

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying: Circuit Court Judge, Eighth Judicial Circuit, Seat 1

1. Name: The Honorable Frank Robert Addy, Jr.
Name that you are known by if different from above. N/A
Are you currently serving in some capacity as a judge? Yes, Resident Judge, Eighth Judicial Circuit
Business Address: Greenwood County Courthouse,
528 Monument Street, Ste. 210,
Greenwood, SC 29646
Telephone Number: (office): (864) 943-8020
2. Date of Birth: 1967
Place of Birth: Greenwood, 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 September 6, 1997 to Kelly Sprouse Addy. Never divorced, two children.
6. Have you served in the military? N/A
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) University of SC, September, 1986–May, 1990, BA, International Studies, cum laude; Phi Beta Kappa, (Minor–Business Administration);
 - (b) University of SC School of Law, September, 1990–May, 1993, JD.
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.
SC, admitted November 15, 1993.
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) University of SC;
Student Government – Director, Students for a Better Carolina;
Phi Beta Kappa.
 - (b) University of SC School of Law;
Articles Editor, ABA Real Property, Probate and Trust Journal;
Moot Court Team International;
President, International Law Society;
Palmetto Law Society.
10. Describe your continuing legal or judicial education during the past five years.
Conference / CLE Name Date(s)

- | | | |
|------|---|--------------|
| (a) | SC Bar Convention, | 1/21/10; |
| (b) | Probate Judges Legislative Conference, | 2/16/10; |
| (c) | SC Circuit Judges Conference, | 5/5/10; |
| (d) | New Circuit Judge's Orientation School, | 7/7/10; |
| (e) | SCAJ Conference, | 8/5/10; |
| (f) | Annual Judicial Conference, | 8/18/10; |
| (g) | SC Public Defenders Convention, | 9/27/10; |
| (h) | SC Bar Convention, | 1/21/11; |
| (i) | SC Circuit Judges Conference, | 5/4/11; |
| (j) | SCAJ Conference, | 8/4/11; |
| (k) | Annual Judicial Conference, | 8/17/11; |
| (l) | SCDTAA Conference, | 11/3/11; |
| (m) | SC Bar Convention, | 1/20/12; |
| (n) | National Judicial College, Reno, NV, | April, 2012; |
| (o) | SC Circuit Judges Conference, | 5/2/12; |
| (p) | SCDTAA Summer Conference, | 7/26/12; |
| (q) | SCAJ Conference, | 8/2/12; |
| (r) | Annual Judicial Conference, | 8/22/12; |
| (s) | SCDTAA Conference, | 11/8/12; |
| (t) | SC Bar Convention, | 1/25/13; |
| (u) | SC Circuit Judges Conference, | 5/1/13; |
| (v) | SCAJ Conference, | 8/1/13; |
| (w) | Annual Judicial Conference, | 8/21/13; |
| (x) | SCDTAA Conference, | 11/7/13; |
| (y) | SC Bar Convention, | 1/24/14; |
| (z) | SC Circuit Judges Conference, | 3/24/14; |
| (aa) | SCAJ Conference, | 8/7/14; |
| (bb) | Annual Judicial Conference, | 8/20/14; |
| (cc) | SC Bar Convention, | 1/22/15; |
| (dd) | SC Circuit Judges Conference, | 3/9/15; |
| (ee) | SCAJ Conference, | 8/6/15; |
| (ff) | Annual Judicial Conference, | 8/20/15. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) "Dual Diagnosis" October 9, 2001
SC Association of Probate Judges
Presentation addressed the problematic practical and procedural issues concerning stabilization and treatment of mentally ill/chemically dependent individuals;
- (b) "New Probate Judge's School"
SC Court Admin. and SCAPJ, January 10, 2013 & March 15, 2007
Planned topics, organized speakers and materials, and moderated the 2003 New Probate Judge's School. Personally addressed topics of ethics and estate taxation at the 2003 and 2007 schools;
- (c) "Therapeutic Commitments–Judicial Issues and Supplemental Proceedings"
SC Association of Probate Judges, August 6, 2004

