

JUDICIAL MERIT SELECTION COMMISSION )



In the Matter of: Robert Hood )  
Candidate for Circuit Court Judge )

WITNESS AFFIDAVIT )  
FORM )

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement and all supporting documentation, if any, must be completed and returned to the Judicial Merit Selection Commission by the deadline for complaints in order for the Commission to hear my testimony, and that the deadline for complaints is **12:00 Noon, Monday, November 2, 2020**. I understand I must be available to testify at the Public Hearing.

In regard to my intended testimony, I will offer information as to the following:

- (1) Set forth your full name, age, address, and both home and work telephone numbers.

Desa Ballard  
Ballard & Watson  
226 State Street  
West Columbia, SC 29169  
Office 803.796.9299  
Cell 803.445.7446

- (2) Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony.

Harvey Watson  
Ballard & Watson  
226 State Street  
West Columbia, SC 29169  
803.796.9299

Damon Wlodarczyk  
Riley Pope & Laney  
Post Office Box 11412  
Columbia, SC 28211  
803.799.9993

Clay Mitchell III

Post Office Box 11549  
Columbia, SC 29211  
803.734.3693

Lee Coggiola  
3020 Trenholm Road, #157  
Columbia, SC 29204  
No known number

(3) State the nature of your testimony regarding the qualifications of the above-named judicial candidate, including:

(a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate;

Judge Hood heard a habeas corpus hearing for a client of ours, and several days after the hearing he called us to his office and said he would not grant habeas corpus unless our client agreed not to sue the State once he was released. We took the offer to our client, our client agreed, signed a release and we provided the release and communicated it to Judge Hood and opposing counsel that day. After that, Judge Hood refused to communicate with us, and eventually signed orders denying habeas corpus. I believe he realized Ethics Advisory Opinion 05-17 probably prohibited his conduct, so he backtracked and refused to consummate the deal.

During the hearing on habeas corpus, Judge Hood advised he had been a prosecutor before the statewide grand jury so he knew how it worked. Our client had been one of the first cases prosecuted under the statewide grand jury system, when there were practically no procedures in place, and certainly no history of pattern and practice. Judge Hood's personal experience came more than ten (10) years after our client's case was prosecuted. The orders he eventually signed referred to what he believed the process would have been in our client's matter based on his own later personal experience.

Judge Hood refused to communicate with our office (we copied opposing counsel at all times) and finally he sent an email to opposing counsel telling them to submit proposed orders. He did not tell them what to put in the proposed orders, but he signed the proposed orders they submitted, which naturally ruled with their clients (and refused the grant of habeas corpus).

I filed a complaint against Judge Hood with the Judicial Standards Commission, and it was dismissed.

(b) specific dates, places, and times at which or during which such allegations

took place;

Our hearing took place on June 6, 2017. Judge Hood's office called us for an in-chambers conference on June 12, 2017. The in-chambers conference where Judge Hood made the proposal occurred on June 13, 2017. Our client accepted the offer that same day.

There were multiple emails following that, and on July 12, 2017, Judge Hood requested proposed orders for consideration from opposing counsel.

Judge Hood signed the proposed orders submitted by defense counsel on October 2, 2017.

The Court of Appeals reversed Judge Hood's orders in part on August 19, 2020.

Our client remains incarcerated.

- (c) names of any persons present during such alleged actions or possessing evidence of such alleged actions; and

See above and attachments

- (d) how this information relates to the qualifications of the judicial candidate.

- A. Judge Hood made an offer to release our client from prison if our client would agree not to sue the State of South Carolina. While the offer was inappropriate, our client accepted it and Judge Hood refused to follow through with his proposal.
- B. Judge Hood requested orders from defense counsel which did not tell them what he intended to rule in those order, then signed the proposed orders as submitted.
- C. Judge Hood became an advocate for the State and used his own experience as a prosecutor before the Statewide grant jury in addressing our client's case, abandoning neutrality and taking position in favor of the State against our client.

- (4) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate.

Attached.

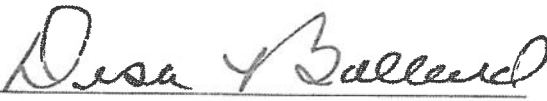
(5) State any other facts you feel are pertinent to the screening of this judicial candidate.

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate, and counsel.


## WAIVER

I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the Commission,

I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the Commission to question other parties, including my attorney, concerning the facts and issues of my case.

  
Signature

Sworn to me this 4<sup>th</sup> day of November, 2020

  
Notary Public of South Carolina L.S.

My commission expires: 2/6/29



William Cyril Allen, Jr.  
NOTARY PUBLIC  
State of South Carolina  
My Commission Expires  
February 6, 2029