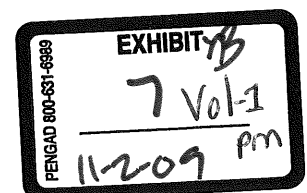


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:
Circuit Court, At-Large Judicial Seat No. 8

1. NAME: Mr. David Craig Brown
BUSINESS ADDRESS: 616 S. Coit St., Florence, S.C. 29501
E-MAIL ADDRESS: dcbrownlaw@bellsouth.net
TELEPHONE NUMBER: (office): (843) 662-4474
2. Date of Birth: 1969
Place of Birth: Sumter, S.C.
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 18, 1994 to Kay Hunt Brown. Never divorced. Three 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) Francis Marion University: Jan, 1988 – May 1988
No degree – Transferred from Francis Marion University to The Citadel.
 - (b) The Citadel: Summer, 1988 – May 1992, B.S. Political Science
 - (c) The University of South Carolina School of Law: Aug. 1994 – May 1997
Juris Doctor
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 – 1998 – Bar examination taken twice.
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.
 - (a) The Citadel
College Football: 1988 - 1990
Member 1992: Summerall Guards
Member 1991-1992: Honor Committee
Big Brother Program: 1991 - 1992
Kilo Company Platoon Leader: 1991 – 1992
Member of The Citadel Training Cadre: Fall 1990
Commandant's Distinguished Service List (Date Unknown)



(b) U.S.C. School of Law
Student Bar Association

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) Mediation Certification Training and Advanced Negotiating Workshop	08/2009
(b) U.S. Sentencing Guideline Seminar	07/2009
(c) CJA Mini Seminar	05/2009
(d) National Criminal Defense College	07/2008
(e) Criminal Justice Act Mini-Seminar	08/01/08
(f) 17 th Annual Criminal Practice	10/05/07
(g) Mandatory ADR Training	09/08/06
(h) 2006 Public Defender Conf.	09/25/06
(i) 20 th Annual Criminal Law Update	01/21/05
(j) Federal Sentencing Guidelines	03/03/05
(k) Attorney EOF Training	03/08/05
(l) How to Successfully Resolve Automobile Accidents in S.C.	12/02/05
(m) Workers' Compensation in S.C.	12/07/05
(n) Examining and Resolving Title Issues in S. C.	12/14/05
(o) Federal Criminal Practice 2004	05/13/04
(p) Blakely v Washington Seminar	07/21/04
(q) Revised Lawyer's Oath	10/19/04
(r) Accident Litigation: Trying a Wreck	03/21/03
(s) 2003 SC Tort Law Update	09/26/03

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

<u>Course/Lecture Name</u>	<u>Date(s)</u>
(a) Francis Marion University Adjunct Professor – Business Law	August 1999 – May 2005.
(b) Florence-Darlington Technical College Adjunct Professor – Business Law	March 7, 2000 – May 11, 2000.

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

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. See Application.

(a) All South Carolina Courts: May 11, 1998
(b) United States District Court: December 2, 1998
(c) United States Court of Appeals: July 7, 2004

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 M. Duane Shuler, South Carolina Circuit Court.
Aug. 1997 – Summer 1998.
- (b) Bridges, Orr, Derrick & Ervin – Aug. 1998 – April 2001.
Engaged in the practice of civil litigation, primarily defense.
- (c) The Law Office of D. Craig Brown, P.C. – May 2001 – present.
Engaged in the practice of civil litigation, (plaintiff and defense) and criminal defense, (state and federal).
- (d) Florence County Public Defender – (Part-time) – July 2006 – August 2007. Engaged in the practice of criminal defense in the South Carolina Court of General Sessions.
- (e) Marion County Public Defender – (Part-time) – July 2006 – present.
Engaged in the practice of criminal defense in the South Carolina Court of General Sessions.

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.

Throughout my legal career, I have tried civil and criminal cases. My experience as a criminal trial attorney includes defending such minor offenses as “unlawful possession of a weapon” and more complex felony cases such as murder.

The most recent murder case I tried was in June of 2008. The case initially was ruled a suicide. Approximately four months later, the case was ruled a homicide based upon gunshot residue found on my client, his mother, and the decedent. The trial of the case involved numerous evidentiary and scientific issues related to gunshot residue, location of the wound, and statements given by my client prior to his arrest. After a week long trial, the jury convicted my client of manslaughter, rather than murder, and he received a sentence of eight years.

