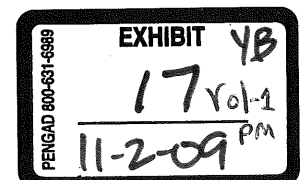


JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:  
Circuit Court, At-Large, Seat 8

1. NAME: Mr. Samuel Richardson Hubbard III  
BUSINESS ADDRESS: 205 East Main Street, MHW Judicial Center  
Lexington, SC 29072  
E-MAIL ADDRESS: rhubbard@lex-co.com  
TELEPHONE NUMBER: (office): 803-785-8271
2. Date of Birth: 1965  
Place of Birth: Marietta, Georgia
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
5. Family Status: Divorced on December 15, 2003, Lexington County Family Court. Mr. Hubbard was the moving party. Adultery. Married on June 3, 2006, to Ann Davidson Hubbard. No children.
6. Have you served in the military? No
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) Furman University, 1983 – 1987, Bachelor of Arts (Political Science)
  - (b) University of South Carolina School of Law, 1987–90, Juris Doctorate
8. 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. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.  
South Carolina, 1990
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.  
Furman University:
  - (a) Foreign Study, (Studied the European Economic Community), Fall Term, 1985
  - (b) Washington Internship, (Congressman Carroll Campbell), Spring Term, 1986
  - (c) College Republicans, 1983 – 84USC Law School:
  - (a) Christian Legal Society, 1987 – 90
  - (b) Federalist Society, 1990



10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed. .

<u>Conference/CLE Name</u>	<u>Dates</u>
(a) 18 <sup>th</sup> Annual Criminal Law Update	1/24/2003;
(b) 2003 Solicitor's Association	9/28/2003;
(c) 2004 Annual SC Solicitor's Conference	9/26/2004;
(d) Revised Lawyer's Oath CLE	9/27/2004;
(e) 2005 Annual SC Solicitor's Conference	9/25/2005;
(f) 21 <sup>st</sup> Annual Criminal Law Update	1/27/2006;
(g) Jessie's Law	6/30/2006;
(h) 2006 Annual SC Solicitor's Conference	9/24/2006;
(i) Capital Litigation Seminar	5/16/2007;
(j) 2007 Annual SC Solicitor's Conference	9/23/2007;
(k) 2008 SC Solicitor's Association	9/28/08;
(l) Trial Advocacy: Case Analysis	11/24/2008.

11. 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 was a faculty member at the National Advocacy Center for the Trial Advocacy I course for new prosecutors from across the country, August 15-19, 2005.
- (b) I was a faculty member at the National Advocacy Center for the Trial Advocacy I course for new prosecutors from across the country, January 14-18, 2008.
- (c) I lectured on "Pre-Trial Practice in Capital Cases" to capital litigators at the Attorney General's Capital Litigation Seminar, August 22, 2008.
- (d) I lectured on "Cross-Examination" and on "Objections" at the South Carolina Commission on Prosecution Coordination's Prosecution Bootcamp for new prosecutors, 2009.
- (e) I lectured on "The Law Governing Expert Witnesses and Evidence" at the South Carolina Commission on Prosecution Coordination's "Forensic Science Series for Prosecutors: Drugs, Firearms, Questioned Documents, and Trace Evidence", May 29, 2009.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. 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.  
Admitted to practice before the State Courts of South Carolina in 1990.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated.

Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

(a) Judicial Law Clerk for the Honorable Hubert E. Long, (1990 – 1991)

Although I began my clerkship with Judge Hubert Long in August of 1990, I actually sat with him in court as I studied for the bar exam. Judge Long relied on his clerks more than most judges, and he wanted to be sure that I was ready for the tremendous responsibility that would be entrusted to me when I officially began my clerkship. This was his practice with all of his clerks.

My duties were extensive. I was responsible for preparing all jury charges in both civil and criminal cases. My task was to meet with the attorneys from both sides prior to the close of the trial and attempt to construct jury charges that accurately conveyed the law and if possible left little room for objections. The judge rarely participated in this process. In fact, most of this work occurred after the judge had left for the day.

