deputy Solicitor

August 14, 2012

Judicial Merit Selection Commission
Jane Schuler, Chief Counsel
102 Gressette Building
1101 Pendleton St.
Columbia, SC 29201

Re: Amendment to PDQ #11

Dear Jane,

After reviewing my application, I realized I need to amend my answer to Question #11 on the Personal Data Questionnaire. Please add the following to my answer:

Instructor, Legal Writing and Analysis and Legal Research and Analysis, National Advocacy Center, Executive Office for United States Attorneys, 2009-2010

Please feel free to contact me with any questions or concerns. Thank you for your time and attention.

Sincerely,

Handwritten signature of April Sampson in cursive script.
April Sampson, Esq.

April W. Sampson, Esquire

129 Wicklow Ct.
Irmo, SC 29063
(803) 576-1833 *work*
(803) 800-3915 *cellphone*

October 22, 2012

Judicial Merit Selection Commission
Katherine Wells, Staff Attorney
192 Gressette Building
1101 Pendleton Street
Columbia, SC 29201

RE: Amendment to PDQ #14 and #34

Dear Katherine,

After reviewing my application with you, I determined that I need to amend my answers to Question #14 and #34. Please make the following amendment and addition to my answer:

I worked at Johnson, Kearsse, and Sampson, LLC, from April 2002 until November 2002.

A foreclosure action was filed against me and my husband on August 29, 2012, after AI filed my answer to the PDQ, so it needs to be added to my answer.

Please feel free to contact me with any questions or concerns. Thank you for your time and attention with this matter.

Sincerely,



April Sampson, Esq.

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

Circuit Court
(New Candidate)

Full Name: April Woodard Sampson
Business Address: 1701 Main Street
Columbia, SC 29201
Business Telephone: (803) 576-1833

1. Why do you want to serve as a Circuit Court judge?
As a judge, I would be able to make a difference in my community. It is my duty as an attorney and as a human being to make our court system fair to all litigants. I have seen how the system can be misused, and I would make sure that everyone who appears before me leaves the courtroom feeling that even if they did not get the result they were pursuing, they had their fair day in court.
2. Do you plan to serve your full term if elected?
If elected, I do plan to serve my full term.
3. Do you have any plans to return to private practice one day?
If elected, I would remain as a judge until retirement
4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?
I have met the Constitutional requirements for this position. I am 38 years of age, I reside in South Carolina and have done so since 1994, and I have been practicing law for almost 14 years.
5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?
The only time *ex parte* communications are appropriate is if they are allowed by the rules or are necessary to ensure justice is done. For example, orders requesting funds for experts for an indigent defendant are always submitted *ex parte*, which is fair and allowed by the rules.
6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
Circuit Court judges cannot avoid presiding over cases involving lawyer-legislators, former associates, or law partners. However, I so long as the court makes all parties aware of any such relationship, and the judge feels he/she can be impartial, then recusal is not necessary. However, if the judge has a more personal connection with a party due to their personal or professional connection with a party, then recusal is appropriate.

7. 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?

In this situation, I would allow the party to make a full and complete argument. If a legitimate basis existed, then I would recuse myself.

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

I would immediately return any funds or gifts that bore the appearance of impropriety. Further, I would ask those close to me, including my spouse, to refrain from attending events or appearances where their presence may be seen as improper.

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

I would not accept any gifts and decline any invitations where my appearance might be deemed improper or biased.

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

After consulting with a colleague or mentor with more experience, I would report to the appropriate authority.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? 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?

I would prepare a number of templates from the beginning of my term that future clerks could reference, but I would always edit and review their work thoroughly before submission.

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

We would use a common online calendar that was password and network protected and contained continually updated filing deadlines, events scheduled, and staff meetings.

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

While having an impact on public policy is natural for a member of the judiciary, I would never set out to change or diverge from established precedent or statutory law. I would make a conscious effort to make my personal and political agendas from coloring any of my decisions.

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 am interested the following areas of judicial reform:

- 1) Diversity in the judiciary;
- 2) Docket control; and
- 3) Administrative circuit management

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?

No. I have been the primary source of income in my household for over a decade. My husband and I have established a balance and standard of living that takes into account the unique stressor of my chosen career path. In stressful situations, my friends and colleagues often turn to me for advice and guidance. Maintaining grace under pressure is one of my greatest attributes.

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: It is necessary to look not only at the amount of crimes committed by an offender, but also what types of offenses are being committed by the offender. To that end, I would take one of several paths. If someone has a history of drug-related offenses but had not received treatment, I would require drug treatment as a part of their sentence. If someone had a history of theft, I would not only sentence them to an appropriate amount of prison time, but would also require vocational rehabilitation as part of their sentence. On the other hand, if someone had a history of violent offense, I would severely punish that individual.

b. Juveniles (that have been waived to the circuit court): When dealing with juvenile offenders who have committed crimes warranting their being waived to the circuit court, it is necessary to punish these individuals appropriately but to ensure that they also receive some sort of educational and vocational education while being punished.

c. White collar criminals: These individuals should be prosecuted with the same vigor and commitment as any other offender.

d. Defendants with a socially and/or economically disadvantaged background: While these considerations are important to the mitigation, consistent prosecution is paramount. For petty crimes, such as shoplifting and crimes of desperation, we should consider the circumstances surrounding each defendant.

e. Elderly defendants or those with some infirmity: It is necessary to take into consideration such circumstances because although it is necessary to punish these individuals, it is not always cost effective to incarcerate them. Therefore, in these situations, house arrest or

- electronic monitoring is more appropriate.
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. Do you belong to any organizations that discriminate based on race, religion, or gender? No
 22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
 23. What do you feel is the appropriate demeanor for a judge?
A judge must be approachable while remaining professional. A certain air of detachment is necessary but no one should feel that they cannot openly discuss a concern with you.
 24. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?
At all times
 25. 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?
It is appropriate to feel anger but not appropriate to display it. It is appropriate to express disappointment and even some level of frustration with attorneys and pro se litigants in order for them to understand their mistakes, getting angry is unprofessional and unproductive.
 26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? \$0
 27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office?
Not applicable
 28. Have you sought or received the pledge of any legislator prior to this date? No
 29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
 30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
 31. Have you contacted any members of the Judicial Merit Selection Commission? No
 32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted?
Yes

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

April Woodard Sampson

Sworn to before me this 9 day of August, 2012.

Notary Public for S.C.

My Commission Expires: 10/13/15 _____