

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

State of South Carolina

vs.

William D. Lewis,
Defendant.

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

STATE'S COMBINED RESPONSE TO
MOTIONS TO QUASH INDICTMENTS

2018-GS-23-2466A through F
2018-GS-23-2467A
2019-GS-23-1146A through F
2019-GS-23-1147A

15 JUN 4 10:24
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The State, by and through Sixteenth Circuit Solicitor Kevin Brackett, hereby responds to Defendant's Motions to Quash Indictments as follows:

A. The common law offense of misconduct in office has a long, valid history as an indictable offense to combat corruption and misconduct by public officials.

Defendant's claim that common law misconduct in office is not an indictable offense ignores the existing law and records of this state. South Carolina court administration recognizes the offense of common law misconduct in office with CDR code 0819. Since the beginning of the fiscal year in 2000 through the end of the 2017 fiscal year, court administration has recorded 203 guilty pleas to common law misconduct in office and 15 guilty verdicts. *See Exhibit A.* One of the 16 guilty pleas in the fiscal year from 2017-2018 is that of former South Carolina Senator John Courson, and the current fiscal year has logged the jury trial conviction of former South Carolina Representative Jim Harrison. Of note as to these recent, high profile cases is that those defendants, and particularly Courson, unsuccessfully raised nearly identical arguments about common law misconduct in office. As such, the analysis that follows borrows heavily from work done by First Circuit Solicitor David Pascoe and his staff in the aforementioned prosecutions. Additionally Judge Mullen's written order in denying Courson's motions, though not binding, engages in an analysis of several of Defendant's arguments. *See Exhibit B.*

The law cited by Defendant in his motion betrays his argument regarding the alleged invalidity of common law misconduct in office. Defendant misconstrues the commentary of the court in *State v. Hess*, 279 S.C. 14, 19, 301 S.E.2d 547, 550 (1983), that “South Carolina has no cases applying the common law of misconduct in office” as a declaration that no such offense exists in the state. Instead, however, that opinion itself affirms a jury trial conviction for common law misconduct in office. *Id.* That opinion, then, extinguishes any pre-existing doubt about the validity of the offense despite the dearth of prior case law.

Defendant’s argument that the Ethics Act of 1829, now codified at S.C. Code Annotated § 8-1-80 (1976, as amended), superseded the common law offense for misconduct in office similarly fails to withstand scrutiny. While *State v. Sellers*, 41 S.C.L. 368, 371 (1854), discusses the intent of the legislature in the enactment of the Ethics Act of 1829, that court never undertook an analysis of the implications of the Act as to common law offenses. Exploration of the latter analysis confirms the continued validity of common law misconduct in office.

Common law misconduct in office remains viable because no South Carolina law alters or is inconsistent with the offense. The legislature specifically adopted the common law as follows:

All, and every part, of the common law of England, where it is not altered by the Code or inconsistent with the Constitution or laws of this State, is hereby continued in full force and effect in the same manner as before the adoption of this section.

S.C. Code Ann. § 14-1-50 (1976, as amended). When determining whether the common law is altered or inconsistent with the laws of this state, the courts follow the premise that “the common law will not be impliedly changed . . . only by clear and unambiguous legislative enactment will the settled rules of common law be eroded.” *State v. Carson*, 274 S.C. 316, 319, 262 S.E.2d 918, 920 (1980). In other words, “Common law offenses are not abrogated simply because there is a statutory offense proscribing similar conduct.” *State v. Prince*, 316 S.C. 57, 66, 447 S.E.2d 177, 182 (1993) (quoting McAninch and Fairey, *The Criminal Law of South Carolina*, 39 (2d

Ed.1989)). Instead, "it is presumed that no change in common law is intended unless the Legislature explicitly indicates such an intention by language in the statute." *Id.* In light of these guiding principles, it comes as no surprise that Defendant could not cite support for his proposition that the Ethics Act of 1829 superseded common law misconduct in office.