I also had an integral role in Common Pleas Non-Jury matters. Initially, my role was like that of his previous clerks. I was to review all cases taken under advisement and provide the judge with my opinion as to the appropriate ruling. During my time with the judge, he never questioned my advice. In time, my role changed. When presiding over a term of Common Pleas Non-Jury, which he typically conducted in chambers, Judge Long began deferring decisions to me in the presence of the attorneys.

In addition to these responsibilities, I reviewed all orders before presenting them to the judge, and occasionally drafted orders on his behalf. Finally, I sat with the judge on the bench during trials and other hearings, advising him on rulings, sentences, questions of law, and matters of evidence and procedure.

Judge Long was one of the last judges from a bygone era. Because of this fact, I acquired more experience than any current law clerk ever could, or perhaps ever should. Despite this, his advice was timeless. He taught me to be aware of the constraints on those practicing law, and to always remember that a judge must be impartial and fair. As his last law clerk, he also confided that when judging others, he was mindful that he too would someday be judged.

(b) Judicial Law Clerk for the Honorable William P. Keesley, (1991 – 1994)

Judge William P. Keesley was elected to fill Judge Long's unexpired term. I had the privilege to be his first law clerk, and I remained with him for three years.

My clerkship with Judge Keesley was of a more traditional nature. As a new judge, and being aware of my role with Judge Long, Judge Keesley was comfortable discussing the matters before him and seeking my advice. I routinely sat with him on the bench. I advised him on rulings,

sentences, jury charges, questions of law, and matters of evidence and procedure.

In addition, I scheduled all motions and pre-trial hearings, and I kept track of matters taken under advisement. Throughout my clerkship with Judge Keesley, I had numerous opportunities to work with and assist other circuit judges when they held court in Lexington County.

Judge Keesley was, and continues to be, a model judge. He understands his job completely, never forgetting the impact his decisions will have on the lives of others. He is not only fair and impartial, he is humble as well. He works hard and is willing to volunteer his time for unscheduled hearings and motions. He is firm, but compassionate, a quality that is evident whether he is presiding over a term of court or a session of Drug Court. Through the years, I have considered Judge Keesley to be both a mentor and a friend.

(c) Assistant Solicitor, Eleventh Judicial Circuit (1994 – 97)

In January of 1994, I accepted a position with Solicitor Donald V. Myers' office. As a judicial law clerk, I discovered my love for the courtroom. As a prosecutor, the courtroom is where most of my work is done. I was one of the few assistant solicitors in the office who had the opportunity to prosecute cases not only in Lexington County, but Edgefield, McCormick, and Saluda Counties as well.

I tried a variety of cases, such as DUI's, drug cases, and even some violent crimes. I had the opportunity to work closely with the deputy solicitor, R. Knox McMahan. I had been with the office for only three months when he asked me to assist him in a murder trial.

As an assistant solicitor, I began to learn the art of trying cases and negotiating pleas. I was always, and have continued to be, impressed with the responsibility that is unique to a prosecutor. I am a minister of justice. My job is not to get convictions, but to see that justice is done. I quickly learned to embrace diversionary programs, such as Pre-Trial Intervention and Drug Court. I learned that doing the right thing might sometimes require dismissing charges, even when victims felt differently. Finally, I learned that a prosecutor must not be afraid to fight for justice in the courtroom.

(d) Senior Assistant Solicitor, Eleventh Judicial Circuit (1997 - 2002)

When Solicitor Myers promoted me to senior assistant solicitor, my responsibilities increased significantly. I worked primarily in Lexington, and my personal docket, which included a large number of violent and high-profile cases, was one of the largest in the office.

In addition, I assumed a number of supervisory duties. I was responsible for managing assistant solicitors, advising them in the evaluation and preparation of their cases, and assisting them with their trials. As a supervisor, I understood that I was responsible for the actions of those I supervised. I advised law enforcement officers on investigations, search

warrants, and other legal issues. I assisted the deputy solicitor in monitoring the General Sessions docket, assigning cases to assistant solicitors, handling personnel issues, and conducting performance evaluations. I also assisted the Solicitor and deputy solicitor in the preparation of capital murder cases, and I occasionally assisted with the trials.

