

JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying: Judge of the Circuit Court, Thirteenth Judicial Circuit, Seat 4.

1. Name: Mr. Andrew Burke Moorman, Sr.

Name that you are known by if different from above  
(Example: A Nickname): Andy

Are you currently serving in some capacity as a judge?  
(Includes Municipal, Magistrate, Etc.) No.

Home Address: [REDACTED]

Business Address: 55 Beattie Place, Suite 700  
Greenville, SC 29601

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]  
(office): 864-282-2100  
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1975  
Place of Birth: Louisville, Kentucky  
Social Security Number: [REDACTED]

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.

4. SCDL# or SCHD#: [REDACTED]  
Voter Registration Number: [REDACTED]

5. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name; (c) if you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds; and (d) state the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

- (a) Married
- (b) September 1, 2001; Jayne Griffin Moorman
- (c) N/A
- (d) [REDACTED]

- [REDACTED]
6. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.  
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) Furman University, September of 1994-May of 1998, Bachelor of Arts  
(b) University of South Carolina School of Law, August of 1998-May of 2001, Juris Doctor  
I have never left an institution without receiving a degree.
  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.  
(a) South Carolina, 2001  
(b) Kentucky, 2002  
I took the bar exam one time in each state, and I have never sought admission to the bar of any other state.
  9. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.  
(a) Member, South Carolina Law Review, 1999-2001  
(b) Peer Mentor, 2000-2001  
(c) I also worked as a law clerk for Collins & Lacy, P.C., during my second (2L) and third (3L) school years.
  10. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.
  11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? Yes. If so, briefly describe each course or lecture.  
(a) Mock Trial Coach, Furman University, 2003-2005- During my time as a coach at Furman University, I gave numerous lectures on the Rules of Evidence, torts, and substantive criminal law.  
(b) Thirteenth Judicial Circuit Solicitor's Office Retreat, 2004 (approximately)- A presentation on out-of-court identifications and the application of the factors contained in Neil v. Biggers to these identifications.  
(c) Thirteenth Judicial Circuit Solicitor's Office Retreat, 2006 and 2007- A presentation on the law as applied to guilty pleas with a focus on multiple concepts, including but not limited to the differences courts recognized between "negotiated sentences" and

- “recommendations,” as well as what constituted a valid waiver of a defendant’s right of presentment of an indictment to the grand jury.
- (d) “It’s All a Game: Top Trial Lawyers Tackle Evidence,” 2010 (A CLE sponsored by the SC Bar)- A presentation on the authentication of evidence and the differences in how courts have interpreted S.C.R.E. 901 and F.R.E. 901, especially as it relates to the concept of the chain of custody.
  - (e) Adjunct Professor, Clemson University, Masters of Public Administration Program, 2011-2016- I taught the Administrative Law class for this program to graduate students.
  - (f) U.S. Attorney’s Office, “Lunch and Learn,” 2012 (approximately)- A presentation on best practices for the production of discovery in criminal cases.
  - (g) South Carolina Solicitors’ Association Annual Conference, 2013- A presentation entitled “Anatomy of a Traffic Stop,” which I co-presented with Assistant U.S. Attorney Lance Crick. Specifically, the presentation suggested a mode of analysis to be used for Fourth Amendment issues and focused on some common Fourth Amendment issues that often arise in the context of traffic stops.
  - (h) South Carolina Solicitors’ Association Annual Conference, 2013- A presentation on the challenges associated with the authentication of Facebook and other social media evidence, which I co-presented with Jonathan VanHouten.
  - (i) U.S. Attorney’s Office Retreat, 2014- A presentation on the drafting of search warrant affidavits with an emphasis on what should and should not be included in these affidavits as well as a discussion on how to provide the issuing judge with what that judge needs to be able to make credibility determinations of witnesses on which the affidavit relies to establish probable cause.
  - (j) U.S. Attorney’s Office Retreat, 2014- Participated on a panel of other Assistant U.S. Attorneys for the purpose of discussing obligations prosecutors have associated with the production of discovery.
  - (k) Criminal Interdiction Seminar, National Criminal Enforcement Association, 2014- A presentation similar to the presentation referenced in (g). I was the sole presenter.
  - (l) “It’s All a Game: Top Trial Lawyers Tackle Evidence,” 2015 (A CLE sponsored by the SC Bar)- A presentation on the process I used to authenticate various exhibits I have introduced in various federal criminal trials I have had as an Assistant U.S. Attorney. The presentation primarily focused on the application of F.R.E. 901 and how to prove that a piece of evidence is what the lawyer claims it to be.
  - (m) South Carolina Solicitors’ Association Annual Conference, 2015- A presentation similar to the presentation referenced in (l).
  - (n) United States Probation Office Annual Guidelines Seminar in Greenville, 2015- A presentation on the importance of civility in the practice of law and recommendations for maintaining and improving civility between lawyers who participate in our adversarial system of justice.
  - (o) Greenville County Bar CLE, 2016- Participated on a panel with Associate Justice of the South Carolina Supreme Court John C. Few in a plenary session to discuss concepts associated with the importance of civility to the practice of law. The presentation by the panel was similar to the presentation on civility I did for the United States Probation Office, discussed more fully in (n).