My experience in civil matters goes back to the fall of 1998, when I began practicing law. The primary types of matters handled by me include personal injury cases (plaintiff and defense). The primary issues involved have been liability on behalf of the defendant, and damages on behalf of the plaintiff. One case I defended and tried in Marlboro County involved the legal issue of intoxication of the defendant and whether his intoxication was the proximate cause of the accident. The defense of the case required me to argue the facts and law related to defendant's intoxication. The trial resulted in a favorable finding for my client, the defendant.

15. What is your rating in Martindale-Hubbell? BV.
16. What was the frequency of your court appearances during the last five years?
 - (a) federal: Approximately 5-7 times a month.
 - (b) state: Approximately 5 times a month.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
 - (a) civil: 45%;
 - (b) criminal: 50%;
 - (c) domestic: 5%.
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: 95%;
 - (b) non-jury: 5%.

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

I most often serve as sole counsel. However, I have served as chief counsel and associate counsel where more than one attorney was involved.

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) United States v. Cherisme – This defendant was charged in federal district court with a drug conspiracy along with two other co-defendants. One of the co-defendants cooperated with the government while Cherisme and another co-defendant (his cousin) went to trial. This case was significant in that it involved many evidentiary issues such as the testimony of the cooperating co-defendant, the admissibility of a voluminous amount of phone records, and issues pertaining to Federal Rules of Evidence Rule 404(b) (Character Evidence – Other Crimes, Wrongs or Acts). Defendant Cherisme and the other co-defendant that went to trial were both convicted. The conviction is currently on appeal.
 - (b) State v. Joshua Weatherford – This was a case that was initially ruled a suicide. Approximately four months after the decedent's death, the defendant was one of two individuals charged with murder, due to

gunshot residue tests performed on the defendant and his co-defendant on the night of the decedent's death. The case was significant due to legal issues pertaining to gunshot residue which was presented by the state's expert during their trial and by the defense. The jury convicted the defendant after a week long trial of voluntary manslaughter, rather than murder, and he received a sentence of eight years.

- (c) State v. Brockington – The defendant was charged with attempted lewd act. The case went to trial. In defending the case, one important legal issue that was raised involved statements given by unavailable witnesses which were exculpatory. The statements were admitted and the case ended in a mistrial after the jury could not reach a verdict. The case has never been called again for trial.
 - (d) Keels v. Poston, Unpublished Opinion No. 2005-UP-039. The defendant was sued for negligence. The case was tried and the Defendant was found liable in the amount of \$35,000.00. This case was significant because the defendant was charged with failure to yield right-of-way. The plaintiff had medical bills totaling approximately \$7,000.00 and only obtained a verdict of \$35,000.00 in Williamsburg County, where verdicts are typically higher.
 - (e) Ray v. Radford – The defendant, who was intoxicated at the time of the accident, was sued for negligence. The case was significant because of the issues relating to the defendant's intoxication and whether or not his intoxication was the proximate cause of the accident. At the conclusion of the trial, a defense verdict was returned, wherein the jury determined that the defendant's intoxication was not the proximate cause of the accident.
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).
- (a) Amerson v. Ervin, et. al., Appealed from the South Carolina Court of Common Pleas. Decision filed in S.C. Court of Appeals on January 18, 2006. Unpublished Opinion No. 2006-UP-044.
 - (b) Keels v. Poston, Appealed from the South Carolina Court of Common Pleas. Decision filed in S.C. Court of Appeals on January 14, 2005. Unpublished Opinion No. 2005-UP-039.
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).
- (a) State v. James Rogers, S.C. Court of Appeals, March 13, 2006. 368 S.C. 529, 629 S.E.2^d 679 (2006).
 - (b) State v. Christopher Earl Lane – S.C. Court of Appeals, June 8, 2007. Unpublished Opinion No. 2007-UP-302.

