

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



Circuit Court
(New Candidate)

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

I believe that the Judges of our State and this Country serve as the protectors of The Constitution. The Constitution is what gives individuals in this Country the rights and liberties that so many people take for granted. I do not take those rights for granted and I don't take the awesome responsibility of protecting those individual rights for granted either. In fact, it is that very responsibility that planted in me the desire to become a Circuit Judge. If I were to be given that opportunity I would dedicate my service to seeing that individual rights are protected and that justice is dispensed with the humility, respect and the fairness for all who come before the Court.

2. Do you plan to serve your full term if elected?

Yes. I plan to serve the full term if I am elected.

3. Do you have any plans to return to private practice one day?

I have never been in private practice; however I cannot see myself entering the private sector in the future.

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

Yes.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

My philosophy on ex-parte communications is in line with what is stated in Rule 501 of the Appellate Court Rules, canon 3(B)(7). That rule states that a Judge shall give every person, or their lawyer, who has a legal

interest in a proceeding the right to be heard in that proceeding. So, as a judge, I would not initiate, permit or consider ex-parte communications, or consider other communications made to me if the other parties involved were not also present.

However, there are circumstances where ex-parte communications are appropriate. Examples would be for scheduling purposes, administrative purposes or emergencies that do not deal with substantive issues on the merits. In such circumstances then ex-parte communications could be tolerated as long as I reasonably believe that no party will gain a procedural or tactical advantage, and as long as I make a provision promptly to notify all other parties of the substance of the communication and allow an opportunity for them to respond. Otherwise, I would only engage in ex-parte communications with the express consent of the parties and their lawyers in an effort to mediate or settle a matter pending before me or when such communications are expressly authorized by law.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

If one or both parties believed that it would be appropriate for me to recuse myself from a case because I had disclosed something that had the appearance of bias, then I would grant any motion made in that regard and recuse myself from the case. The integrity of the Judiciary is of the utmost importance and therefore any case where my impartiality might reasonably be called into question would be a case where I would recuse myself. It would not matter whether or not the impartiality actually existed.

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

A judge should disqualify himself or herself anytime their impartiality might reasonably be called into question. In a case where I knew that my wife or another close relative that was currently residing in my household has some kind of economic interest in the controversy, or they have some interest more than *de minimus* that could be affected by the proceeding then I would disqualify myself in order to avoid the appearance of impropriety. That is particularly the case where the relative in question is a party to the proceeding or an officer of the party, is a lawyer in the proceeding, or is a material witness.

If my spouse or a close relative's social interactions could in any way call into question my impartiality, then I would recuse myself.

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

Judicial Canon 4(D)(5) sets the standard regarding acceptance of

gifts or social hospitality. As a Circuit Court Judge I would not accept a gift, bequest, favor or loan. The reason for that would be to avoid the appearance of impropriety as well as to guard against having my impartiality called into question. There are limited exceptions such as a gift incident to a public testimonial, book or some resource material, and invitation to a bar-related function. However, my basic standard would be for neither myself nor anyone in my family to accept gifts.

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

If I were to receive information indicating that a lawyer and/or judge had committed a violation, I would take "appropriate action" as governed by Judicial Canon 3(D). Specifically, if the misconduct was considered minor, I would first directly talk to the lawyer and/or judge. I would offer advice that I believed would handle the situation and take steps to make sure it did not happen again. However, If I were to have knowledge that judge had committed a violation that raised a substantial question as to that judge's fitness for office, I would inform the appropriate authority. Similarly, if I were to have knowledge of a violation by a lawyer that called into question that lawyer's honesty, trustworthiness or fitness as a lawyer then I would also inform the appropriate authority. Specifically, in both instances, I would report the misconduct to the Office of Disciplinary Counsel.

10. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

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

I am the President for the United Methodists Men's Group for First United Methodist Church in Marion, SC. I participate in fundraiser where we fry and jar peanuts to sell in the community to be used for whatever purpose or need the Church may have where these funds can help. They are not designated for anything in particular.

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?

As a judge I would take the drafting of orders on a case by case basis. Many orders in both General Sessions and Common Pleas Court are somewhat basic with very little in the way of complications. Those types of

orders I would more than likely ask the lawyer who has made the particular motion draw up that order. However, where the issues are more complex and can be dispositive of the case, whether it be a civil or a criminal case, I would want to do those orders myself to make sure that it was clear and that all the points I wanted to make were in the order.

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

Judicial Canon (3)(C) discusses the administrative responsibility of judges. That canon requires diligent discharge of administrative responsibilities from both the judge and his or her staff. Personally, I would keep a detailed calendar that would be synchronized with both my law clerk and administrative assistant that would have reminders of all deadlines. I would also keep written calendars as well that could be checked to stay on top of deadlines. I would understand that if I missed a deadline that it would be my responsibility. With that being the case, with all the technology we have today there would be no excuse for missing any deadlines and organization would be the key to keeping on top of deadlines.