- Lecture on the jurisdictional validity of commitment orders throughout the state and between states with discussion of supplemental proceedings due to non-compliance;
- (d) "General Probate Issues"
Greenwood County Bar, September 30, 2004
Presentation geared toward general practitioner. Presentation discussed recent changes in the law, disclaimers, omitted spouse and elective share petitions, and other matters related to probate jurisdiction;
 - (e) "Creditor's Claim Presentment in the Probate Court"
SC Morticians Assoc., October 24, 2004
Procedural law for presenting a claim against a decedent's estate;
 - (f) 13th Annual Probate Bench/Bar, Course Planner and Moderator
SC Bar CLE Division, September 16, 2005
I planned and moderated the 2005 Bench/Bar and was subsequently told that the attendance for the event surpassed all previous bench/bar conferences;
 - (g) "Temporary and Emergency Measures in Probate Proceedings"
SC Assoc. of Probate Judges, September 25, 2005
Procedural overview of Rule 65, SCRPC, governing temporary injunctions as compared to Section 62-3-607 governing emergency orders in the estate context and 62-5-310 governing appointment of emergency temporary guardians;
 - (h) "The Probate Process and Presentation of Creditors' Claims in SC's Probate Courts"
SC Oncology Assoc., May 18, 2006
Presentation was a procedural overview of the process for probating an estate, presenting claims against an estate, and explanation of time limits involved;
 - (i) "Roundtable Discussion"
SC Assoc. of Probate Judges, August 4, 2006
Served as panel member and discussed recent issues/hypotheticals;
 - (j) "Recent Issue in the Probate Court"
Greenwood County Bar, February 23, 2007
Presentation discussed the Franklin and Brown cases concerning unauthorized practice of law and addressed competency issues when a client may be suffering from mental incapacity;
 - (k) "Probate Potluck"—Round Table Discussion
SC Assoc. of Probate Judges, September 12, 2007
Panel member for discussion of various probate topics;
 - (l) "Involuntary Mental Illness Commitments"
SC Summary Court Judges Assoc., May 6, 2008
Presentation on procedural and substantive law concerning involuntary commitments due to mental illness or chemical dependency.
 - (m) Panel Discussion
SC Public Defender's Assoc., September 27, 2010
Participated as a panel member to discuss issues commonly seen in general sessions court;
 - (n) "Motions Practice in Circuit Court"
SCDTTA Assoc., July 28, 2012

- Judge Young and I gave a presentation on effective techniques in making motions in the common pleas context;
- (o) "Top 10 things that annoy me...and probably other judges"
SC Bar Convention, January 24, 2014
Served as a panel member with two other circuit judges to discuss inefficiencies and other common problems frequently observed in the Circuit Court;
 - (p) "Petitions to Restore Firearm Rights"
SC Probate Judges Assoc., February 19, 2015
Presentation addressed the recent changed in the law permitting individuals who were previously involuntarily committed to petition for restoration of their Second Amendment rights.
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.
- (a) SC Bar, admitted November 15, 1993;
 - (b) US District Court for SC, admitted June 13, 1997 (inactive).
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) Eighth Circuit Solicitor's Office
September, 1993–February, 1997
Prosecuted all types of felony and misdemeanor cases, including homicides.
Promoted Deputy Solicitor during my tenure and successfully reduced the backlog in the county for which I was responsible from 20 pages to 6 pages;
 - (b) Sheek, Addy & Medlock, PA
March, 1997–February, 1998
Upon the passing of my father, I engaged in general private practice, including personal injury, domestic and criminal cases;
 - (c) Chief Public Defender for Greenwood and Abbeville Counties
February, 1998–June, 1999
Responsible for defending clients charged in general sessions as well as juvenile court. Oversaw operation of office and defended all manner of criminal cases;
 - (d) Probate Judge for Greenwood County
June, 1999–April, 2010
Responsible for contested hearings concerning all aspects of the court's jurisdiction. Managed the case docket and substantially reduced delinquency in pending cases. Also served as Special Referee for civil matters referred to me for trial or hearing;
 - (e) Greenwood Clerk of Court
June, 2003–August, 2003
Upon the retirement of Greenwood's Clerk and per state law, I assumed the role of acting clerk of court until the Governor made an appointment;
 - (f) Acting Circuit Court Judge

