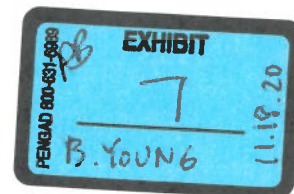


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2020



Court, Position, and Seat # for which you are applying: Circuit Court, At Large, Seat 12

1. Name: Mr. S. Boyd Young

Home Address: [REDACTED]

Business Address: 1330 Lady St., Suite 401, Columbia, SC 29201

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): 803-734-7818
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 2974

Place of Birth: Sumter, SC

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. 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.

Yes – May 1993 – February 5, 1996. United States Navy, Midshipman, Honorable Discharge, February 5, 1996

6. Family Status: Married on May 30, 2009 to Laura W. Young, Richland County Deputy Public Defender

Never divorced; two children
[REDACTED]

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) The Citadel, 1992 -1996, Bachelor of Science, Biology
 - (b) University of South Carolina, School of Law, 1996 – 1999, Juris Doctorate
8. 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) Criminal Law Society 1997-1999 - President
9. 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. Please indicate the number of times you took the exam in each state.
- (a) South Carolina, admitted 1999, 1 time
 - (b) Georgia, admitted 2005, 1 time
10. 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 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) 1999 - 2000 I was hired as a law clerk to A. Victor Rawl, Circuit Court Judge in Charleston, South Carolina. My duties included assisting Judge Rawl with both criminal and civil matters throughout South Carolina.
 - (b) 2000 – 2005 I left the clerkship to join the Charleston County Public Defender’s Office. I was an assistant Public Defender for five years and promoted to senior trial attorney prior to my departure. I handled all levels of criminal cases.
 - (c) 2005 - 2008 I left Charleston to join the newly formed Georgia Capital Defender Office in Atlanta where I handled trial level capital cases throughout the state of Georgia.
 - (d) 2008 - 2017 I returned to South Carolina to help form the Capital Trial Division of the South Carolina Commission on Indigent Defense. I was initially hired as the Deputy Director of the Office.
 - (e) 2017 – Present I have served as the Director of the Capital Defender Office. I supervise two attorneys and an administrative assistant. We handle trial level death penalty cases throughout the state and have been directly responsible for saving South Carolina well over \$1 Million annually.

Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a full-time judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience prior to serving on the bench.

11. Please answer the following:
- (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, and 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.

As the Deputy and Director of the Capital Trial Division for the South Carolina Commission on Indigent Defense, I have been involved in every death penalty trial conducted in South Carolina in the past five years. I appeared before a Circuit Court judge at least on a monthly basis within those five years. Most recently I was lead counsel on the longest capital trial ever held in South Carolina, State v. Timothy R. Jones, Jr. in Lexington County. While this case did result in a death sentence for Mr. Jones it also involved a host of forensic issues, including DNA and an Insanity Defense. In preparation for trial there were over one hundred pretrial motions litigated and a multi-state investigation conducted over the course of several years. Witnesses from all over the county had to be coordinated and brought in by the Defense and the State for the trial. The central issue was whether Mr. Jones suffered from a mental illness and if so, was it to the extent that he could not form the criminal intent necessary to be found guilty of murder. It was an extraordinarily complicated case that involved hundreds of witnesses and several weeks of jury selection.

Throughout my career as a criminal defense attorney, I have handled every type of criminal case at all levels, from a parking ticket in Municipal Court to murder in General Sessions. I have also handled cases involving almost every type of defense, from mistaken identification to self-defense. I have also dealt with every type of forensic issue from multi-source DNA statistics to tire track comparisons.

My civil court experience is mostly limited to quasi-criminal matters such as post-conviction relief and appeals from Magistrate Court. While my direct experience with civil matters is limited, capital cases often involve ancillary matters that must be dealt with, both for clients and their family members. I have dealt with

these matters throughout my practice and I am always quick to review the rules and help guide people through the process. I feel that my extensive capital trial background makes me well suited for constantly learning and staying up to date on the law and its many changes. I would bring this same dedication to civil matters. Being a good capital trial attorney means that you have to be knowledgeable and versed in all aspects of the law - civil, criminal, appellate, domestic and administrative.