(e) Deputy Solicitor, Eleventh Judicial Circuit (2002 - Present)

In 2002, I was promoted to deputy solicitor. I have numerous responsibilities. My personal docket consists of violent and high profile cases, including capital murder cases. I am also responsible for managing the entire General Sessions docket. Since 2004, I have worked with the Solicitor in the development and implementation of our Case Management System which has drastically reduced the backlog of pending cases. Prior to 2004, we had over 10,000 pending warrants in Lexington County. Today, we have approximately 5,200 pending warrants. In 2007, I formed the Violent Crime Task Force, selecting our office's most experienced attorneys to exclusively prosecute violent cases. In 2008, the Task Force was largely responsible for a 22% reduction in our county jail's daily inmate population.

In addition, I supervise the other prosecutors in the office, providing advice in case preparation and sometimes assist them at trial, and I advise law enforcement on investigations, warrants, and other legal issues. I supervise our Family Court attorneys and staff. I assign new cases, supervise court operations, and conduct performance evaluations. I serve as the office manager, handling all personnel issues. I also assist in the preparation of our office budget, and I present the budgets to county council.

I have taught courses in various state seminars, including courses involving the death penalty, and I have been invited to teach prosecutors from all over the country at the National Advocacy Center in Columbia. In 2007, I was awarded the Ernest F. Hollings Award for Excellence in State Prosecution (General Sessions Court), the highest award for a state prosecutor in South Carolina.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- (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, 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 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.

I believe my experiences will serve me well should I have the honor of becoming a Circuit Court Judge. Although I have spent the last fifteen years as a prosecutor, I received a thorough education in the civil practice of law from a judicial perspective. As a judge, I would commit myself to learning those areas of law with which I am less familiar, and I would do so with the same drive and effort that I put forth when I am preparing a major trial. As a deputy solicitor, I have learned to make tough decisions and to react quickly to any given situation. This ability, together with my experience in the courtroom, and my commitment to doing what is both just and fair, will serve as a solid foundation if I am elected to the Circuit Court.

15. What is your rating in Martindale-Hubbell?

I am not listed in Martindale-Hubbell. I have never registered with their directory, nor have I purchased any of their services.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?

(a) federal: None  
(b) state: Weekly

17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?

(a) civil: 0%;  
(b) criminal: 100%;  
(c) domestic: 0%.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?

(a) jury: 15%;  
(b) non-jury: 85%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Chief counsel or sole counsel

19. 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. Do NOT attach a separate list.

(a) The State v. Christopher Arnex Brown, 333 S.C. 185, 508 S.E.2d 38 (Ct.App.1998).

This case involved the 1995 armed robbery of Nevada Charlie's Video Poker Club and its patrons in Lexington County. In addition to the defendant, several other individuals were charged for the robbery, including a married couple who frequented the club. Brown was the last defendant to be tried, and like his co-defendants, he was found guilty of armed robbery.

One of the critical issues in this case was the admissibility of one witnesses' identification testimony. Sometime following Brown's arrest, law enforcement compiled three separate photo line-ups, one of which included Brown. Although Brown admitted his involvement and picked out himself and two of his co-defendants in the line-ups, none of the victims or witnesses were able to positively identify Brown.

One victim, Jennifer Youngblood, provided a general description of one of the perpetrators, including a description of his height, weight, and that he wore a "great big" gold ring on his right hand. The description fairly matched Brown, and when he was arrested he was wearing a large gold ring on his right hand. When shown the line-up that included Brown, she failed to identify him as the man she described. However, Ms. Youngblood explained that she believed picture number three (Brown) was one of the robbers, but she did not want to "get an innocent man in trouble" if she were mistaken.

At trial, I presented Ms. Youngblood with the photo line-up. After an *in camera* hearing, the judge allowed me to introduce the line-up into evidence. The Court of Appeals found that although she had not selected Brown in the line-up, I had satisfied the requirements established in Neil v. Biggers, 93 S.Ct. 375 (1972), and that the judge had properly admitted Ms. Youngblood's testimony.