- September, 2006–2008
Appointed by the Chief Justice while Greenwood's resident judge was recovering from a serious illness;
- (g) Eighth Circuit Drug Court Judge
August 18, 2008–Present
Appointed by the Chief Justice to serve as judge for the Eighth Circuit Drug Court program. Preside over and supervise drug court participants throughout their participation. Worked with the Solicitor in establishing the program and crafting the model;
- (h) Resident Circuit Judge, Eighth Judicial Circuit, Seat 1
April 16, 2010–Present
Preside over the Circuit Court, a court of general jurisdiction. The Court addresses all manner of civil and criminal cases.
16. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
23. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.
- (a) Probate Judge for Greenwood County, Elected
June, 1999–April, 2010
Responsible for contested hearings concerning all aspects within the court's jurisdiction under Title 62.
- (b) Acting Circuit Court Judge, Appointed
September, 2006–2008
- (c) Eighth Circuit Drug Court Judge, Appointed
August 18, 2008–Present
Appointed by the Chief Justice to serve as judge for the Eighth Circuit Drug Court program. Jurisdiction limited per the Chief Justice's order.
- (d) Resident Circuit Judge, Eighth Judicial Circuit, Seat 1, Elected
April 16, 2010–Present
Court of general, state-wide jurisdiction except as to domestic or probate matters. The Court addresses all manner of civil and criminal cases.
24. If the answer to question 23 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.
- (a) State v. Andrew Lee Harrison, 402 S.C. 288, 741 S.E.2d 727 (2013). Mr. Harrison was found guilty of leaving the scene of an accident involving death, and a substantial sentence was imposed. Counsel for Harrison argued that the penalty provisions of Section 56-5-1210 were unconstitutional under the Eighth Amendment, and I disagreed. On appeal and citing recent statistical evidence, the Supreme Court affirmed finding no Eighth Amendment violation and that the penalty provisions of the statute granted broad discretion under the Eighth Amendment. In commenting on my statements at sentencing, the Supreme Court stated that the court's "statements at sentencing are the very embodiment of proportionality...." The case also served to outline the appropriate procedure for a

trial court when faced with statistical, intrajurisdictional comparisons between sentencing statutes;

- (b) Forest Byrd v. Judy Livingston, TIAA Timberlands, II, LLC, 398 S.C. 237, 727 S.E.2d 620 (Ct. App. 2012) (cert. den'd. May 7, 2014). This case concerned an effort to set aside a settlement agreement which had not been reduced to a formal agreement but which had been agreed upon in mediation. The primary issue was whether the Byrd could insist on a term's inclusion in the agreement seeking to bind third-party to the agreement and then seek to avoid Byrd's obligations under the agreement when that third-party refused to join in the settlement. I found that Boyd was still bound under the agreement and that the added term did not constitute a condition precedent necessary to trigger Byrd's performance. The Court of Appeals affirmed and quoted from my order in holding that "Byrd should not be rewarded for asking that a term be included in the Agreement and then seek to avoid the Agreement [once the third-party fails to agree to that term].";
- (c) State v. Ashley N. Hepburn, 406 S.C. 416, 753 S.E.2d 402 (2013). This case involved charges of homicide by child abuse in a boyfriend/girlfriend scenario. The defendants were tried jointly and the case took roughly three weeks to try including pretrial motions. Bruton¹ and Crawford² issues were of primary concern at trial, the jury found Hepburn guilty, and the court sentenced her to forty-five years. On appeal, the Supreme Court took the opportunity to define the waiver rule as it relates to recent holdings concerning substantial circumstantial evidence at the directed verdict stage;
- (d) State v. Juan Burns, 12-GS-30-1044, 1045. This murder case concerned application of the castle doctrine prior to the Supreme Court's decision in State v. Curry, 406 S.C. 364, 752 S.E.2d 263 (2013). In denying application of the castle doctrine, my order essentially anticipated and parroted the Supreme Court's holding in Curry;
- (e) State v. Karlita Phillips, 2014-GS-01-212, 213. This was another murder case which I recently tried. The case was strange in that the State alleged Phillips hired a juvenile to murder her husband, yet he shot the brother of the intended victim, mistaking him for Phillips' husband. Preliminarily, much of the State's case relied upon statements by the non-testifying shooter given to third persons which provided motive and implicated Phillips; accordingly, Crawford and Bruton were implicated. Ms. Phillips was convicted.

25. 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?

The office of Probate Judge is publically elected, and when I served in that capacity, all Ethics Commission reports were timely filed.