- (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

12. 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: none
(b) state: monthly

13. 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: 1%
(b) criminal: 97%
(c) domestic: 1%
(d) other: 1%

14. 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: 50%
(b) non-jury: 50%

During the past five years, did you most often serve as sole counsel, chief counsel, or co-counsel?

Chief Counsel

15. 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. Timothy R. Jones, Jr. This was a capital trial in Lexington, South Carolina in 2019. The case is currently pending in the South Carolina Supreme Court for direct review. This was the longest, most complicated death penalty case in recent history. This case was significant for a multitude of reasons, but I think it was an important example of how our mental health facilities and social institutions sometimes fail to protect our most vulnerable citizens and do not provide adequate services. While there were several open Department of Social Services investigations, Mr. Jones continued to spiral out of control and it eventually resulted in the killing of five innocent children. I was lead counsel for Mr. Jones and the experience was tremendously impactful on me, as a person and a lawyer.
 - (b) Kenneth Simons v. State, 416 S.C. 584, 788 S.E.2d 220 (2016). This is a state Post Conviction Relief case in which I remain involved and it is currently pending in Dorchester County after reversal. This was a DNA case in which the Solicitor presented false DNA results implicating Mr. Simmons. This case is significant because it demonstrates the need for qualified experts on both sides of a case and shows the importance of attorneys being well educated on all matters that potentially impact their clients. Mr. Simmons has been incarcerated since 1997 and the victim's family members have been waiting for justice for almost 25 years. Due to a lack of transparency by the State and a lack of knowledge by the Defense, there is no closure in sight for either Mr. Simmons or the victim's family. I was specifically involved in deposing and questioning witnesses regarding the DNA issue.
 - (c) State v. Todd Kohlhepp. This is a 2017 case involving a serial killer from Spartanburg. He was charged with seven murders and the kidnapping and sexual assault of a woman found chained in a storage container on his property. This case is significant because it confirmed that early and adequate representation for indigent defendants often leads to a better outcome for all parties. Because my office was able to get involved early in the case, we ensured that Mr. Kohlhepp's personal property went into a receivership, so that the victims in this case could recover at least some small part of their financial losses. Through the early cooperation of Mr. Kohlhepp and with the consent of the victims we were able to agree to a number of life without parole sentences for Mr. Kohlhepp saving the State of South Carolina significant expense and saving the victims further, unnecessary pain and hardship. I was lead counsel for Mr. Kohlhepp.
 - (d) State v. Crystal Johnson. This was a murder case out Spartanburg in 2016. Ms. Johnson was already in prison serving a sentence for child neglect. An investigator identified her as a suspect in a double murder that occurred shortly before she was sent to prison. A press conference was held where it was announced that the State intended to seek the death penalty. Once she was identified and warrants were drafted, I was able to get involved and investigate. My investigation led to the dismissal of all charges against Ms. Johnson and the identification of the actual murderer which I forwarded to the Solicitor's Office. This case is important to show why a thorough investigation is necessary, how devastating a rush to judgement can be, and why attention to detail is crucial.

(e) State v. John Edward Weik. This was a 2016 death penalty retrial out of Dorchester County. Mr. Weik was originally tried and given a death sentence which was affirmed in 2004. However, trial counsel was found deficient for failing to investigate and present Mr. Weik's extensive mental health history to the jury. Weik v. State, 409 S.C. 214, 761 S.E.2d 757 (2014). I was able to provide the Solicitor with proof that Mr. Weik was an un-medicated schizophrenic and we received a plea offer of life without parole for Mr. Weik, which he accepted, and the case was resolved. This case is significant because it demonstrates how the appointment of qualified counsel to death penalty cases helps prevent trying cases more than once. Multiple trials mean unnecessary expenditures of money and resources, as well as continued hardship on victims' families. Ensuring judicious economy, case closure for victims and protection of clients' rights should always be priorities.

16. 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) None
- (b)
- (c)
- (d)
- (e)

17. 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)None
- (b)
- (c)
- (d)
- (e)

18. 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.