The Ethics Act of 1829 neither altered nor is inconsistent with common law misconduct in office. The Act by its terms makes no mention of common law misconduct in office and therefore should not be read to supersede the offense by implication. *See* Exhibit C. Additionally, common law misconduct in office and the statutory offense created by the Act coexist under the law because the offenses address issues related to misconduct and corruption in different ways. Common law misconduct in office is a specific intent crime that requires willful wrongdoing. *See Hess*, 279 S.C. at 20, 301 S.E.2d at 551 ("[T]he wilful and dishonest character of appellant's conduct was the threshold fact issue to be determined by the jury."). The statutory offense, in contrast, may be violated by both willful misconduct and habitual negligence. *See* S.C. Code Ann. § 8-1-80 (1976, as amended). But while the statutory offense encompasses a greater scope of behavior, it applies only to public officers whose authority is limited to a single election or judicial district. *Id.* Common law misconduct in office, meanwhile, applies more broadly to all individuals in public office. *State v. Thrift*, 312 S.C. 282, 308-09, 440 S.E.2d 341, 355-56 (1994). Because statutory laws did not erode the common law and because statutory and common law misconduct in office are different, both offenses continue to be viable tools to combat corruption and misconduct by public officials.

B. The indictments against Defendant allege separate and distinct offenses capable of simultaneous prosecution without offending the concept of double jeopardy.

An extension of Defendant's argument that the statutory offense of misconduct in office superseded the common law offense, Defendant argues that double jeopardy prohibits his

prosecution for multiple offenses where the underlying conduct in support of those offenses is the same or similar. Defendant's pleadings, however, fail to undertake the analysis of double jeopardy claims prescribed by law.

The Double Jeopardy Clauses of the United States and South Carolina Constitutions protect individuals from being twice prosecuted for the same offense. *State v. Brandt*, 393 S.C. 526, 538, 713 S.E.2d 591, 597 (2011). The Clauses do not, however, prohibit multiple indictments and punishments where a single act consists of two or more "distinct" offenses. *Id.* (quoting *State v. Moyd*, 321 S.C. 256, 258, 468 S.E.2d 7, 9 (Ct. App. 1996)). The "sole test" for "distinct" offenses in the context of double jeopardy is the "same elements" test established in *Blockburger v. United States*, 284 U.S. 299, 52 S.Ct. 180 (1932). *Id.* (quoting *State v. Cuccia*, 353 S.C. 430, 438, 578 S.E.2d 45, 49 (Ct. App. 2003)). In this analysis "multiple punishment is not prohibited where each offense calls for proof of a fact that the other does not." *Cuccia*, 353 S.C. at 438, 578 S.E.2d at 49. Pursuant to this test, the indictments pending against Defendant allege multiple offenses without running afoul of double jeopardy.

Despite the similarity in name, the common law offense "Misconduct in Office" and the statutory offense "Misconduct of a Public Officer" present distinct offenses under the "same elements" test. As explained above, statutory and common law misconduct address issues related to misconduct and corruption in different ways. The statutory offense requires proof of an elected official though the common law does not. Meanwhile the common law offense requires proof of willful misconduct though the statutory offense does not. Therefore neither offense is a subset of the other and the charges are capable of simultaneous prosecution.¹

¹ This double jeopardy argument was similarly made and rejected by Judge Mullen in *State v. Courson*. Exhibit B.

Depending on the circumstances in which it is made, the single act of making a false statement may give rise to multiple distinct offenses. Common law misconduct requires proof that the false statement was willfully made by a public official in violation of a duty imposed by the common law. *See Hess*, 279 S.C. at 20, 301 S.E.2d at 550. Statutory misconduct requires proof that the false statement was made by an elected official. *See* S.C. Code Ann. § 8-1-80 (1976, as amended). And perjury requires proof of the false statement “on a document, record, report, or form required by the laws of this State.” S.C. Code Ann. § 16-9-10(A)(2) (1976, as amended). Each of these offenses requires proof of an element not contained in the others, making them distinct under the law.

