



State of South Carolina
The Circuit Court of the Fourth Judicial Circuit

Paul M. Burch
Judge

November 5, 2015

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The Honorable Katherine Wells
Staff Counsel, Judicial Merit Selection Commission
Post Office Box 142
Columbia, South Carolina 29202

Re: Judicial Merit Selection Commission
Complaint filed by Mr. Donald Brandt.

Dear Ms. Wells,

A little over fourteen years ago I was assigned by Court Administration to preside over a term of court in Allendale County. Upon arrival at the courthouse on Monday morning I was approached by the Clerk of Court about hearing a summary judgment motion which was pending on the Common Pleas docket. I was informed that the resident judges had recused themselves because of the parties involved. The Clerk had noticed the parties for appearance and had obtained Common Pleas jurisdiction. Mr. Brandt appeared with special appearance counsel requesting a continuance. Opposing counsel objected and continuance was denied based on Mr. Brandt's refusal to abide by the Honorable Diane Goodstein's previous order to obtain representation. After hearing the testimony and argument of counsel, Mr. Brandt was found in contempt of court for filing a forged bank letter and summary judgment was granted in favor of the Defendant. The finding of direct contempt was based on state case law as I understood it, and upon appeal the South Carolina Supreme Court unanimously affirmed the decision.

This matter was then taken up in the Federal District Court for South Carolina and was eventually appealed to the Fourth Circuit Court of Appeals in Richmond. The Circuit Court of Appeals, in its opinion, determined that the contempt citation did not constitute direct criminal contempt and opined that Mr. Brandt should have been afforded additional due process rights under the Constitution of the United States. The Court of Appeals left open an opportunity for the affected parties to further pursue this matter in State Court. It can only be assumed that further action was not sought as a result of Mr. Brandt being convicted of forgery by a jury of his peers in Charleston County.

In regards to Mr. Brandt's complaint allegations:

1. Disregarding the United States Constitution.
 - a. My decisions were based on what I considered to be valid state law at that time.

2. Disregarding previous order of the Honorable Diane Goodstein.
 - a. Mr. Brandt was in violation of Judge Goodstein's order and the case was before me on a summary judgment motion. The issue of Mr. Brandt's contempt was raised by a rule to show cause motion and the crux of the summary judgment motion was based on the finding of a forged letter. Therefore, findings on the forged letter issue had to be first determined.
3. Disregarding the American way.
 - a. My comment on the "American way" was taken out of context by Mr. Brandt and I believe the transcript will speak for itself to corroborate this.
4. Bias with hate.
 - a. I do not hold any bias or hate for any parties involved in matters over which I preside. This is true for Mr. Brandt's matters. As I recall, I held the sentence in abeyance at the reconsideration hearing because Mr. Brandt was having health issues and I felt that he deserved to be with his family during the Christmas Holidays.

In closing, I would like to assure the Commission that if I am reelected I will continue to serve the citizens of the State of South Carolina with dignity and respect, and to pursue the ends of justice in a fair and firm manner. Mr. Brandt's case gave the Federal Court of Appeals the opportunity to further expand due process rights by preempting state law. The Court's opinion has provided some valuable additional guidelines that all judges and attorneys can refer to in contempt litigation.

Sincerely,



Paul Burch
Circuit Judge for the Fourth Judicial Circuit