

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

Circuit Court
(New Candidate)

Full Name: Misti Horton Shelton

Business Address: 1675 1-A York Highway, York, South Carolina 29745

Business Telephone: (803) 628-3020

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

For almost the entirety of my career I have been a public servant. I have spent that time in the court room as either a public defender or a prosecutor. I enjoy being in court and watching other lawyers zealously advocate their positions. I believe that my experience in the courtroom, reputation among my peers, and my history in public service make me well suited for the bench. I would welcome the opportunity to continue to serve my community while spending much of my time in a courtroom.

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

Yes, I do plan to serve my full term if elected.

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

No, I have no plans to go into private practice.

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

I have.

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

I believe that *ex parte* communication should be avoided except for those communications allowed by law. There are situations where it is necessary to have *ex parte* communication to discuss scheduling,

administrative matters, or emergencies. There may also be times when requests by defense may be submitted ex parte to protect client confidentiality. Examples of such situations include requests for mental health evaluations and expert funding. I would refer to Rule 501, Code of Judicial Conduct, Canon 3(B)(7) for guidance.

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?

Rule 501, Code of Judicial Conduct, Canon 3(E)(1) requires disqualification from a proceeding when the judge's impartiality might reasonably be questioned. If after the disclosure a party requested a recusal, I would grant the motion.

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

I would recuse myself from hearing any cases involving my spouse or close relative. I will ensure that my spouse is aware of the restrictions placed on the Judiciary by Rule 501, Code of Judicial Conduct and would encourage him to avoid any financial or social involvement that would be precluded by Rule 501.

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

I would reject any gifts that violated Rule 501, Code of Judicial Conduct, Canon 4(D)(5).

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?

Pursuant to Rule 501, Code of Judicial Conduct, Canon 3(D), if I became aware that a judge or lawyer committed a violation that raised substantial question as to fitness, I would inform the appropriate authorities.

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.

I am not, nor would I ever be a member of such an organization or association.

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

My son is a member of the Rock Hill High School Marching Band. I have helped with fundraising for the band by posting on social media for their fundraising car wash and mattress sale. I have also collected money at the gate and volunteered in the canteen at two competition events.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

I do not.

13. If elected, how would you handle the drafting of orders?

Whenever possible, I would prefer to write my own orders. I may also request the prevailing party to submit a proposed order. I would also rely on form orders for routine matters.

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

I have used a digital calendar, written calendar, and a daily checklist to keep myself organized and on schedule for my entire career. I would continue to use those methods to ensure I meet deadlines.

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

I do not believe in legislating from the bench. I believe that as a judge, I should follow the law as it is written.

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 any opportunity to speak on the law and contribute

to the improvement of the legal system.

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 think any demanding job can potentially strain relationships. I have a strong relationship with my husband, children, other family, and friends. They are all very supportive of my goals and understand the potential pressures that may come with being a judge. We know that we will have to optimize our time together and make special efforts to stay connected when I will need to travel.

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:

Sentencing repeat offenders depends on the seriousness of the charge, how often the individual had been convicted in the past for the same or similar charge, how recent the previous convictions are, and any mitigation the defendant may have at the time. I would most likely give a repeat offender a more significant sentence than a first-time offender for the same type of charge, but I would not know this until hearing everything.

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

There are several things to take into consideration in determining an appropriate sentence for a juvenile. The age of the defendant, mitigation, and potential for rehabilitation must be weighed against the seriousness of the charge, the impact on the victims, and the potential for reoffending. There are some charges that are so serious that even a young offender will most likely face significant time in the Department of Corrections.

c. White collar criminals:

White collar crime can be emotionally and financially devastating to the victims of that crime. I think with white collar crime you must consider the same set of factors that you look at in other crimes. The nature and impact of the charge, past criminal history, mitigation, potential for reoffending, and ability

to pay restitution are all factors to consider. In some cases, a probationary sentence may be appropriate. While other cases may require an active sentence. Every case is different and should be considered individually.

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

A defendant's background is a factor to consider in sentencing when trying to understand what led the person to commit the crime. I would weigh a defendant's background against other factors, such as, the nature of the crime, criminal history, and impact on the victims, in determining an appropriate sentence.

- e. Elderly defendants or those with some infirmity:

The defendant's age and possible infirmity is another factor in determining an appropriate sentence. I would again take into consideration the nature of the charge, previous criminal history, impact on victims, and potential for reoffending in fashioning an appropriate sentence.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

I am not.

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

To avoid any appearance of impropriety, I would disclose the *de minimis* financial interest. I would recuse myself from the case if either party insisted on a recusal.

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

I have.

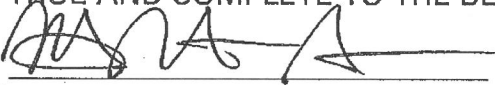
22. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

I believe a judge should be respectful, kind, considerate, patient, and firm. These rules should always apply. A judge should strive to be all those things while on the bench, in chambers, and in public. Being in court can be a daunting experience for litigants, for citizens, for court personnel, and others. A judge should always act in a manner that brings honor and respect to the bench and not rule through fear and intimidation.

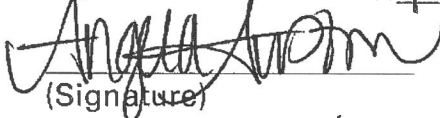
23. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

No, I do not think it is ever appropriate for a judge to be angry with the public. While everyone in the courtroom should respect the authority of the judge that authority should never be abused by mistreating others. When a criminal defendant is in court it is most likely one of the worst days in their lives. It is important to understand that and to approach them with same level of respect that you expect to receive. Even when giving a harsh sentence, you can show kindness by being respectful and listening with an open mind.

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 14th day of August, 2025.



(Signature)

Angela Austin

(Print Name)

Notary Public for South Carolina

My Commission Expires: March 12, 2030