Although there were other issues in this case as well, this case has often been cited on the issue of the admissibility of identification testimony. See State v. Brannon, 533 S.E.2d 345 (Ct.App.2000); State v. Tisdale, 527 S.E.2d 389 (Ct.App.2000); State v. Patterson, 522 S.E.2d 845 (Ct.App.); State v. Rice, 652 S.E.2d 409 (Ct.App.2007).

(b) State v. Robert Boswell, Indictment #2002-GS-32-3257 (Appeal Pending)

Robert Boswell was known by law enforcement and the press as the "Pillow Case Bandit". For approximately 3 months during the summer of 2001, over twenty homes in various Lexington County neighborhoods were burglarized. A common fact in each case was the suspect would use one of the victim's pillow cases to carry his stolen goods. Another common fact was the suspect's pension for stealing women's clothing and accessories. Despite the best efforts of law enforcement, the suspect was never caught in the act.

The case was broken when a computer sold at a local flea market proved to be the stolen property of one of the burglary victims. Law enforcement determined that the computer was found in an abandoned house in the woods of Calhoun County. When they located the house, officers found property from the Lexington burglaries and burglaries in Richland County. Officers hid in the woods and waited to see if the suspect would return to the stash house. During the early morning hours of August 11, 2001, Boswell drove up to the house with more stolen property. He was in the process of "pleasuring" himself when officers came out of the woods and arrested him. I tried Boswell for one incident and convicted him of Burglary 1<sup>st</sup> Degree on October 8, 2003. He received a life sentence.

This case was significant for several reasons. Due to the sexual undertones of the burglaries, law enforcement feared they were dealing with a potentially dangerous man. He seemed to break into homes with ease. Finally, the jurisdictional issue (he was arrested in Calhoun County) will be an issue on appeal. Despite the age of the case, the post-trial motions were never heard by the late Judge Marc H. Westbrook. The late Judge James Johnson heard and denied the motions in May of 2008, several months before his death.

(c) State v. Kevin Mercer, Op. No. 26582 (S.C.Sup.Ct. filed Jan. 12, 2009)

This was a death penalty case. On March 16, 2002, Sergeant First Class Tracy Davis, an Army recruiter at Fort Jackson, was shot to death outside his apartment in Lexington County. Sergeant First Class Clifton Magwood looked out the window of the second story apartment he shared with Davis and witnessed a heavysset man with a handgun confronting Davis as Davis stood next to his Lincoln Navigator. Magwood heard Davis tell the man, "All right. I'll give it to you." As Magwood ran downstairs to help his roommate, he heard a gunshot. When he got outside, he saw Davis' Navigator leaving the apartment complex, and Davis lying on the ground with a gunshot to the back of his head.

On April 22, 2006, a Lexington County jury sentenced Mercer to death. As in most death penalty cases, this case had numerous issues raised on appeal. One of the more significant issues was Mercer's motion for a new trial based on after discovered evidence. Mercer's co-defendant was Marcus Thompson. Thompson was indicted for Accessory After the Fact of Murder and was awaiting the disposition of his case while Mercer's sentence was on appeal. One of Thompson's cellmates, Kevin Fuller, wrote Solicitor Myers several letters asking for help with his charges (Criminal Domestic Violence of a High and Aggravated Nature) and claiming that Thompson had admitted he had shot and killed Sergeant Davis, not Mercer. Solicitor Myers promptly forwarded these letters to Mercer's attorneys.



The Supreme Court remanded Mercer's case for an evidentiary hearing. After listening to the testimony from both the defense and the State, the trial court denied Mercer's motion. The South Carolina Supreme Court affirmed Mercer's conviction and sentence. In doing so, the Court reaffirmed the trial court's gatekeeping role in post-trial after-discovered evidence motions and rejected Mercer's attempt to use Fuller's testimony for "residual doubt" as to guilt in the sentencing phase.