- (c) U.S. v. Barry Wayne Griggs, U.S. Court of Appeals. Unpublished Opinion July 30, 2007, 241 Fed. Appx. 155 (2007).
 - (d) U.S. v. Rodney Barner, U.S. Court of Appeals. Unpublished Opinion, August 29, 2007, 238 Fed. Appx. 970 (2007).
 - (e) U.S. v. Charles Jamal Huggins, U.S. Court of Appeals. Unpublished Opinion, April 20, 2006, 176 Fed. Appx. 420 (2006).
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? Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty?
- (a) Florence County Voter Registration and Election Commission;
 - (b) Appointed March 2007 and resigned on February 5, 2008. While serving on this Commission, I did timely file my report with the State Ethics Commission.
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?
- I previously ran for Circuit Court, At Large, Seat No. 1. The screening process took place in the Fall of 2008. The Judicial Merit Selection Commission found that I was qualified and nominated me for election. The election for this particular seat took place in February 2009. I withdrew as a candidate on the morning of 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?
- (a) Probation Agent with the S.C. Department of Probation, Parole, and Pardon Services – Fall 1993 – Summer 1994.
 - (b) Francis Marion University – (part-time) – Business Law Instructor – August 1999 – May 2005.
 - (c) Florence-Darlington Technical College – (part-time) – Business Law Instructor – March 2000 – May 2000.
28. Are you now an officer or director or involved in the management of any business enterprise?
- (a) The Law Office of D. Craig Brown, P.C. – I am the sole shareholder of this professional corporation engaged in the practice of law.
 - (b) KatMar Properties, LLC, Owner – Engaged in real estate investment. Old Stallions, LLC, Officer – Engaged in real estate investment.

- My involvement in the two LLC's is limited to financial contributions. The properties are managed by a property management company.
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 Known.
 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?
I was arrested in December 1988 for DUI. I pled guilty to possession of alcohol by a minor and open container in 1989 and paid a fine. The DUI charge was dismissed.
 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? 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. N/A
 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. N/A
 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 to date.

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? No.
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) Florence 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) Pee Dee Area Citadel Club – President 2005.
 - (b) Florence YMCA – Lend-A-Hand Contributor.
 - (c) Florence County T-Ball Baseball Coach - 2008.
 - (d) Florence County Small Fry Baseball Coach – 2009.
 - (e) Upward Soccer Coach.
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 have had many life experiences that I believe would reflect positively upon my candidacy and should be considered by the Commission for the position that I seek. I have always been taught the value of honesty, integrity, hard work and respect for others. These values were instilled within me at a very young age by my parents. They have been applied in all of my endeavors which include the following: cutting and packaging gladiolas on a gladiola farm; working as an attendant at a service station pumping gas, changing tires and servicing automobiles; working third shift at Tupperware Manufacturing Plant on the production line; and working as a Probation Agent with the South Carolina Department of Probation, Parole and Pardon

Services. I believe that these work experiences, along with my experience practicing law, have equipped me and better prepared me to relate to many different people and understand their circumstances.

49. References:

- (a) James G. Carsten
1123 Rock Creek Dr.
Florence, SC 29505
(843) 669-0770.
- (b) Kathy Price Elmore, Esq.
P.O. Box 2527
Florence, SC 29503-2527
(843) 667-6613.
- (c) Dr. William J. Curtis
1734 Damon Dr.
Florence, SC 29505
(843) 665-7160.
- (d) The Honorable M. Duane Shuler
705 Sumter Hwy.
Kingstree, SC 29556
(843) 382-8712.
- (e) Marion Blake Gibson
4304 Blue Heron Circle
Florence, SC 29501
(843) 661-6334.

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: D. Craig Brown

Date: July 29, 2009



The Law Office of
D. Craig Brown, P.C.

D. Craig Brown
dcbrownlaw@bellsouth.net

Wallace H. Jordan, Jr., Associate
wjayjordan@bellsouth.net

October 8, 2009

Honorable Jane O. Shuler
Senate Counsel
Judicial Merit Selection Commission
PO Box 142
Columbia, SC 29202

Dear Ms. Shuler:

It was a pleasure seeing you on Wednesday, October 8, 2009. I provided you with a copy of documentation indicating that the DUI 1st, open container and minor in possession of alcohol, which I was charged with in December of 1988, have now been officially expunged. Please make the appropriate amendments as you feel necessary to my Personal Data Questionnaire.

If you have any questions upon receipt of this letter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Craig Brown", with a long horizontal flourish extending to the right.

D. CRAIG BROWN

DCB:rb
Cc: Joel Deason