The same analysis applies to conduct that oppressed and intimidated Defendant’s employees. Such conduct gives rise to a common law misconduct offense when willfully done by a public official in violation of a duty imposed by the common law. Such conduct gives rise to statutory misconduct when done by an elected official. And such conduct gives rise to the common law offense obstruction of justice when done with the intent to obstruct the administration of justice. Because each offense requires proof of an element not required by the others, double jeopardy is not implicated and Defendant’s conclusory statements to the contrary cannot withstand scrutiny.

C. The South Carolina Legislature attached criminal consequences to misconduct in office separate and apart from any rules or regulations implemented by non-legislative entities.

Defendant additionally attacks the validity of the misconduct charges on grounds that they represent an unconstitutional delegation of legislative authority in that an individual could be criminally convicted of violations of rules and regulations that do not independently carry legislatively recognized criminal consequences. No such delegation occurred, however, when the legislature affirmatively acted to uphold common law offenses and to hold public officials to a

higher standard of conduct. *See* S.C. Code Ann. §§ 8-1-80 & 14-1-50 (1976, as amended). As discussed, both common law and statutory misconduct require proof of several elements before criminal consequences attach. A simple rule or regulation violation without more would not suffice, nor do these offenses require consideration of rules or regulations by a non-legislative entity to determine proof of an element. Certainly violations of rules and regulations could be relevant to whether a public official engaged in misconduct but such conduct in isolation would not rise to the level of common law or statutory misconduct as proscribed by law. Unless and until the State proves nothing more than a rule or regulation violation,² the Court need not further scrutinize Defendant's proposed hypotheticals. The indictments as they stand before the Court allege cognizable offenses.

D. Defendant has been afforded due process under the law.

In several motions Defendant alleges that the misconduct indictments violate his due process rights in that the offenses themselves and the pending indictments in particular are too vague. The first argument requires analysis of the misconduct charges under the rubric of a "void for vagueness" challenge and the latter requires an examination of the indictments in the context of their role as "notice" documents.³ Neither argument merits the quashing of the indictments.

1. Misconduct in office, whether proscribed by the common law or statute, survives constitutional scrutiny.

Both the common law and statutory offenses of misconduct in office are sufficiently defined to satisfy constitutional requirements. "The concept of vagueness or indefiniteness rests on the constitutional principle that procedural due process requires fair notice and proper standards

² Such an argument would more appropriately be made at the conclusion of the State's case in a motion for directed verdict.

³ Defendant initially challenged the obstruction of justice indictment (2018-GS-23-2467A) as too vague but did not renew that argument, unlike other arguments, in more recent filings. The State submits that any alleged deficiency in the obstruction indictment has been cured by the superseding indictment that received a true bill on March 19, 2019. None of Defendant's motions challenge the perjury indictment (2019-GS-23-1147A) as too vague.

for adjudication.” *State v. Albert*, 257 S.C. 131, 134, 184 S.E.2d 605, 606 (1971). “A law is unconstitutionally vague if it forbids or requires the doing of an act in terms so vague that a person of common intelligence must necessarily guess as to its meaning and differ as to its application.” *State v. Michau*, 355, S.C. 73, 77, 583 S.E.2d 756, 758 (2003). But even so, “all the constitution requires is that the language [defining an offense] convey sufficiently definite warnings as to the proscribed conduct when measured by common understanding and practices.” *Curtis v. State*, 345 S.C. 557, 572, 549 S.E.2d, 591, 599 (2001). In deciding whether language is sufficiently definite, courts also look “to see whether the allegedly unconstitutional statute has been interpreted or limited by prior judicial decisions.” *Town of Mt. Pleasant v. Chimento*, 410 S.C. 522, 534, 737 S.E.2d 830, 838 (2012). Ultimately, “Statutes are to be construed in favor of constitutionality; the Court will presume a legislative act is constitutionally valid unless a clear showing to the contrary is made.” *State v. Michau*, 355, S.C. 73, 76, 583 S.E.2d 756, 758 (2003). Indeed, the United States Supreme Court has noted:

The root of the vagueness doctrine is a rough idea of fairness. It is not a principle designed to convert into a constitutional dilemma the practical difficulties in drawing criminal statutes both general enough to take into account a variety of human conduct and sufficiently specific to provide fair warning that certain kinds of conduct are prohibited.

