

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

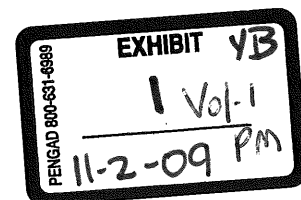
Court, Position, and Seat # for which you are applying:
Circuit Court, 8th Circuit, Seat 1

1. NAME: Mr. Andrew Michael Hodges
BUSINESS ADDRESS: Eighth Circuit Solicitor's Office
600 Monument St.
Park Plaza, Suite 203
Greenwood, SC 29646
P.O. Box 516
Greenwood, SC 29648
E-MAIL ADDRESS: andrew.michael.hodges@gmail.com
TELEPHONE NUMBER: (office): (864) 942-8824
2. Date of Birth: 1970
Place of Birth: Wichita, Kansas
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: Married on June 21, 2003, to Dawn Puderbaugh Hodges. Never divorced. One child.
6. Have you served in the military? I have never served in the military.
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) Juris Doctorate, University of Kansas School of Law May 1993-Dec 1995
 - (b) B.S., Journalism, University of Kansas, Aug 1989 – May 1993
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 (1996). I am a member in good standing with the South Carolina Bar, and have always been a member in good standing. I have never taken another bar examination.
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.

College

 - (a) Solon E. Summerfield scholar
 - (b) Robert C. Byrd Honors scholar
 - (c) University Honors Program (1989-1993)



- (d) Disc Jockey at KJHK 90.7 FM (1991-92)
- (e) Copy Editor, Photographer, Graphic Artist and Layout Designer for the University Daily Kansan, a daily newspaper with a circulation of about 30,000 (1992-93)

Law School

- (a) During my clerkship for Professor Dennis D. Prater, I researched, wrote and edited significant portions of the first edition of his casebook titled *Evidence: The Objection Method*. The book is now in its third edition and is the evidence book of choice at many law schools (1994-95).
 - (b) I was a member of a mock trial team that represented the University of Kansas School of Law at a regional competition in Denver, CO (1995).
 - (c) As a Trial Advocacy Teaching Assistant for Professor Christine Arguello, I assisted in training and critiquing trial advocacy students on trial skills (1995).
 - (d) I was the coordinator of the IRS Volunteer Income Tax Assistance (VITA) Program, a program that offers free tax return preparation assistance to low-income individuals who are incapable of preparing their own returns (1995).
 - (e) During my participation in the United States Attorney's Summer Law Intern Program for the District of Kansas I researched and wrote appellate briefs and assisted in the preparation and trial of several federal robbery and drug cases (May 1995 – August 1995).
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>Date(s)</u>
(a) 2004 Annual Solicitor's Conference	09/26/04 – 09/29/04
(b) 2005 Annual Solicitor's Conference	09/25/05 – 09/28/05
(c) 2006 Capital Litigation Seminar	05/08/06 – 05/10/06
(d) 2006 Annual Solicitor's Conference	09/24/06 – 09/27/06
(e) The Career Prosecutor Course	06/03/07 – 06/13/07
(f) 2007 Annual Solicitor's Conference	09/23/07 – 09/26/07
(g) 2008 Annual Solicitor's Conference	09/28/08 – 10/01/08
(h) Capital Litigation Jury Qualification	07/08/09 – 07/10/09

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

At the 2002 Annual Solicitor's Conference, I participated as a lecturer on the topic of pretrial hearings involving the admissibility of confessions, including issues relating to Miranda v. Arizona and Jackson v. Denno.

In 2004, I taught a multi-week course on a variety of legal issues including Constitutional Law, search and seizure, and the laws of arrest to a group of Abbeville Police Department reserve police officers who were preparing to be tested on those subjects.

On March 20, 2007, I spoke to the Leadership Greenwood Class of 2007 about the role of the Solicitor's Office in the court process. Sponsored by the Greenwood Chamber of Commerce, Leadership Greenwood focuses on "developing future leaders through a year-long series of monthly full day sessions addressing a variety of issues, opportunities, and challenges facing Greenwood County."