- (p) Greenville County Bar CLE, 2016- A presentation on the evidentiary challenges associated with body camera videos which I co-presented with Assistant Solicitor Mark Moyer.
  - (q) "It's All a Game: Top Trial Lawyers Tackle Evidence," 2016 (A CLE sponsored by the SC Bar)- A presentation on body camera videos similar in nature to the presentation referenced in (p). I was the sole presenter.
  - (r) Federal Bar Association's Annual Event: Introduction to Federal Practice, 2016- A presentation on the practice of criminal law in federal district court, and a discussion of a few differences between practicing in federal district court and state general sessions court.
  - (s) Greenville County Bar CLE, 2017- A presentation on how F.R.E. 613 and S.C.R.E. 613 are interpreted differently and on the process by which one introduces extrinsic evidence of an inconsistent statement.
  - (t) "It's All a Game: Top Trial Lawyers Tackle Evidence," 2017 (A CLE sponsored by the SC Bar)- A presentation on Rule 613 similar in nature to the presentation referenced in (s).
  - (u) Over the years, I have given numerous presentations to various other groups, including but not limited to, members of the Greenville County Sheriff's Office, the Simpsonville Police Department, the Mauldin Police Department, the Federal Bureau of Investigation, the Bureau of Alcohol Tobacco, Firearms, and Explosives, the Drug Enforcement Administration, and other law enforcement agencies on concepts associated with the Fourth Amendment, the Government's obligations to provide discovery in criminal cases, and other legal issues.
  - (v) On numerous occasions, I also have been a guest lecturer in evidence classes taught at the University of South Carolina School of Law and the Charleston School of Law.
12. List all published books and articles you have written and give citations and the dates of publication for each. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions.  
I have not authored any published books or published articles. I was the sole author of the two writing samples I have attached.
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) South Carolina, 2001
  - (b) Kentucky, 2002
  - (c) U.S. District Court for the District of South Carolina, 2007
  - (d) U.S. Court of Appeals for the Fourth Circuit, 2009
14. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years. Please also describe the extent to which you were involved with the

administrative and financial management of each of these entities, including management of trust accounts.