Colten v. Kentucky, 407 U.S. 104, 110, 92 S. Ct. 1953, 1957, 32 L. Ed. 2d 584 (1972). And finally, “One to whose conduct the law clearly applies does not have standing to challenge it for vagueness.” *Touissant v. State Bd. of Med. Examiners*, 303 S.C. 316, 320, 400 S.E.2d 488, 491 (1991).

- a. **Common law misconduct in office conveys sufficiently definite warnings as to the proscribed conduct and, in any event, Defendant lacks standing to challenge the offense.**

Common law misconduct in office “occurs when duties imposed by law have not been properly and faithfully discharged.” *Hess*, 279 S.C. at 20, 301 S.E.2d at 550. This requires proof

that a defendant is a public official, that there was a duty owed to the public, that the defendant breached the duty, and that the breach was done willfully and dishonestly. *See id.*; *Thrift*, 312 S.C. at 309, 440 S.E.2d at 356. That there is “a duty owed to the public is essential” and the common law is recognized to impose a duty of accountability on public officers which is assumed upon entry to public office. *Hess*, 279 S.C. at 20, 301 S.E.2d at 550-51. This accountability derives from the “common sense” idea that “[p]ublic officers must be impervious to corrupting influences and they must transact their business frankly and openly in the light of public scrutiny so that the public may know and be able to judge them and their work fairly.” *Id.* (quoting *Driscoll v. Burlington-Bristol Bridge Co.*, (N.J.), 8 N.J. 433, 86 A.2d 201, 221 (1952)). Additionally, duties may be “imposed by a general statute or arise out of the very nature of the office.” *State v. Weleck*, (N.J.), 10 N.J. 355, 366, 91 A.2d 751, 757 (cited favorably by *Hess*, 279 S.C. at 20, 301 S.E.2d at 550-51). These requirements for proof of common law misconduct are sufficiently definite standing alone and clearly apply to the allegations contained in the indictments against Defendant.

b. Statutory misconduct in office conveys sufficiently definite warnings as to the proscribed conduct and, in any event, Defendant lacks standing to challenge the offense.

Statutory misconduct criminalizes “any official misconduct, habitual negligence, habitual drunkenness, corruption, fraud, or oppression” by “[a]ny public officer whose authority is limited to a single election or judicial district.” S.C. Code Ann. § 8-1-80 (1976, as amended). Defendant complains that the statute lacks definitions and posits that, because the offense can be committed in a variety of ways, it must be void for vagueness. The words of the statute, however, have common understandings and most are long recognized and defined in American jurisprudence. *See Black’s Law Dictionary*, 10th ed. 2014 (defining “corruption,” “misconduct,” “official misconduct,” and “oppression”). Additionally the statute, which is intended to hold public

officials accountable, clearly applies to the conduct enumerated in Defendant's indictments, giving him no standing in a void for vagueness challenge.

2. The pending indictments provide the notice required by law of the charges Defendant faces.

Apart from challenging the misconduct offenses themselves, Defendant submits that the particular allegations made against him in the indictments fail to inform him of that which he stands accused. In a criminal case, "[t]he indictment is a notice document." *State v. Gentry*, 363 S.C. 93, 102, 610 S.E.2d 494, 500 (2005). To determine the sufficiency of an indictment, courts look to whether:

- (1) the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon; and
- (2) whether it apprises the defendant of the elements of the offense that is intended to be charged.

Id. at 102-03, 610 S.E.2d at 500. This analysis is undertaken "with a practical eye in view of all the surrounding circumstances" and "whether the indictment could be more definite or certain is irrelevant." *Id.* Ultimately, "Every indictment shall be deemed and judged sufficient and good in law which, in addition to allegations as to time and place . . . charges the crime substantially in the language of the common law or of the statute prohibiting the crime or so plainly that the nature of the offense charged may be easily understood" S.C. Code Ann. § 17-19-20 (1976, as amended).

