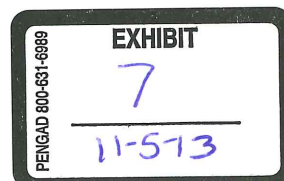


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
FOR RETIRED JUDGES/JUSTICES**

- NAME: The Honorable Howard P. King
- BUSINESS ADDRESS: 115 North Harvin Street
Sumter, SC 29150
- BUSINESS TELEPHONE: (803) 774-3852
2. Date and Place of Birth: 1939, Greenville, SC
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 March 3, 1962, to Nancy Leslie Ariail King. Never divorced; two children.
6. Briefly describe your continuing legal or judicial education since your last screening. 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) Annual Judicial Conference | August 2009, 2010, 2011, 2012; |
| (b) Circuit Court Judges Meeting | May 2009, 2010, 2011, 2012; |
| (c) SC Bar, Annual Civil Law Update | January 2009, 2010, 2011, 2012; |
| (d) SC Bar, Annual Criminal Law Update | January 2009, 2010, 2011, 2012; |
| (e) Various Seminars at meetings of SCAJ & SCDTLA annual meeting | (2009, 2010, 2011, 2012). |
7. Have you practiced law or served as a mediator or arbitrator since your retirement from the judiciary? No
8. List your positions of employment on and/or appointment to the bench chronologically.
Retired from Seat 2, Third Judicial Circuit on June 30, 2006, and have been serving in an Active Retired capacity since then. Have not had any other employment since my retirement as a full time Circuit judge.
9. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. No
10. Provide, as a separate attachment, a complete, current financial net worth statement that itemizes in detail:
- (a) Identify all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings.
- (b) Identify each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.
See Attached
11. Since your last screening, have you 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 arrest or charges
12. Since your last screening, have you, to your knowledge, been under federal, state, or local investigation for possible violation of a criminal statute? No



13. Since your last screening, has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities? Since your last screening, have you defaulted on a student loan? Since your last screening, have you filed for bankruptcy? No

14. Since your last screening, have you been sued, either personally or professionally?

Mayfield v. Jackson, King, et. al. 2012-CP-43-1462. Suit by a defendant whom I sentenced claiming I did not have jurisdiction to impose the sentence that I did. Referred to AG to defend and was dismissed by Order of Judge George James on January 9, 2013. Attached is a copy of a letter from Assistant Attorney General Kristin Simmons explaining the status.

15. Since your last screening, have you, as a lawyer, judge, or other professional, in South Carolina or any other jurisdiction, been sanctioned for lawyer, judicial, or other professional misconduct or found to have committed such misconduct? No

16. Since your last screening, have you been criticized, whether informally or in a matter taken to a disciplinary authority, for the manner in which you treated litigants or attorneys before you on the bench?

Public Defender Michael Stevens of the Fourth Judicial Circuit and I had a disagreement about the way I handled a matter before me regarding a mistake made by a prosecutor (who was also the daughter of a Circuit Court Judge). The matter involved jury selection in a criminal case and he felt I would not have ruled as I did if it had not been that particular prosecutor. After an in chambers discussion with Mr. Stevens, and since the jury had not been sworn, I decided to accept the suggestion of Mr. Stevens and excused the jury and continued the case beyond the term.

(a) At the September 20, 2010, term of General Sessions in Sumter, Todd Rutherford, Esq. counsel for a criminal defendant, disagreed with me in my refusal to grant him an Order of Protection and had his office contact Court Administration. I responded to Court Administration and also did a memorandum to my file to document exactly what transpired. A copy of that memorandum and other documents is attached.

(b) In August 2012, I was assigned to hear the election dispute case in Dorchester County in which Senator Mike Rose, the incumbent, was defeated in the primary by Sean Bennett. Rose complained that Bennett had not complied with the filing requirements as interpreted by the SC Supreme Court. After the hearing and ruling, (which was in Bennett's favor), Rose wrote an epistle to his constituents in which he aired a number of complaints against the other parties, their lawyers, and me. I did not see the letter until one of the attorneys, Representative Chris Murphy, brought it to my attention. Murphy has filed an ethics complaint against Rose but I decided to take no action and have never spoken to Rose about the matter. A copy of the letter sent by Rose to his constituents is enclosed.

17. Describe your personal policy for the acceptance of food, meals, beverages, lodging, transportation, entertainment, social hospitality, or other things of value from an attorney, a group of attorneys, or from other individuals.

I only accept meals, gifts, etc. from personal friends who are non-attorneys. I do not accept any gifts, lodging, or entertainment from attorneys and have a personal policy of paying my own way in those social situations. I accept lodging, meals, & registration fees from groups only if the invitation is extended to all judges and comes from a recognized legal

organization (i.e. SC Bar, SCAJ, SCDTLA, etc.)