- (a) Law Clerk, the Honorable John C. Few, Judge of the Circuit Court, Thirteenth Judicial Circuit, 2001-02- I began my legal career working in the circuit court, and my first employment as a lawyer could not have been more valuable to me. Judge Few invested in my development as a lawyer, challenging me to think more clearly about legal issues and to write more succinctly. Most importantly, Judge Few taught me that the law directly impacts people's lives. I saw this firsthand almost on a daily basis in the circuit court as I sat with Judge Few on the bench as he tried cases in General Sessions Court and the Court of Common Pleas, and as he accepted guilty pleas and sentenced criminal defendants.
- (b) Assistant Solicitor, Thirteenth Judicial Circuit Solicitor's Office, 2002-07- As an assistant solicitor, I was assigned a myriad of different types of cases including violent crime, drugs, property crimes, and public corruption cases. My time at the Solicitor's Office was possibly the most important period of my career: I learned how to try a case. During this period, I tried murder cases, armed robbery cases, drug cases, and numerous other types of cases. I also represented the office in one or two appeals.
- (c) Associate, Bannister & Wyatt, LLC, 2007-09- I represented the firm's clients in Magistrate Court, Family Court, General Sessions Court, Common Pleas Court, before the South Carolina Court of Appeals, and in U.S. District Court. I also was assigned to represent a defendant whom the State was seeking to commit as a sexually violent predator. The case was tried in the Court of Common Pleas, and the parties engaged in discovery prior to trial, utilizing discovery devices made available by the South Carolina Rules of Civil Procedure. Finally, I often was appointed by Federal Magistrates to represent criminal defendants in U.S. District Court. I was not responsible for the administration or financial management of the firm.
- (d) Part-time Assistant Public Defender, Thirteenth Judicial Circuit, 2007-09- I represented individuals charged with crimes in General Sessions Court, and I tried cases. I also learned that there is something special about being an advocate for an individual.
- (e) Assistant U.S. Attorney, 2009-present- I have represented the United States of America in criminal cases in U.S. District Court, and I have tried numerous cases in U.S. District Court. I also have had the privilege of representing the United States on appeals in cases before the U.S. Court of Appeals for the Fourth Circuit. In addition to prosecuting cases, I have been tasked with leading the office's Organized Crime and Drug Enforcement Task Force (OCDEF) program. I am currently the Deputy Criminal Chief of the Narcotics Unit. In this capacity, I supervise eight assistant U.S. attorneys who prosecute drug cases around the state.

15. Please answer the following (if you are a judge and are not seeking a different type of judgeship, this question is inapplicable):

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background



and procedural knowledge has prepared you to preside over such matters as a Family Court Judge. Please also indicate the frequency of your appearances before a Family Court Judge within the past five years.

N/A

- (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 and procedural knowledge 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. Please also indicate the frequency of your appearances before a Circuit Court Judge within the past five years.
- (a) Criminal Court- Although I have not appeared before a circuit judge in the past five years, I have practiced in criminal courts in this State continually since I began to practice law in 2002. As an Assistant Solicitor, I tried cases ranging in seriousness from Driving Under the Influence to Murder, and I appeared in court on a weekly basis, sometimes multiple times in the same day. As an Assistant Public Defender, I defended clients who were charged with various crimes, including murder and armed robbery. As an Assistant U.S. Attorney, I appear in court typically on a weekly basis, often times making multiple appearances in one day. I have prosecuted and tried numerous members of multi-state and/or international drug trafficking organizations. Often times, these prosecutions are the products of multi-year investigations involving advanced electronic surveillance, numerous law enforcement agencies from around the country, and result in multi-defendant (twenty to thirty) and multi-count (in some cases more than thirty counts) indictments. These cases typically result in a robust motion practice, with both parties filing numerous pretrial motions, and the Court conducting multiple hearings on these motions. These cases usually result in a trial of one or more defendants. I have tried in excess of ten cases in federal court as an Assistant U.S. Attorney, nine of the trials were before district judges and juries.
- (b) Civil Court- I have not represented a party in a hearing in a civil court since I joined the U.S. Attorney's Office. Occasionally, defendants I have prosecuted bring actions for ineffective assistance of counsel pursuant to 28 U.S.C. § 2255. I represent the United States in these cases, and often I am ordered to file responses to these motions. In my responses, I seek civil remedies, typically summary judgment. I do not recall a district judge holding a hearing in any of these cases. While in private practice, I appeared in the Court of Common Pleas