On March 23, 2007, I participated as a panel speaker at the Governor's seminar on *Compliance: Best Practices for Implementing the Victims' Bill of Rights*. I spoke specifically about the challenges faced by prosecutors in maintaining contact with transient victims, and ideas about how to keep them notified about and involved in the court process.

On September 13, 2007, I spoke to about six hundred student athletes, coaches, fraternity and sorority members, and faculty on *The Consequences of Hazing* at Lander University. I stressed the dangers of hazing, and the potential for criminal and civil liability, through the use of examples from both local and national incidents. I repeated that address to another group of students on September 24, 2008.

On September 26, 2007, I spoke at the 2007 Annual Solicitor's Conference Death Penalty Update regarding a novel issue involving the admissibility of wiretap tapes on which I had submitted a brief to the South Carolina Court of Appeals during a capital trial earlier that year.

On January 16, 2009, I taught a CLE at the South Carolina Criminal Justice Academy entitled "Motion Practice: Anticipating and Responding to Defense Motions *in Limine*."

Between September 18 and September 20, 2009, I participated as an instructor at the "Prosecution Bootcamp 2009" held at Myrtle Beach, South Carolina. The goal of the course was to provide training to inexperienced prosecutors.

On March 20, 2009, I taught a CLE at the South Carolina Sheriff's Association entitled "Bond Estreatments."

12. List all published books and articles you have written and give citations and the dates of publication for each.

"The First Challenge to South Carolina's Wiretapping Law," *The Higher Standard*, Volume 1, Issue 3, October 15, 2008

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.

South Carolina state courts (November 18, 2006)

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.

Sept. 1996 – Jan. 2005 Assistant Solicitor, Eighth Circuit Solicitor's Office

As an Assistant Solicitor I prosecuted a wide variety of cases in General Sessions court in Abbeville, Greenwood, Laurens and Newberry Counties. I benefited from working in a small office where I was quickly given the opportunity to handle significant cases. I had my first jury trial within two weeks of being sworn into the bar and was assigned my first homicide within a year. For five years I was the office drug prosecutor and tried countless drug-related offenses across the Eighth Circuit. As drug prosecutor, my duties also included the resolution of a considerable number of civil asset forfeiture actions.

Jan. 2005 – Present Deputy Solicitor, Eighth Circuit Solicitor's Office

In January of 2005 I was promoted to Deputy Solicitor for Greenwood County. I supervise four Assistant Solicitors, a Court Administrator, a Victim/Witness Advocate and an Investigator. I advise the Assistant Solicitors on charging decisions and plea agreements, and often sit with them in trial to provide training and guidance. I coordinate the scheduling of all trials, pleas, hearings, and appearances for approximately nineteen weeks of General Sessions Court per year. I also personally prosecute the majority of the violent crimes that occur in Greenwood County.

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.

With regard to my experience in criminal matters, I have been a prosecutor for nearly twelve years. I have handled thousands of criminal cases, from the simplest DUI to the most complicated capital murder. I spend about twenty weeks a year in General Sessions Court. After spending that much time, and handling that volume of cases, I believe that I have developed an excellent barometer for appropriate criminal sentencing. The sheer number of cases that are processed through General Sessions Court requires that most be disposed of through plea

negotiations, and I have presented countless pleas to Circuit Judges who have accepted my negotiations and recommendations. I have also participated in a significant number of jury trials, thereby gaining a firm grip on the rules of evidence and the body of case law related to criminal practice.

My experience as a criminal prosecutor has provided few opportunities for practice in Common Pleas Court. During my time as a drug prosecutor, I did file and pursue a fair number of civil forfeiture actions but all were settled short of trial. I have also pursued a couple of nuisance actions, one of which involved some litigation before it ultimately settled. My background in managing a large criminal docket and ensuring that cases are processed in a timely manner would, I think, help prepare me to manage a civil docket. The skills I have gained in bringing parties together to settle cases short of trial would also be an asset to a Circuit Judge presiding over civil matters. However, I do recognize that my limited experience in civil matters is a weakness and I have been working diligently to compensate for that lack of experience. I always read the advance sheets, and I have been re-reading and briefing the advance sheets from the last year. Finally, I would plan to attend CLEs on additional civil topics to help compensate for my lack of experience in those areas.