No

19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also, list citations to any appellate review of these orders or opinions.

- (a) N/A
- (b)
- (c)
- (d)
- (e)

20. 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.

South Carolina – 1999

Georgia - 2005

21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.

(a) I have lectured and taught at the National Criminal Defense College annually since 2009. It is a two week trial advocacy program for all levels of experience.

(b) I have taught every year since 2007 at the National College of Capital Voir Dire except for 2019 when I was in trial during the conference.

(c) In 2010 I founded a Public Defender training program for South Carolina and it has since been turned into a mandated training program for all new public defenders. I continue to teach and lecture there each year as my schedule permits.

(d) I am on the National Association of Criminal Defense Attorneys, Capital Committee where I serve as Co-Chair and put on an annual continuing legal education seminar about capital defense.

(e) In around 2009 South Carolina Solicitors and Defense lawyers received a joint multi-million-dollar grant to host training programs for Capital cases. I managed the Defense training and over the course of three years we held multiple training events around the State. This was a joint effort to drive down South Carolina's near 80% reversal rate for capital cases around the State.

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

A copy of my CLE reports for the past 5 years have been provided to the Commission.

23. List all published books and articles you have written and give citations and the dates of publication for each.

N/A

24. 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. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)

a) State of South Carolina v. Kenneth Simmons, 2020, Motion to Suppress DNA.

b) Kevin Mercer v. State of South Carolina, 2020, Motion to Alter or Amend Judgement.

25. 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.

N/A

26. 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 Association of Criminal Defense Lawyers

(b) National Association of Criminal Defense Lawyers – Capital Trial Committee – Co-chair

(c) South Carolina Public Defender Association – Board Member

27. 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

28. For sitting or former judges, 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

29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

No

30. 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.

No

31. 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.

No

32. 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

33. 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 form is provided with this questionnaire and you must use this format for submission of your financial statement.)

A Complete, current financial net worth statement was provided to the Commission.

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

34. 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. Also, proof of satisfaction of any liens or defaults must be submitted with your application package.

No

35. 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

36. 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?

N/A

37. 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.

N/A

38. 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

39. 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.

None

40. 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;
 - (b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

None

41. 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.

None

42. 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

43. 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

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

N/A

45. 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 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.]

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

No

47. 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.

(a) In 1990/1991 – I was in a car accident. I was driving. I was named as a defendant in a lawsuit. The suit was settled out of court.

(b) During my time as a Charleston County Public Defender, a client filed a federal lawsuit naming me as a defendant after I was co-counsel on his case at trial. The law suit was dismissed.

48. 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

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been cautioned with or without a finding of misconduct, 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 sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. 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

51. 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.

No

52. 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

53. 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

54. 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

55. 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.*

- (a) Shawn Graham, [REDACTED]
- (b) Chris Adams, [REDACTED]
- (c) John Delgado, [REDACTED]
- (d) Bill Nettles, [REDACTED]
- (e) Hugh Ryan, [REDACTED]

56. Are you active on or a member of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.?

If so, please list the account names for each account and the relevant platform.

- (a) Boyd Young on Facebook
- (b) Byoung124 on Instagram
- (c) @boydyoung on Twitter

How would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

If serving as a Judge, all social media accounts would be limited to immediate family members and would only be used to share family member experiences.

57. 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, and any professional honors, awards, or other forms of recognition received and not listed elsewhere.

- (a) None
- (b)
- (c)

58. 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 had the great fortune of clerking for a judge that was respected by all parties on all matters that came before him. He taught me how to maintain poise even when others could not, the

value of always being prepared and treating others with dignity and respect no matter the circumstances. I have spent my career as a trial lawyer in courtrooms across South Carolina applying these lessons. I have appeared in front of great jurists and some not so great, but we have always managed to get along and get the work done. I have managed the most complex cases in South Carolina and maintained a case budget that ultimately saves the citizens of South Carolina money, while at the same time maintaining good relationships with opposing counsel. If selected, I feel that I will make a good addition to the bench.

