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VIA EMAIL

Ms. Erin Crawford
Chief Counsel
Judicial Merit Selection Commission
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Re: Piedmont Citizens Committee on Judicial Qualifications

Dear Erin:

As you know, I am the Chairman of the Piedmont Citizens Committee on Judicial Qualifications. Shortly before the Committee submitted its screening report to the Commission a few weeks ago, we began to hear numerous concerns from local Bar members about the race (Redacted). To assess those concerns thoroughly and to gather information relevant to our Committee’s mandate, I sent an email to all members of the Bars of York County and Union (the two counties comprising the Sixteenth Judicial Circuit) asking them for any information that would assist our Committee in conducting its evaluation (Redacted). We received approximately 25-30 emails and phone calls in response to this email, which our Committee has reviewed and considered. Although we do not believe that any of this information warrants a change to the screening report that we already submitted to the Commission, we are bringing this information to your attention so that the Commission can consider it in its deliberations.

Judge Daniel Hall

Judge Hall was lauded by a number of members of the Bar for his fairness, his common sense, and an excellent judicial temperament. Several respondents emphasized that his long legal career (in which he worked for the Solicitor’s office, the Public Defender’s Office, and on his own as a civil and criminal lawyer) had contributed to his well-deserved reputation as a seasoned and effective jurist.

These evaluations were not uniformly positive, however. A number of members of the Sixteenth Circuit Solicitor’s Office criticized Judge Hall strongly for what they perceived to be his noted bias in favor of defense counsel. In particular, these solicitors reported that Judge Hall had repeatedly challenged their prosecutorial discretion in open court (concerning a particular plea offer or charge to pursue, for example), had regularly been short and combative with them in public, and had openly shown a preference for defendants and defense counsel. Several also

said that they believed that Judge Hall had wrongly applied the law in some cases, although upon further review, it appeared to us that what these lawyers were really criticizing was Judge Hall's applications of his own judicial discretion and what the solicitors reported to be a challenge to, and disrespect for, their own prosecutorial discretion. Finally, some members of the Solicitor's Office said that Judge Hall minimized the significance of domestic violence cases and had undermined the Solicitor's Office's attempt to make domestic violence an enforcement priority.

In short, our Committee received numerous reports evidencing a strong and persistent difference of opinion between Judge Hall and a significant number of local prosecutors. Those prosecutors forcefully expressed their opinions that Judge Hall lacked the judicial temperament and fitness to be a Circuit Court Judge. We believe that the Commission should inquire thoroughly into this issue during its interviews.

Separate and apart from the foregoing concerns, our Committee feels that it is important to address one widely-reported criticism of Judge Hall's judgment. In January 2020, Judge Hall granted bond to Paul Johnson, a York County resident who had been charged with domestic violence. Mr. Johnson had initially been granted bond by a York County Magistrate, but that bond was revoked by the magistrate after Mr. Johnson had violated a condition of the bond by going back to the marital home (at a time when his wife was apparently not there). Mr. Johnson sought a reconsideration of his bond denial from Judge Hall, who granted bond on the same conditions as those initially imposed by the Magistrate. Tragically, Mr. Johnson shot and killed himself, his wife, and his five year-old son after being released from jail.

It was widely reported and suggested in local media after these killings that Judge Hall had granted bond to Mr. Johnson over the objection of the Solicitor's Office. From what our Committee learned in the course of its investigation, that perception persists. We reviewed the actual transcript from the bond hearing, however, which I am attaching for your convenience. As you can see, the assistant solicitor who handled that January 2020 hearing did not object to bond being granted. Indeed, neither the assistant solicitor nor the victim took any position whatsoever—at that January hearing—about whether bond should be granted or denied (although it was the Solicitor's Office that moved to revoke bond in the first instance). Our Committee was informed during our investigation that the assistant solicitor did not speak up more forcefully at the January bond hearing because she had been intimidated by Judge Hall in other proceedings. We were not able to confirm that. It is worth noting, we believe, that Mr. Johnson had a good job and no other criminal history at the time he was granted bond.

Several Circuit Court candidates reported to us during our interviews this season that the most difficult part of their job is making a decision to grant or deny bond, especially because the law gives judges wide discretion, but little specific guidance, in making such decisions. Several candidates also remarked that it is easy to deny bond, because bond denials are never reported in the newspapers, in spite of the fact that there is a general presumption of bond for defendants who are innocent until proven guilty. The point that the Committee wishes to emphasize here is

that we believe it is unfair to criticize Judge Hall—or any other Circuit Judge—in hindsight for making a particular bond decision that results in a tragic consequence that may have been difficult to foresee. At a minimum, the Committee believes Commission should consider the *entire* history of a Circuit Judge’s bond decisions—those granting and denying bond—before singling out a particular, high-profile case for criticism.

(Redacted)

Other Considerations

The Commission should be aware that a significant number of lawyers in York County who responded to our survey expressed concern about the unusual circumstances of this race.
(Redacted)

It is beyond the mandate of our Committee to investigate these concerns. Our responsibility is solely to evaluate the qualifications of a judicial candidate according to the relevant characteristics prescribed by statute. It is not our responsibility to investigate or determine whether a particular candidacy has been improperly initiated or influenced. That is part of the Commission’s mandate, however, and we would strongly encourage the Commission to investigate these concerns. It is vitally important to maintain public confidence in our judicial system by ensuring that judicial elections are conducted according to the highest standards of transparency and integrity.

Sincerely,



Stephen M. Cox