18. Have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? No
19. Provide any other information which 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.

Thirty years of private practice and seventeen years of judicial experience without any disciplinary sanctions (i.e. warnings, reprimands, suspensions, etc.). Also, served in a number of offices with the S.C. Bar, including President (1990-91) and received the Order of the Palmetto from the Governor in 2006.

20. For the last fully completed calendar year, itemize the income, expenses, fees, payments, or additional benefits exceeding \$500, in the aggregate, received by you or a member of your immediate family from South Carolina state and local entities. List the type, source, and amount or value of the benefit. Be sure to list any expense reimbursement you received separately from your income.

None other than judicial retirement(\$56,137.00), salary payment from the Judicial Department (\$48,902.00) when working, and reimbursement for in state travel expense (mileage, lodging, subsistence).

21. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
 - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.
- List the interest you hold and the value and location of the property. Identify as applicable the:
- (a) nature of any potential conflict of interest;
 - (b) nature and value of any public improvements; and
 - (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

I own a lot and house on Lake Marion in Clarendon County on property purchased from the SC Public service Authority and I lease the marginal land between the high water mark and the lake. The Authority also regulates improvements on the owned property as well as encroachments on the waterfront.

22. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. None

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

Signature: Howard P. King

Date: July 10, 2013



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

Howard P. King
Active Retired Judge

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Sumter, SC 29151
Phone: (803) 774-3852
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hkingj@sccourts.org

MEMORANDUM

To: Jane O Shuler
From: Howard P. King *HOK*
Subject: Amendment to PDQ
Date: September 20, 2013

Dear Ms. Shuler:

I recently received the attached e-mail from Patrick Dennis, Chief Counsel of the House Judiciary Committee. He pointed out that the SLED report on me, a copy of which is also attached, shows a prisoner lawsuit by Richard S Mayfield filed in the U.S. District Court (0:10-CV-01487) that was not disclosed on my Personal Data Questionnaire. The simple reason that I did not disclose it was because I did not know about it. The SLED report indicates it was dismissed on November 30, 2010 without prejudice and without service.

Apparently Mr. Mayfield thereafter filed an action in the Court of Common Pleas (2012-CP-43-1462). That lawsuit was included in my disclosures in item 14 of my PDQ. As indicated, that suit was dismissed by Order of The Honorable George C. James on January 9, 2013.

Please amend my PDQ to reflect the federal lawsuit of which I had no knowledge and which was dismissed. I hope this clears up any questions about this matter and if you need anything else please let me know.

King, Howard P.

From: Patrick Dennis <PatrickDennis@schouse.gov>
Sent: Wednesday, September 18, 2013 8:23 AM
To: King, Howard P.
Cc: Jane Shuler
Subject: JMSC

Categories: Red Category

Judge King-

First, let me apologize for not introducing myself in person and making the opportunity to speak with you face to face but my time was tight and you were very effectively conducting a trial (State v. Gross) in Lexington on September 11, 2013 when I came to observe you as part of the JMSC process.

I'd like to comment to you first, as I would have in person, as to how impressed I was with you in the court room. You were efficient, decisive, effective and had an EXCELLENT demeanor on the bench. As an aside, I had a personal connection with a member of both the prosecution and defense teams for the particular case, both took the opportunity to tell me what a strong trial judge you are and that they appreciated the manner in which you had conducted that particular proceeding, especially given the relative difficulty of the subject matter. I'll say that is a first for me in 11 years of observing judges for the commission. I will very gladly make a very positive report to the Commission concerning my in court observation of you.

I'd also like to briefly mention my review of your application materials. I appreciate the thoroughness and candor with which you have disclosed every matter of concern. Specifically the matters that pertain to Rep. Rutherford and former Sen. Rose. The materials seems complete with the exception of the SLED report which shows a prisoner lawsuit, Mayfield v. King etal, filed in the U.S. District Court that does not appear on your PDQ. In all likelihood this is because you were not served with the lawsuit and are, until now, unaware of it. This amendment to you PDQ can simply be made at prior to the hearing by letter directed to Mrs. Shuler indicating additional information for the appropriate question on the PDQ. I can forward you the information I have about the lawsuit if you like.

At this point, Judge, barring any additional information being submitted to the Commission I would consider you a candidate for waiver of your public hearing, currently scheduled for Wednesday November 6, 2013 at 1:40 p.m.. Obviously, that is ultimately a decision for the Commission to make but at this time it will be my recommendation to them.

If you have any questions, concerns or if I can provide any further assistance on this matter, please do not hesitate to contact me at any time.

Patrick Dennis
Chief Counsel,
House Judiciary Committee
512 Blatt Building
P.O. Box 11867
Columbia, SC 29211
(803) 734-3120 (office)
(803) 212-7356 (fax)