Defendant's indictments sufficiently allege the misconduct charges contained therein to enable the court to know what judgment to pronounce, to inform Defendant that which he is called upon to answer, and to apprise Defendant of the elements of the offenses. As to place, the indictments are limited to Greenville County. As to time, the indictments are limited to the period in which Defendant served as Sheriff of Greenville County and, as to individual counts, the time

period is further narrowed when possible. Several of the allegations, however, involve conduct over a period of time. This is permissible because misconduct in office is “versatile” in nature such that it “may consist of one act or a series of acts.” *State v. Hess*, 279 S.C. 525, 528, 309 S.E.2d 741, 743 (1983).⁴ A continuous series of conduct may give rise to the offense, indictable in a single count, “even though such acts were committed on different days, and differ in their nature and constitute distinct offenses against the law, so long as they are cognate to the charge of official misconduct.” *Id.* at 528, 309 S.E.2d at 743 (quotation omitted).

The indictments further allege each of the elements of the respective offenses. In regard to common law misconduct in office, each count includes allegations that Defendant held the public office of sheriff, that Defendant owed particular enumerated duties recognized in the common law or inherent in the nature of Defendant’s public office,⁵ that Defendant breached those duties by engaging in enumerated conduct, and that Defendant’s breaches were willful and dishonest. In regard to statutory misconduct, each count includes the allegation that Defendant was a public officer whose authority was limited to a single election or judicial district and that he engaged in enumerated conduct amounting to official misconduct, corruption, fraud, or oppression as described in each count. These allegations sufficiently identify the misconduct charges against Defendant as required by the law.

Defendant’s attempts to create ambiguity in each of the misconduct counts defy a plain reading of the indictments and overstate the detail required for sufficient notice. For example, Defendant asserts that count 2/B of the statutory misconduct indictment “fails to allege what act

⁴ Note that there are two *Hess* opinions by the Supreme Court, both of which provide relevant analysis of common law misconduct in office.

⁵ Defendant’s motions allege due process violations to the extent that certain counts fail to identify particular statutes that were violated. However, “where the duties are imposed by a general statute or arise out of the very nature of the office, the source of the duty need not be alleged in the indictment for the courts will take judicial notice of such duties.” *Weleck*, (N.J.), 10 N.J. at 366, 91 A.2d at 757.

of fraud Mr. Lewis is to have committed” when the indictment plainly reads that Defendant “committed an act of fraud in violation of State law by falsely asserting” The act of “fraud” is a false assertion. Additionally, that the indictments could be more definite is of no moment. Defendant is on notice of the offenses which he is called upon to answer and has the benefit of discovery of the State’s case to further inform him of particular details. The law requires nothing more.

Under scrutiny of the applicable legal analysis, each of Defendant’s grounds for quashing his pending indictments fails. For the reasons stated herein, the State therefore requests that Defendant’s motions to quash be DENIED.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Brackett', written over a horizontal line.

Kevin S. Brackett, Solicitor
Sixteenth Circuit Solicitor’s Office
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York, SC 29745
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Date: 5/30/19

Year End	Guilty Plea	Guilty Trial	Total
2018	16	0	16
2017	6	2	8
2016	8	0	8
2015	11	2	13
2014	8	5	13
2013	6	0	6
2012	6	1	7
2011	2	0	2
2010	13	0	13
2009	10	0	10
2008	17	0	17
2007	39	2	41
2006	14	0	14
2005	5	0	5
2004	13	2	15
2003	12	0	12
2002	10	0	10
2001	7	1	8
Total	203	15	218

CDR 0819 (Misconduct in Office, Common Law)