on multiple occasions. As I stated earlier, I tried a sexually violent predator case in the Court of Common Pleas in Greenville. Prior to trial, I served interrogatories on the State, I deposed the State's expert witness, and the Court held hearings on pretrial motions, including motions related to what I believed were discovery abuses committed by the State. I also represented clients in hearings before circuit judges on motions for the entry of default and for a default judgment. Also while in private practice, I represented numerous clients in family court. In these cases, the parties frequently requested that the family court order that the South Carolina Rules of Civil Procedure be explicitly made applicable to these cases. I would cause to be served on opposing counsel requests to admit, interrogatories, and other pleadings designed to obtain discovery. I also deposed multiple witnesses in these cases. Although my experience in civil court is far less than my experience in criminal court, I believe the experience I have would allow me to be effective as a circuit judge presiding over civil cases: I applied the South Carolina Rules of Civil Procedure on multiple occasions when I practiced in Civil Court; I have become extremely familiar with the Rules of Evidence during the course of my career both as a prosecutor and as a private practitioner, and I would be asked to apply these rules in trials in civil court as a circuit judge.

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court Judge within the past five years.

N/A

- (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.

N/A

16. What is your rating or membership status, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

I am peer reviewed in Martindale-Hubbell, receiving a rating of 4.1 out of 5 stars.

- \* **Justices/judges applying for re-election to their current position may omit Questions 17-22. If you are a judge seeking a judgeship different than your current position, Questions 17-22 should be answered based on your experience prior to serving on the bench.**

17. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?

- (a) federal: 100% (appearing on a weekly basis, often multiple times in one day)
- (b) state: 0%

18. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?

- (a) civil: 5% (collateral attacks on convictions in criminal cases)
- (b) criminal: 95%
- (c) domestic: 0%
- (d) other: 0%

19. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?

- (a) jury: 5%
- (b) non-jury: 95%

With the exception of collateral attacks on convictions (5%), most every case I have handled for the past eight years has been one that was susceptible of being tried to a jury. Most of these cases resulted in guilty pleas (possibly construed as being settled prior to trial). I have actually tried approximately 5% of the defendants I have prosecuted since becoming an Assistant U.S. Attorney in 2009.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

Unless the case went to trial, I have been the sole counsel on almost every case I have prosecuted while an Assistant U.S. Attorney. If the case went to trial, I have been either the sole counsel or the chief counsel.

20. 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. Brandon Turner (Greenville County General Sessions Court, Indictment Nos. 2003-GS-23-1192 and 1193, Guilty Verdict returned on August 11, 2005)- I represented the State in Turner's trial for Armed Robbery and Assault and Battery of a High and Aggravated Nature. The victim was a pizza delivery woman who had been diagnosed with paranoid schizophrenia as a child. She delivered a pizza to a trailer in Greenville County one afternoon. After knocking on the door and receiving no answer, she walked to the rear of the trailer, where Turner confronted her with a firearm. He made her lie on the ground, held the firearm to her head, and demanded her money. The victim was terrified and gave all the money she had to him. Turner then fled. I had the privilege of meeting with the victim numerous times prior to trial to prepare, and I was so impressed with her. She had worked so hard throughout her life to be productive despite her mental illness. At the time of the robbery, I believe she had two jobs. (She had a paper route in addition to delivering pizzas.) Some people in the office thought I was ill-advised to prosecute a case wherein the sole witness to the crime suffered from paranoid schizophrenia. But when I talked with her, I believed her, and I believed in her. As a young lawyer, it forced me to take a risk in the courtroom to do what was right. I think this case is significant because judges in this State



take an oath, in part, to “seek justice, and justice alone.” This case illustrates how I have continued to seek justice as a state and federal prosecutor for 13 years.

\*\* Turner appealed, and his conviction and sentence were affirmed. The published opinion can be found at State v. Turner, 373 S.C. 121, 644 S.E.2d 693 (2007). I played no part in the appeal.

