

Executive Order No. 2019-16

WHEREAS, a Grand Jury convened in the Rock Hill Division of the United States District Court for the District of South Carolina has indicted George Alexander Underwood, Sheriff of Chester County, for one count of Conspiracy, in violation of 18 U.S.C. § 371; one count of Deprivation of Rights, in violation of 18 U.S.C. § 242; one count of Tampering, in violation of 18 U.S.C. § 1512(c)(1) and 18 U.S.C. § 2; one count of Falsification of Records in Federal Investigation, in violation of 18 U.S.C. § 1519 and 18 U.S.C. § 2; and one count of False Statement, in violation of 18 U.S.C. § 1001(a)(2); and

WHEREAS, George Alexander Underwood, as Sheriff of Chester County, South Carolina, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself,” *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and “involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man,” *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); and

WHEREAS, the aforementioned Indictment includes one or more counts charging George Alexander Underwood with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, section 23-11-40(C) of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “[i]f any vacancy occurs in the office [of sheriff in any county of this State] at any time and is created by suspension by the Governor upon any sheriff’s indictment, the Governor shall appoint some suitable person . . . to hold the office until the suspended sheriff is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first”; and

WHEREAS, Donald Max Dorsey, II of Chester, South Carolina, is a fit and proper person to serve as Sheriff of Chester County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend George Alexander Underwood from the office of Sheriff of Chester County until such time as he shall be formally acquitted or convicted. Accordingly, pursuant to article VI, section 8 of the South Carolina Constitution and section 23-11-40(C) of the South Carolina Code of Laws, I hereby appoint Donald Max Dorsey, II to serve as Sheriff of Chester County until George Alexander Underwood is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first.

This action in no manner addresses the guilt or innocence of George Alexander Underwood and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 7th DAY OF MAY, 2019.**

**HENRY MCMASTER
Governor**