26. 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

¹ Bruton v. United States, 391 U.S. 123 (1968)

² Crawford v. Washington, 541 U.S. 36 (2004)

27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
I sought Seat 2 of the Eighth Circuit Court in 2009 and withdrew prior to the election.
28. 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?
From 1997 to 1998, I assisted my Grandparents with the family business after the passing of my Father. The business was a family jewelry store in Greenwood, registered as a sub-S corporation. My Grandparents and I sold the business in 1998.
29. 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.
N/A
30. A complete, current financial net worth statement was provided to the Commission.
31. 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 do not have any outstanding business or financial arrangements which could constitute a potential conflict of interests.
32. 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?
In June 2005, I was issued a speeding ticket for speeding 10 MPH over the limit in the City of Newberry. I did not challenge the ticket, and I paid the fine of \$145.00.
33. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute?
No.
34. 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.
35. 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?
Aside from PCR matters, I have never been sued.
37. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect?
No.
38. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy?
N/A
39. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?
I do have a Facebook page, but I am not active on this website. Primarily, I use it to keep in touch with old friends from school. My service as a judge is unaffected by any social media site to which I belong.

40. 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, although while in college in the 1980's, I did serve in student government as director of an organization whose purpose it was to encourage full funding of USC.
41. 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.
42. 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. Include the disposition, if any, of such charges or allegations.
I am unaware of any such allegations.
43. 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. Include the disposition, if any, of such charges or allegations.
I am unaware of any such allegations.
44. 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.
I have spent no funds.
45. 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.
I have not made any such contributions.
46. 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.
47. 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.
48. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy?
No.
49. 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.
50. 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) SC Bar Association, 1993-Present;
 - (b) President, SC Assoc. of Probate Judges, 2005-06;
 - (c) SC Association of Probate Judges, 1999-2010;
 - (d) Chairman, Advisory Committee to the Chief Justice, 2001-03;
 - (e) SC Circuit Judges Assoc., 2010-Present.
51. 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) Greenwood Masonic Lodge AFM #91 (since 1998);
 - (b) Links at Stoney Point (social and pool membership);
 - (c) Greenwood Country Club (social, pool, and tennis membership);
 - (d) Greenwood Cotillion Club.
52. 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.
- Again, I am extremely honored to have been entrusted with this responsibility. Being a judge constitutes the realization of a professional ambition and having, served in this position for six years, I possess a new appreciation for the responsibilities, demands, and obligations of this job.
- At its core, the justice system is nothing more than a means of resolving disputes-judges are merely problem solvers. We are impartial—we did not cause the injustice of which a party complains. We are unbiased—we apply the law without concern for popular favor or reproach. And we should be humble—understanding that our decisions deeply affect real people, often for the rest of their lives. In short, and for lack of a better description, ours is a priesthood—we seek to know and apply the law of man, to speak the truth, and to do justice. I have endeavored to fulfill this obligation, and I feel that I have. At the end of the day and at the conclusion of every case, I know that someone is likely going away unhappy. Although I cannot control someone's reaction to my decision, I genuinely try to provide them with the feeling that their case enjoyed a fair hearing, and I will endeavor to continue to do so by exercising patience, understanding, and compassion for those who come before me.
53. List the names, addresses, and telephone numbers of five persons, including your banker, from whom references could be obtained.
- (a) Mrs. Holly Bracknell
(financial advisor / banker),
340-C Main St.,
Greenwood, SC 29646
(864) 223-2211
 - (b) Dan Wideman
(Retired Sheriff)
126 Stratford Rd.,
Greenwood, SC 29649

- (c) (864) 229-6852
Peter Manning, Esq.,
Manning Law Firm,
315 West Cambridge Ave.,
Greenwood, SC 29646
(864) 223-8850
- (d) Mrs. Leslee Hardgrove,
4152 Hearthsides Dr., Apt. 204,
Wilmington, NC 28412
(XXX) XXX-XXXX
- (e) Rev. Carl Hunsucker,
St. Mark UMC,
550 Highway 72 By-Pass, NW,
Greenwood, SC 29649
(864) 229-5416

54. 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.
- N/A

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.

N/A

55. 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. Identify the property, its amount or value, and the name of the agency.
- N/A

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/Frank Robert Addy, Jr.

Date: August 4, 2015