15. What is your rating in Martindale-Hubbell? BV
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: about ten full days per month
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
(a) civil: 0.01%;
(b) criminal: 99.9%;
(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: 2%;
(b) non-jury: 98%;
Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Most often 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.

- (a) State v. Steven Bixby, Rita Bixby and Arthur Bixby. On December 8, 2003, Deputy Danny Wilson went to the Bixby residence in Abbeville County to attempt to settle a dispute between the Bixbys and construction workers who were engaged in a highway widening project in front of their residence. Steven Bixby shot Deputy Wilson with a high-powered rifle, cuffed him with his own handcuffs and dragged him inside the home where he died of his wounds. Bixby also shot and killed Constable Donnie Ouzts who had responded to a report that Wilson had been shot. After a fourteen-hour standoff with local and state law enforcement a gun battle erupted between the Bixbys and SLED. Former SLED Chief Robert Stewart said it was "more gunfire than I've ever experienced in over 30 years." Steven and Arthur Bixby ultimately surrendered and were charged with the murder of the two law enforcement officers. Rita Bixby was charged with Accessory Before the Fact to Murder because of her prior knowledge and encouragement of the plan to kill the officers.

The State sought the death penalty against Steven Bixby. I was one of three lawyers on the prosecution team that tried the case in February of 2007. Because of extensive pre-trial publicity we selected and sequestered a jury from Chesterfield County. Concerns over the Bixbys' ties to a militia group in New Hampshire led to extreme security measures including a law enforcement perimeter around the courthouse and an armed convoy to transport the prosecution team to and from court.

A case of first impression arose when the defense moved to suppress a tape of the gun battle that was generated through the use of a SLED wiretap. The applicable statute, that had never been tested, requires the motion to suppress be decided by a panel of three judge of the South Carolina Court of Appeals. I filed a brief on the issue and the Court of Appeals ruled that the statute was constitutional and that the tapes were admissible.

Steven Bixby was ultimately convicted and sentenced to death.

The State also sought the death penalty against Rita Bixby. The trial court granted the defendant's motion to dismiss the State's notice of intention to seek the death penalty. The State appealed and the South Carolina Supreme Court ruled that a charge of Accessory Before the Fact to Murder does not render a defendant eligible for the death penalty. State v. Bixby, 373 S.C. 74 (2007).

I was again one of three attorneys on the prosecution team that brought Rita Bixby to trial in October of 2007. She was convicted and sentenced to life imprisonment. Arthur Bixby has been found incompetent and is currently in the custody of the Department of Mental Health.

- (b) State v. Joey Haymes. In November of 2004 the family of Billy Ray Adams reported him missing. A deputy found his body in a wooded area behind his house. A BOLO was issued for the victim's missing vehicle. The defendant was stopped in Spartanburg County while driving the victim's car. I had prosecuted Haymes earlier that year for a Breach of Trust where Adams was the victim, and there was some animosity by Haymes about the restitution that he was ordered to pay to the victim. At trial on the murder charge, the defendant claimed that he had shot the victim in self defense. Through the testimony of a forensic pathologist, and successful cross examination of the defendant, I was able to disprove the defendant's claims of self defense. The defendant was convicted of murder and sentenced to life imprisonment.
- (c) State v. Freddie Edwards. On July 16, 2005, Freddie Edwards, a fairly prominent business owner in Greenwood, shot and killed George Freeman during a dispute over a two dollar bet during a poker game at the defendant's residence. I called the case to trial in August of 2006. The defendant was convicted of murder and received a thirty year sentence. An interesting footnote to this case is that the defendant is the father of Armanti Edwards, the star quarterback of Appalachian State University. It is encouraging to see that he has continued to be successful despite the mistakes of his father.
- (d) Eighth Circuit Solicitor v. Club Weekend. Club Weekend, a Greenwood nightclub, was the site of ongoing crowding, noise, violent crime and drug activity. Following a murder (that I subsequently prosecuted) in the parking lot, I filed a nuisance action in 2002 against the owner of the building and the proprietors of the nightclub. After an evidentiary hearing in December of 2002, the Court issued an Order for Temporary Injunction that effectively closed the nightclub's doors. A settlement in January of 2003 terminated Club Weekend's lease and placed restrictions on any future use of the property. This case was significant because it eliminated an establishment that posed a serious safety threat to both the public and local law enforcement.
- (e) State v. Jerome Chisholm. Jerome Chisholm molested a six-year-old girl who contracted HIV as a result of the assault. I called the case to trial in June of 2009. Based upon the victim's brave testimony along with corroborating forensic evidence, including DNA, the jury convicted the Defendant of Criminal Sexual Conduct with a Minor in the 1st Degree. The Court sentenced him to the maximum thirty year sentence. The case is significant because it removed a dangerous pedophile from our community.