This case is significant to me for another reason as well. One week before jury selection was to commence, Solicitor Myer's wife, Vance, died unexpectedly. On the night of her death, the Solicitor informed me that I was to assume the lead role in the case, and that he would not be available to assist. Fortunately, Solicitor Myers was able to participate in the penalty phase of the trial.

- (d) State v. Ron O'Neil Finklea, Indictments #2004-GS-32-2259, 2260, 2261, 2263, & 2264 (Appeal Pending)

This was a death penalty case. During the early morning hours of August 2, 2003, Ron O'Neal Finklea and his brother-in-law, Theodore Davis, attempted to rob an ATM located in the lobby of Solectron, an electronics plant. Finklea was a former employee of the plant, and he and Davis had planned the robbery for weeks. One critical part of the plan was to kill the security guard and then burn his office where the security camera videos were stored. Finklea entered the security office next to the lobby and shot the security guard, Walter Sykes, two times. He then let Davis into the lobby. As Davis attempted to break into the ATM, Finklea took a gas can into the security room, doused Sykes with gasoline, and lit him on fire. The security cameras and video were not damaged. The entire incident was caught on both the ATM camera and the security cameras, including the grisly scene of Walter Sykes on fire running out of the security room with blood shooting from his neck.

This case is significant due to the horrific nature of the crime, and for what occurred after Finklea's arrest. On August 6, 2003, Finklea and Davis were captured at Finklea's parent's house in Alabama. While in Alabama, law enforcement interviewed both Finklea and Davis. Davis gave a written confession to his involvement. Finklea claimed to have no memory of the incident. Once he was returned to Lexington County and placed in the jail, Finklea attempted to hang himself. At trial, the defense claimed he suffered brain damage from the attempted suicide which resulted in memory loss. The jury apparently did not accept the defense's position and sentenced him to death on September 6, 2007.

- (e) State v. Darrell Burgess, Indictments #2005-GS-32-4561 & 4563 (Appeal Pending)

This case involved the murders of David Slice and Kim Fauscette who were found shot to death in their residence in the Gaston area of Lexington County. This case is significant for two reasons. First,

although this case qualified for the death penalty, the case was a difficult one to prove. The case hinged on the testimony of two individuals who were charged as accessories. Second, the case exemplifies the role of the prosecutor in balancing justice and mercy.

One of the co-defendants, James "Tony Red" Johnson, was present at the time of the murder smoking crack with the victims. Burgess arrived at the residence, but declined to smoke crack. Within minutes of his arrival, he fired 5 shots from his revolver, hitting Slice 3 times and Fauscette 2 times. Johnson fled and hid in the woods. While hiding, Johnson heard 2 more shots. Slice was shot point blank between the eyes and Fauscette on the top of her head. Burgess had to reload to make these shots. Johnson was charged with accessory after the fact because the next day he gave Burgess a ride to a car rental business.

The other co-defendant was Michael Wise, a convicted armed robber who spent time in prison while in the Marine Corps. He was charged as an accessory before and after the fact because he gave Burgess a ride to and from the murder scene, and he helped dispose of the revolver and Burgess's bloody clothes. He provided a 12 page self-serving statement.

On the day of trial, we were prepared to try either Burgess or Wise. Wise would have been easier to try because of his statement, but Burgess would be difficult if not impossible to convict without Wise's cooperation. Our primary witness would have been Johnson and the defense could easily suggest that he killed the victims. Fortunately, Wise pleaded guilty and his sentence was held in abeyance until he testified against Burgess.

With the testimony of Johnson and Wise, and with the use of phone records and cell tower reports, Burgess was convicted and received two life sentences. Wise was sentenced and immediately extradited to another state for additional violent crimes. Johnson was placed into Drug Court and his charges were dismissed upon his completion of the program approximately one year later. Johnson had been addicted to drugs since he returned from the Vietnam War. His wife and children only knew a man who lied and stole for drugs. By the time he graduated Drug Court, Johnson was sober, employed, and enjoyed the love of his family. He continues to come to Drug Court graduations and offers support to those still in the program.

20. 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. If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter) None.
21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. If you are a candidate for an appellate court judgeship (please attach

one copy of briefs filed by you in each matter). Do NOT attach a separate list of your briefs. None.