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

As a judge, decisions should be made based on the law and not on any personal or political considerations. It is not the job of a Circuit Judge to promote an agenda or to set public policy, it is to follow the law and protect the Constitution. Judges should not have an effect in setting or promoting public policy.

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 would welcome the opportunity to serve on committees that worked toward bettering the judicial and/or legal system. I would also enjoy the opportunity to speak at various conventions and/or conferences to teach on various aspects of the law.

17. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

I do not believe that the pressure of serving as a judge would put a strain on my personal relationships with my spouse, friends or other relatives. I am fortunate to have a very supportive spouse and this is an endeavor that we are venturing into together.

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:

With repeat offenders, my sentence would largely depend on the nature of the offense. If I were to have a violent offender in front of me that has a history of violence, then the sentence is likely to a substantial term of incarceration. Violent recidivists have shown unwillingness to reform and should be incarcerated as just punishment as well as to protect the public. On the other hand, some repeat offenders struggle with non-violent drug possession charges or have a number of charges that are all related to a substance abuse problem. In those cases, it may be appropriate to sentence the individual to probation with drug counseling or even defer sentencing the individual and allow them to participate in that particular Circuit's drug treatment court.

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

By virtue of the fact that the juvenile would be eligible to be waived up to General Sessions Court means that the offense involved would be a very serious matter. In order for the case to be waived up to Circuit Court, the juvenile would be charged with an offense that carries at least fifteen years in prison. With that said, I would take into consideration the seriousness of the crime, the individual's age, and the victims involved and how they were affected, and any recommendation the state may have to fashion a sentence that reflects all of that and also gives the offender a chance at rehabilitation as long as the charge is not so serious that a decades long sentence would be mandated. Our United States Supreme Court and our State Supreme Court have recently issued decisions which require the Courts to consider the age of juvenile offender when sentencing in certain serious cases and I would certainly follow the lead set by our highest courts.

c. White collar criminals:

Generally speaking, white collar crimes are considered non-violent offenses and when sentencing non-violent offenders that have very little to no criminal history I would typically think that a probationary sentence would be appropriate. However, it is not unusual to see breach of trust cases where victims and small business owners can have hundreds of thousands of dollars stolen from them and in those cases it may be appropriate to issue a split sentence with an active prison sentence followed by probation. However, some offenders are con artists that pray on elderly victims and can have devastating impacts on society. Charlatans that make a living out of victimizing people and stealing from them with no regard for the consequences should be dealt with firmly. Where these offenders are recidivists that have shown over time they will not conform their conduct to accepted civilized standards, those individuals leave the court very little choice but to impose a prison sentence that reflects the offender's current

and prior conduct.

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

I do believe that an individual's social background is relevant when making a decision regarding sentencing and should be considered. Being from a disadvantaged background does not excuse criminal behavior but it can be a mitigating circumstance. For example, if a poor single mother had a child sent home from school because the child had lice and the mother couldn't afford the medication to treat the problem were to be caught stealing the medication then I believe she should be treated differently than someone who could afford it but stole it just for kicks. However, poverty should not be an excuse for crime and wealth should not be an aggravating circumstance either. Both are factors to consider when fashioning a just and in some cases, merciful sentence.

- e. Elderly defendants or those with some infirmity:

I believe that justice should be fair and should be tempered with mercy. Elderly and/or sick individuals should not be excused for their wrongdoings; however, fashioning a sentence that would allow them to be able to seek proper treatment that they need would be a priority whenever possible in cases involving these types of individuals. Obviously some crimes are of such a serious nature that it can limit the judge's discretion. However, if possible, I would try to get people help with their disabilities as part of the criminal justice system is based on rehabilitation and sometimes that involves trying to help those that cannot help themselves.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?
No.

20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

I would not hear such a matter so as to avoid the appearance of impropriety.

21. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?
Yes.

22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

A judge shall be patient, dignified and courteous. He or she should maintain such a demeanor at all times.

23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

Judges should never display anger towards a member of the public regardless of whether that individual is a criminal defendant or not. As stated previously, a judge shall be patient, dignified and courteous. When carrying out that objective, there is no room for anger.

It is never appropriate to deal angrily with attorneys or pro se litigants. It is important that judges have the respect of everyone that comes before the court and the best way to get respect is to be respectful of others as well. Anger will cause a judge to lose respect and that reflects negatively on the judiciary as a whole.

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

Sworn to before me this ____ day of _____, 2020.

(Signature)

(Print Name)

Notary Public for South Carolina

My Commission Expires: _____