South Carolina Judicial Department

General Sessions Dispositions by all Offenses

For Period 07/01/2017 Thru 06/30/2018 - Run Date 8/28/2018 - Program-ID CRM115

Code	Offense	Disp During Period	GUILTY Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
2460	Minor/Purchase or possession of liquors	15	1	0	1	0	12	0	1	12	1	0	0	0	1
1257	Minor/Purchase, poss-beer/wine by minor	6	0	0	0	0.0%	6	0	0	6	0	0	0	0	0
2443	Minor/Use minor to commit certain crimes	1	0	0	0	0.0%	1	0	0	1	0	0	0	0	0
3828	Miscellaneous / General Sessions Misdemeanor Offense (Use only)	1	1	0	1	0	0	0	0	0	0	0	0	0	0
3554	Miscellaneous / General Sessions Misdemeanor Offense where no	6	1	0	1	0.0%	4	0	0	5	0	0	0	0	0
2990	Miscellaneous/ General Sessions Offense repeated and not	3	0	0	0	0.0%	3	0	0	3	0	0	0	0	0
2991	Miscellaneous/ General Sessions Offense repeated and not	4	0	0	0	0.0%	3	0	0	3	0	0	1	0	0
2521	Miscellaneous/Criminal offenses	54	3	1	4	0.0%	48	0	0	48	2	0	0	0	2
2520	Miscellaneous/Traffic offenses	6	0	0	0	0.0%	5	0	0	5	1	0	0	0	1
819	Miscellaneous/Malefascanc e, etc in office	44	16	0	16	0.0%	28	0	0	28	0	0	0	0	0
781	Misprision/Felony (neg in report crime)	35	10	0	10	0.0%	21	0	0	21	1	2	1	0	4
2139	Motorcycle/Fail to use headlight	1	0	0	0	0.0%	1	0	0	1	0	0	0	0	0
9004	Municipal/Open	12	0	0	0	0.0%	9	0	0	9	2	0	1	0	3
9000	Municipal/Viol of City Ordinance	28	2	0	2	0.0%	21	0	0	21	1	0	4	0	5
9001	Municipal/Viol of City Traf Ordin	1	0	0	0	0.0%	1	0	0	1	0	0	0	0	0

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South Carolina Judicial Department General Sessions Dispositions by all Offenses

For Period 7/1/2016 Thru 6/30/2017 - Run Date 8/14/2017 - Program-ID CRM115

Code	Offense	Disp During Period	Gilty Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
2991	Miscellaneous/ General Sessions Offense repeated and not	10	0 0.0%	0 0.0%	0 0.0%	0 0.0%	10 0.0%	0 0.0%	0 0.0%	10 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2521	Miscellaneous/Criminal offenses	67	2 0.0%	0 0.0%	2 0.0%	0 0.0%	50 0.0%	0 0.0%	0 0.0%	50 0.0%	13 0.0%	1 0.0%	1 0.0%	0 0.0%	15 0.0%
2520	Miscellaneous/Traffic offenses	7	1 0.0%	0 0.0%	1 0.0%	0 0.0%	6 0.0%	0 0.0%	0 0.0%	6 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
819	Misconduct/Malfeasanc e, etc in office	21	6 0.0%	2 0.0%	8 0.0%	0 0.0%	13 0.0%	0 0.0%	0 0.0%	13 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
781	Misprision/Felony (neg in report crime)	32	13 0.0%	0 0.0%	13 0.0%	0 0.0%	16 0.0%	0 0.0%	0 0.0%	16 0.0%	0 0.0%	1 0.0%	2 0.0%	0 0.0%	3 0.0%
9003	Municipal/Open	3	1 0.0%	0 0.0%	1 0.0%	0 0.0%	2 0.0%	0 0.0%	0 0.0%	2 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9004	Municipal/Open	12	1 0.0%	0 0.0%	1 0.0%	0 0.0%	11 0.0%	0 0.0%	0 0.0%	11 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9007	Municipal/Open	1	1 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9000	Municipal/Viol of City Ordinance	44	4 0.0%	0 0.0%	4 0.0%	0 0.0%	35 0.0%	0 0.0%	0 0.0%	35 0.0%	5 0.0%	0 0.0%	0 0.0%	0 0.0%	5 0.0%
9001	Municipal/Viol of City Traf Ordin.	3	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	1 0.0%	2 0.0%	0 0.0%	0 0.0%	0 0.0%	2 0.0%
3410	Murder / Attempted Murder	1,631	600 0.0%	25 0.0%	625 0.0%	35 0.0%	893 0.0%	0 0.0%	10 0.0%	928 0.0%	10 0.0%	43 0.0%	15 0.0%	0 0.0%	68 0.0%
2356	Murder/Homicide by child abuse	20	6 0.0%	3 0.0%	9 0.0%	2 0.0%	9 0.0%	0 0.0%	0 0.0%	11 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2357	Murder/Homicide-Child abuse, aid & abet	4	3 0.0%	1 0.0%	4 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
116	Murder/Murder	356	188 0.0%	50 0.0%	238 0.0%	11 0.0%	96 0.0%	0 0.0%	6 0.0%	107 0.0%	0 0.0%	2 0.0%	1 0.0%	2 0.0%	5 0.0%
2656	Neglect/Neglect of vulnerable adult	18	6 0.0%	0 0.0%	6 0.0%	0 0.0%	11 0.0%	0 0.0%	0 0.0%	11 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	1 0.0%