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).

- I have not handled any civil appeals.
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).
- I have not handled any criminal appeals.
22. Have you ever held judicial office? I have never held judicial office.
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.
- Not applicable.
24. Have you ever held public office other than judicial office?
- I have never held public office.
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. Not applicable.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
- Last year I ran for the office of Circuit Court, At-Large, Seat 1. I was nominated, but ultimately withdrew shortly before the election.
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?
- I have never engaged in any occupation other than the practice of law.
28. Are you now an officer or director or involved in the management of any business enterprise?
- I am not, nor have I ever been, an officer or director involved in the management of any business enterprise.
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.
- I am not aware of any financial arrangements or business relationships that would pose a conflict of interest.
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?

Not to my knowledge.

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?

It appears from an online search that I have been named in a *pro se* action filed in South Carolina District Court on March 19, 2008. The action is captioned Wanda Scott v. State of South Carolina, Abbeville County, Abbeville, City of, GWD Prosecutors, Abbeville County Sheriff's Dept, Abbeville County Jail, Tommy Ferguson, Tommy Hite, Marion Johnson, Don Morris, Charles Goodwin, Trish LNU, Beasley David, Kelly Lowe, Andrew Hodges, Frank Addy, Wyatt Saunders, Tim Thomas, John Schrier, Rucker FNU, Eve Wilson, Townes Jones, Abbeville Police Dept, Anna Padgent, Ladona Johnson, State of Alabama, Calhoun, County of, David Forrester and Greenwood Solicitor. I have not been served with any pleadings in this action.

35. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned for lawyer, judicial, or other professional misconduct or been found to have committed such misconduct? No.

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? 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?
- I have not had any contact, either direct or indirect, with any member of the General Assembly. I have notified a number of public officials about my candidacy; however, they are aware of the pledging prohibitions and have not contacted any member of the General Assembly on my behalf.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? 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) South Carolina Bar Association
- (b) Greenwood County Bar Association
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) Ancient Free Masons of South Carolina – Past Master of Mathews Lodge No. 358. (Steward 2003, Senior Deacon 2004, Junior Warden 2005, Senior Warden 2006, Worshipful Master 2007)
- (b) Volunteer for United Way Day of Caring, yearly 1998-2003
- (c) Volunteer for Kiwanis Kids' Triathlon, yearly 2006-08
- (d) Greenwood Community Theater – acted the part of Sir Lionel in a production of *Camelot* in June of 2002, and acted the part of The Guard in a production of *Twelve Angry Jurors* in March of 2008.
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. Nothing further.
49. References:
- (a) The Honorable Jerry W. Peace
Solicitor, Eighth Judicial Circuit

600 Monument Street
Park Plaza, Suite 203
Greenwood, South Carolina 29646
(864) 942-8823

- (b) The Honorable Tony Davis
Sheriff of Greenwood County
Greenwood Law Enforcement Center
Edgefield Avenue
Greenwood, South Carolina 29646
(864) 942-8600
- (c) William H. Nicholson, III
Nicholson & Anderson
109 Court Ave.
Greenwood, South Carolina 29646
(864) 538-0111
- (d) Michael T. Coulter
Clarkson, Walsh, Terrell & Coulter, P.A.
1164 A Woodruff Road
Greenville, South Carolina 29607
(864) 232-4400
- (e) Heather Fultz
First Citizens Bank
518 South Main Street
Greenwood, South Carolina 29646
(864) 388-9397

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: Andrew M. Hodges

Date: August 10, 2009