(b) State v. Landis Moragne (Greenville County General Sessions Court, Indictment No. 2004-GS-23-6129, Guilty Verdict returned on January 11, 2006)- I represented the State in Moragne’s trial for murder. The State’s evidence at trial demonstrated that two teenage brothers worked together to sell drugs in Greenville County. The victim was one of the brothers’ drug customers. On the night of the murder, one of the brothers travelled to the victim’s residence and provided the victim with the drugs. However, the victim refused to pay. The brother then left, picked up his other brother and Moragne (who was older than the brothers), and returned to the victim’s residence with a firearm. When the three men returned, the victim exited the residence, and the men argued in the front yard. During the argument, Moragne shot the victim twice: the first shot caused the victim to fall to his knees, and Moragne shot the victim the second time while the victim was on his knees, killing him. This case is significant for a few reasons. First, murder cases are among the most serious if not the most serious cases that are tried in criminal court. Second, this case presented me with various challenges I had to overcome as the sole trial lawyer representing the State: I had to call numerous different types of witnesses (police officers, the drug-dealing brothers, forensic technician(s), etc.); the exhibits I introduced during the State’s case-in-chief were varied and included firearms, ammunition, videos, and photographs; and I had to try the case in a potentially emotional atmosphere, with family members and/or friends of both the victim and Moragne attending the trial. I think an experience like this as a practicing lawyer in the Circuit Court provides one with a resource on which to draw if one were asked to preside over a trial of this nature in the Circuit Court.

(c) Ex parte Hearst-Argyle Television, Inc., 369 S.C. 69, 631 S.E.2d 86 (2006)- Christopher Williams entered a Bi-Lo grocery store on East North Street in Greenville with a shotgun looking for his girlfriend. He found her and shot her multiple times, killing her. The State tried him for capital murder. Prior to trial, Williams filed Motions to Suppress evidence, and the presiding judge decided to close the courtroom to the press during the hearing on Williams’ Motions. Ultimately, the presiding judge denied the motions; a jury convicted Williams; and he was sentenced to death. Members of the media who were excluded from the hearing on Williams’ Motions appealed the judge’s decision to close the courtroom. I was asked to represent the State on the appeal before the South Carolina Supreme Court. The parties submitted briefs, and participated in oral arguments before the Supreme Court. I mention this case as significant because it was the first time I appeared before an appellate court and argued before an appellate court. I also believe it is significant because I think trial judges should have knowledge of the appellate process, and this experience provided me with much of this knowledge. Finally, I believe it is significant because the primary issue involved in the case, balancing the media’s First Amendment right to access to courtrooms with the litigants’ right to a fair proceeding, is an issue that may be implicated in any case, either criminal or civil, that is of public importance and is litigated in a courtroom in South Carolina.

(d) United States v. Martinez-Turcio, et al, 494 Fed. Appx. 354 (4<sup>th</sup> Cir. 2012) (unpublished)- I prosecuted nine members of a drug trafficking organization that operated in

Virginia, Greenville, South Carolina, Louisiana, and Houston, Texas. Members of the organization would travel to Houston, Texas, to be supplied with hundreds of pounds of marijuana. After buying the marijuana in Houston, these members would travel from Houston to Greenville, South Carolina, and other destinations for the purposes of distributing this marijuana. During the course of the conspiracy, evidence at trial indicated that members of the organization had distributed in excess of one ton, or two thousand pounds, of marijuana in multiple states, including South Carolina. The investigation culminated in December of 2009 with the arrest of nine members of the organization and the seizure of approximately 150 pounds of marijuana, multiple firearms, U.S. Currency, and false immigration documents from a stash house the organization utilized in Greenville, South Carolina. Ultimately, six of the nine defendants elected to go to trial, and the jury convicted all of these defendants after approximately four days of trial. Each of these defendants appealed his conviction and sentence; each defendant was represented by separate counsel; and the consolidated opening brief that these defendants (appellants) filed was 114 pages. I represented the United States on appeal; I responded, in the United States' 101-page response brief, to each of the seventeen issues that the appellants raised; and the Fourth Circuit Court of Appeals affirmed each of the defendant's convictions and sentences. This case is significant for a few reasons. During the investigation, I had to authorize and assist in the drafting of numerous requests for electronic surveillance. The prosecution involved federal and local law enforcement agencies from numerous jurisdictions from across the Southeast. The motion practice leading up to trial was very demanding, and the trial was hotly contested. Finally, I was tasked with responding to the arguments of six lawyers on appeal. In sum, this case serves as one of the best examples of my ability to stay the course to achieve a goal and to research and write effectively. I believe both these skills are important to have as a circuit judge.