22. Have you ever held judicial office? No.
23. If the answer to question 22 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. N/A
24. Have you ever held public office other than judicial office? N/A
25. 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
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
27. 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? No.
28. Are you now an officer or director or involved in the management of any business enterprise? No.
29. A complete, current financial net worth statement was provided to the Commission.
30. 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. Explain how you would resolve any potential conflict of interest. None.
31. 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? No.
32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. 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? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? Yes.

In June of 2000, I was sued, together with Solicitor Myers and Wayne Wilson, the former Chief of the South Congaree Police Department. Michael Andrew Maples was the pro se plaintiff. Maples alleged that Wilson had unlawfully seized his 1988 Pontiac Firebird and a number of weapons, and that Solicitor Myers and I had conspired with Wilson to deprive him of his property.

In June of 1995, Maples was arrested for growing approximately 200 marijuana plants in the woods of South Congaree. During the seizure of the

plants, officers found an M-1 rifle and ammunition. The rifle was linked to a shooting of an occupied mobile home in South Congaree.

Upon his arrest, Maples provided a written statement wherein he admitted to using his Firebird to take marijuana seedlings from his residence to the wooded area where he was growing the plants. He also admitted to the shooting incident. In addition, he gave officers written permission to search his padlocked bedroom. Officers recovered seven more loaded weapons. I prosecuted Maples, and in 1995, Maples pleaded guilty to Manufacturing Marijuana 2<sup>nd</sup> offense, Manufacturing and Possessing Marijuana With Intent to Distribute Within Proximity of a School, Discharging a Firearm into a Dwelling, and three counts of Assault with Intent to Kill. He received a consecutive 27 year sentence.

In early 1995, Solicitor Myers contracted with a private attorney to handle all of our office's forfeiture matters. Although all of the appropriate paperwork was forwarded to the attorney, he never filed forfeiture proceedings on the Maples forfeiture. Several years later, Solicitor Myers directed another assistant solicitor to retrieve all of the outstanding forfeiture files from the attorney, and initiate forfeiture proceedings if appropriate. The forfeiture complaint against Maples was not filed until May of 2000. Since I had prosecuted Maples, I was not involved in the forfeiture action.

Judge Marc H. Westbrook dismissed Maples' suit in 2001. The Court of Appeals affirmed Judge Westbrook in an unpublished opinion in 2004. See, Maples v. Myers, et al, Unpublished Op. No. 2004-UP-364 (Filed June 10, 2004).

36. 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)? No.
37. 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? No.
38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.

40. 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. None.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. 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? No.  
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? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No.  
Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. 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) The South Carolina Bar  
(b) The Lexington County Bar
47. 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, any professional honors, awards, or other forms of recognition received and not listed elsewhere.  
(a) The Anglican Church of the Epiphany, Vestry (1997 – Present)  
(b) The Ernest F. Hollings Award for Excellence in State Prosecution, General Sessions (2007)
48. 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.  
I strongly believe in alternatives to traditional prosecution. My wife, Ann Davidson Hubbard, is responsible for starting the first Drug Court in South Carolina in 1996. She has worked with Judge Keesley to make this program a model for other circuits and other states. I have actively supported this program since its inception, and I have seen the results this program has had on the lives of those who have participated in it. I believe if we could expand programs such as Drug Court, and initiate similar programs such as Mental

Health Court, we could more effectively reduce our dockets and criminal recidivism, without sacrificing justice and the safety of our communities.

Unlike attorneys in the private sector, I have been responsible for supervising and reducing our county's entire General Sessions docket. I would approach the Common Pleas docket with the same determination and commitment.

As a deputy solicitor and as an office manager, I am called upon to solve problems. I know how to bring people together, to find solutions, and to maintain a good work environment in our office, and good working relationships with attorneys outside our office. I believe my talents and experience, together with my commitment to doing what is both just and fair, would serve me well should I have the honor to be a Circuit Court Judge.

49. References:

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YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: S.R. Hubbard III

Date: August 12, 2009