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South Carolina Judicial Department

General Sessions Dispositions by all Offenses

For Period 7/1/2015 Thru 6/30/2016 - Run Date 8/15/2016 - Program-ID CRM115

Code Offense	Disp During Period	Gilty Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
2460 Minor/Purchase or possession of liquors	9	0 0.0%	0 0.0%	0 0.0%	0 0.0%	8 0.0%	0 0.0%	0 0.0%	8 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	1 0.0%
1257 Minor/Purchase, poss-beer/wine by minor	14	0 0.0%	0 0.0%	0 0.0%	0 0.0%	11 0.0%	0 0.0%	0 0.0%	11 0.0%	2 0.0%	0 0.0%	1 0.0%	0 0.0%	3 0.0%
2443 Minor/Use minor to commit certain crimes	3	0 0.0%	1 0.0%	1 0.0%	0 0.0%	2 0.0%	0 0.0%	0 0.0%	2 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
3554 Miscellaneous / General Sessions Misdemeanor Offense where no	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2990 Miscellaneous/ General Sessions Offense repealed and not	5	0 0.0%	0 0.0%	0 0.0%	0 0.0%	5 0.0%	0 0.0%	0 0.0%	5 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2991 Miscellaneous/ General Sessions Offense repealed and not	8	0 0.0%	0 0.0%	0 0.0%	0 0.0%	8 0.0%	0 0.0%	0 0.0%	8 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2521 Miscellaneous/Criminal offenses	100	3 0.0%	0 0.0%	3 0.0%	0 0.0%	89 0.0%	0 0.0%	0 0.0%	89 0.0%	8 0.0%	0 0.0%	0 0.0%	0 0.0%	8 0.0%
2520 Miscellaneous/Traffic offenses	12	1 0.0%	0 0.0%	1 0.0%	0 0.0%	10 0.0%	0 0.0%	0 0.0%	10 0.0%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%
819 Misconduct/Matteasance ,etc in office	23	8 0.0%	0 0.0%	8 0.0%	0 0.0%	15 0.0%	0 0.0%	0 0.0%	15 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
781 Misprision/Felony (neg in report crime)	30	10 0.0%	0 0.0%	10 0.0%	0 0.0%	19 0.0%	0 0.0%	0 0.0%	19 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	1 0.0%
2118 Moped/Labeling violations	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9004 Municipal/Open	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 0.0%	0 0.0%	0 0.0%	2 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9000 Municipal/Viol of City Ordinance	33	3 0.0%	0 0.0%	3 0.0%	0 0.0%	28 0.0%	0 0.0%	0 0.0%	28 0.0%	2 0.0%	0 0.0%	0 0.0%	0 0.0%	2 0.0%
9001 Municipal/Viol of City Traf Ordln	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%
3410 Murder / Attempted Murder	1,629	635 0.0%	45 0.0%	680 0.0%	28 0.0%	820 0.0%	0 0.0%	14 0.0%	848 0.0%	5 0.0%	77 0.0%	3 0.0%	2 0.0%	87 0.0%