(e) United States v. Eric Scott, et al. (U.S. District Court, Case No. 8:15-129)- Eric Scott was a leader of a drug conspiracy that began in 2003 and continued until 2016. My participation in the investigation began in 2013, and federal agents arrested the majority of the members of this conspiracy in February and March of 2015. Scott and other coconspirators distributed millions of dollars worth of cocaine, crack cocaine, and marijuana in Anderson and Greenville Counties over a thirteen-year period. I authorized the use of numerous investigative techniques; and I obtained approval from both the Department of Justice and a district judge to intercept wire and electronic communications that occurred over the telephone of a coconspirator. During the prosecution, I supervised the dissemination of in excess of twenty thousand items to defense counsel in discovery. I both filed and responded to numerous motions associated with discovery issues, suppression issues, evidentiary issues, and other trial issues. (The number of docket entries in this case currently exceeds 1,400.) Many of these motions were litigated in hearings before the district judge. I was lead counsel at the trial of Scott and another co-defendant, Antonio Crawley. The United States' potential witness list contained more than ninety witnesses (although it called far less). The trial lasted approximately nine days, and the United States marked and/or introduced more than 200 exhibits. The United States called witnesses from multiple federal, state, and local law enforcement agencies from multiple states, and it called coconspirators who testified about Scott's and Crawley's activities in the conspiracy over thirteen years. At the conclusion of the nine days, the jury convicted both Mr. Scott and Mr. Crawley of the most serious charges, and both are subject to mandatory life imprisonment as

a result of their convictions. I was ultimately responsible for everything that happened in the prosecution and in the trial of the case. I called the most witnesses of any of the lawyers who participated in the trial, and I conducted the direct examinations of these witnesses. I cross-examined Mr. Scott, and I represented the United States in closing arguments. I have represented and will likely continue to represent the United States in all sentencing hearings involving the defendants in this case. I believe this case is important because it is among the most complex cases in which I have ever participated. We have great lawyers in this State who bring serious, complex cases, and circuit judges need to have the capability to preside over these cases. I believe this case demonstrates that I have that capability.

21. 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.
  - (a) Randy Hensley v. Kimberly Joette Owens- 2008-CP-23-6672 (appeal to circuit court from magistrate court.). I also represented Ms. Owens before the S.C. Court of Appeals in a companion family court case, and the parties participated in oral argument before the Court. I have not handled any other civil appeals.
22. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
  - (a) United States v. Acosta-Corralco, 444 Fed. Appx. 633 (4<sup>th</sup> Cir. 2011) (unpublished)
  - (b) United States v. Dendy- 446 Fed. Appx. 620 (4<sup>th</sup> Cir. 2011) (unpublished)
  - (c) United States v. Calderon, 554 Fed. Appx. 143 (4<sup>th</sup> Cir. 2014) (unpublished)
  - (d) United States v. Lipscombe- 571 Fed. Appx. 198 (4<sup>th</sup> Cir. 2014) (unpublished)
  - (e) United States v. Guerra-Telon- 594 Fed. Appx. 149 (4<sup>th</sup> Cir. 2015) (unpublished)
23. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

I have never held judicial office.
24. If the answer to question 23 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.

N/A
25. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

No. As I previously mentioned, I have worked for the state and federal governments as a prosecutor, and as a part-time public defender.
26. 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.

N/A

27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.  
No. I have never run for elective, judicial, or other public office.
28. 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? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.  
I have never been engaged in any other occupation, business, or profession other than the practice of law and/or the teaching of law.
29. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.  
I have never been an officer or director or involved in the management of any business enterprise.
30. Please explain why you think you meet the professional and academic ability criteria for the seat you seek.

Both in my academic career and in my legal career, I have performed demanding tasks well. I was a successful student. I graduated with honors from Furman University; I was a member of the South Carolina Law Review; and I believe I graduated from the University of South Carolina School of Law in the top 20% of my class (approximately). As a lawyer, I have appeared in trial courts on a weekly and sometimes daily basis. I was in the circuit court (as a law clerk, as an assistant solicitor, and as a defense attorney) on a weekly if not daily basis for the first eight years of my career. My practice as a lawyer also has required me to engage in intellectually challenging tasks. As an Assistant U.S. Attorney, I have managed many long-term investigations and prosecutions. These investigations and prosecutions require extensive knowledge of Constitutional law, of Department of Justice policy, and of federal statutory law. I also have been called upon to instruct grand juries before whom I present indictments on the law that applies to the offenses contained in the respective counts of the indictments. The motion practice in these prosecutions has required me to research and write extensively. I have prepared complete jury instructions, with citations, for district judges before whom I have tried cases. These instructions contain introductory remarks made by the Court to the jury, instructions on the Government's burden of proof, the presumption of innocence, the evidence the jury can consider, the elements of the offenses for which the defendant(s) is being tried, definitions of words used in the instruction, and how the jury is to deliberate. Finally, I have participated in oral arguments before the South Carolina Court of Appeals, the South Carolina Supreme Court, and the Fourth Circuit Court of Appeals. Each one of these appearances required me to effectively research, write, and think on my feet.

31. Provide, **as a separate attachment**, a complete, current financial net worth statement that itemizes in detail:



- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(A net worth statement is provided with this questionnaire and you must use this format for submission of your financial statement.)

**NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.**

32. 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 or currently hold. Explain how you would resolve any potential conflict of interest.

The only financial arrangements or business relationships I have had and/or have that I can foresee could create a possible conflict of interest are with banks with which my family and I have account(s) and insurance carriers with whom my family and I have insurance. My interests in these entities are relatively small. However, out of an abundance of caution, I would notify counsel for the parties immediately if any of these interests were implicated by the litigation, I would recuse myself if I believed the judicial canons required it, and I would give counsel for the parties the ability to argue the issue of recusal if they wished.

33. 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? If so, give details but do not include traffic violations which are subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

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

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

35. 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? If so, give details.



No tax lien or other collection procedure has ever been instituted against me by any governmental authorities, and I have never defaulted on a student loan nor filed for bankruptcy.

36. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.
- Yes.
- (a) A defendant I briefly prosecuted while I was an Assistant Solicitor, Charles Stokes, sued me. I believe Stokes is currently serving a 20-year sentence in the South Carolina Department of Corrections for burglary, and he has threatened me over the years. Stokes attempted to allege a cause of action against me pursuant to 42 U.S.C. § 1983, and, to my knowledge, I have never been served with any pleadings in this case. Courts at literally every level of the federal judiciary have rejected Stokes' claims, culminating with the United States Supreme Court's denial of his writ of certiorari on June 13, 2011. Stokes v. Moorman, 564 U.S. 1006 (2011).
- (b) A former client I represented while I was in private practice initiated a fee dispute in approximately 2010. A panel of lawyers who reviewed her petition and my response, and who heard testimony from a lawyer in the firm and me, dismissed her petition and/or found for me.
37. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanction, discipline, or finding of misconduct of any kind.  
[Yes and no responses are redacted for all candidates unless there is a public discipline.]
38. 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? If so, give the details.  
No. I have never been investigated by the Department of Social Services, and my name has never been enrolled on the Central Registry of Child Abuse and Neglect.
39. 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? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.  
N/A
40. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

I have a Facebook account and a LinkedIn account, but I rarely use the LinkedIn account. I do not believe my service in a judicial capacity would affect my use of social media. As an Assistant U.S. Attorney, it has been important that I be disciplined in the way I use social media. Historically, I have used Facebook primarily as a vehicle to apprise friends and relatives of happenings with my family.

41. 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)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.  
No. I have never been employed as a lobbyist.
42. 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? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist’s principal involved.  
No.
43. 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. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?  
I have spent \$21.21 on postage.
44. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years.  
Neither I nor any member of my immediate family has made a contribution to a member of the General Assembly in the past four years.
45. 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 or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? 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? If so, give details.  
I have not directly or indirectly requested the pledge of any member of the General Assembly, and I have not been offered a conditional pledge of support by any legislator. 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 on my behalf.

**Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMSC Rule 24, and (3) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.**

46. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.  
No. I have introduced myself to legislators both in writing and in person. I have sought advice from numerous people, and many of them have offered to help me at the appropriate time. I have not asked anyone to campaign for me, and I am not aware of anyone doing so on his or her own initiative.
47. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?  
Yes. I am familiar with the 48-hour rule.
48. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.  
No. Neither I nor anyone else on my behalf has solicited funds to aid in the promotion of my candidacy.
49. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.  
No.
50. 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- Member, Practice and Procedure Committee, 2005-06; Circuit Representative for the Thirteenth Judicial Circuit, House of Delegates, 2008-10.  
(b) Greenville County Bar- I have been a member of the Greenville County Bar on and off since becoming a lawyer.  
(c) Kentucky Bar- I have never held any office.
51. 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.  
Civic, Charitable, Educational, Social, and Fraternal Organizations  
(a) Member, Rotary Club of Greenville  
(b) Vice President, Prince of Peace Catholic School, Parent Teacher Organization  
(c) Den Leader, Cub Scouts, Den 5, Pack 259  
(d) Chairperson, Handbook Committee, Prince of Peace Catholic School  
(e) Parishioner, Prince of Peace Catholic School  
(f) Parishioner, St. Mary Magdalene Catholic Church

### Honors and Awards

- (a) Award from Acting Director of the Federal Bureau of Investigation Andrew G. McCabe. The award reads, “for your demonstrated excellence in successfully prosecuting a major criminal case, Operation Silver Sunset, investigated by the FBI. Your work shows that one person can indeed make a difference in the priority efforts to develop a higher level of public safety for all Americans. The FBI is proud to have been a partner with you in this important case.”
- (b) Presented with the “Go To Person” Award in the United States Attorney’s Office by United States Attorney William N. Nettles.

52. 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.

I have been so blessed to have been given an opportunity to be a lawyer in Greenville. In the past 16 years, I have tried cases in Magistrate Court, in Family Court, in General Sessions Court, in the Court of Common Pleas, and in U.S. District Court. I have had the privilege of representing individuals, the State of South Carolina, and the United States of America. No matter who my client has been, whether I represented a single mother of two who worked as a waitress or the United States of America, I have continued to observe one reality over and over. Litigants in courts of this State are treated equally and get a fair shot. I seek this office because I believe trial judges, especially circuit judges, are uniquely positioned to ensure that this reality perseveres. If elected, I would do my best every day to make good on the oath of the office, “to seek justice.” In so doing, I would strive to treat everybody equally, and to make sure that every litigant got a fair shot. I am grateful to be considered for this office.

53. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application packet.*

- (a) Lance Crick, 50 Beattie Place, Suite 700, Greenville, SC 29601, 864-282-2100
- (b) J.D. Rowell, 1441 Main Street, Suite 500, Columbia, SC 29201, 803-929-3000
- (c) Leigh Paoletti, 305 East North Street, Suite 325, Greenville, SC 29601, 864-467-8647
- (d) William “Hank” Ehliens, 310 Mills Avenue, Building A, Suite 201, Greenville, SC 29605, 864-232-3503.
- (e) Jacquelyn Austin, 300 East Washington Street, Greenville, SC 29201, 864-444-0457

54. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;  
None.
  - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or  
None.
  - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.  
None.

List the interest you hold and the value and location of the property.

N/A

55. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

N/A

56. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

N/A

57. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

N/A

58. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

N/A



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: \_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2017.

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

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