Exhibit A
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South Carolina Judicial Department

General Sessions Dispositions by all Offenses

For Period 7/1/2014 Thru 6/30/2015 - Run Date 8/17/2015 - Program-ID CRM115

Code	Offense	Disp During Period	Guilty Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
2991	Miscellaneous/ General Sessions Offense repealed and not	17	0	0	0	0	11	0	1	11	1	2	2	0	5
2521	Miscellaneous/Criminal offenses	69	10	0	10	0	44	0	0	44	15	0	0	0	15
2520	Miscellaneous/Traffic offenses	10	1	0	1	0	6	0	0	6	2	0	0	1	3
819	Misconduct/Malfeasanc e, etc in office	31	11	2	13	0	18	0	0	18	0	0	0	0	0
781	Misprision/Felony (neg in report crime)	36	13	0	13	0	22	0	0	22	0	1	0	0	1
9003	Municipal/Open	1	0	0	0	0	1	0	0	1	0	0	0	0	0
9004	Municipal/Open	3	1	0	1	0	2	0	0	2	0	0	0	0	0
9000	Municipal/Viol of City Ordinance	35	5	0	5	0	20	0	0	20	10	0	0	0	10
3410	Murder / Attempted Murder	1,471	508	49	557	12	838	0	6	850	8	35	14	1	58
2356	Murder/Homicide by child abuse	15	6	3	9	1	5	0	0	6	0	0	0	0	0
2357	Murder/Homicide-Child abuse, aid & abet	1	0	0	0	1	0	0	0	1	0	0	0	0	0
1116	Murder/Murder	333	161	55	216	14	96	0	4	110	1	2	0	0	3
2656	Neglect/Neglect of vulnerable adult	40	21	0	21	0	19	0	0	19	0	0	0	0	0
869	Nuisance/Nuisance, common	1	1	0	1	0	0	0	0	0	0	0	0	0	0
3131	Obscene / Disseminating obscene material to a minor 12 Y	8	1	0	1	0	7	0	0	7	0	0	0	0	0

Exhibit A
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South Carolina Judicial Department General Sessions Dispositions by all Offenses

For Period 7/1/2013 Thru 6/30/2014 - Run Date 8/18/2014 - Program-ID CRM115

Code	Offense	Disp During Period	Guilty Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
2460	Minor/Purchase or possession of liquors	17	0 0.0%	0 0.0%	0 0.0%	0 0.0%	16	0 0.0%	0 0.0%	16	1	0 0.0%	0 0.0%	0 0.0%	1
1257	Minor/Purchase, poss-beer/wine by minor	9	0 0.0%	0 0.0%	0 0.0%	0 0.0%	7	0 0.0%	0 0.0%	7	2	0 0.0%	0 0.0%	0 0.0%	2
2443	Minor/Use minor to commit certain crimes	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2	0 0.0%	0 0.0%	2	0	0 0.0%	0 0.0%	0 0.0%	0
3554	Miscellaneous / General Sessions Misdemeanor Offense where no.	5	2 0.0%	0 0.0%	2 0.0%	0 0.0%	3	0 0.0%	0 0.0%	3	0	0 0.0%	0 0.0%	0 0.0%	0
2990	Miscellaneous/ General Sessions Offense repeated and not	21	1 0.0%	0 0.0%	1 0.0%	0 0.0%	20	0 0.0%	0 0.0%	20	0	0 0.0%	0 0.0%	0 0.0%	0
2991	Miscellaneous/ General Sessions Offense repeated and not	12	0 0.0%	0 0.0%	0 0.0%	0 0.0%	11	0 0.0%	0 0.0%	11	1	0 0.0%	0 0.0%	0 0.0%	1
2521	Miscellaneous/Criminal offenses	146	40 0.0%	0 0.0%	40 0.0%	0 0.0%	78	0 0.0%	0 0.0%	78	10	15 0.0%	3 0.0%	0 0.0%	28
2520	Miscellaneous/Traffic offenses	12	1 0.0%	0 0.0%	1 0.0%	0 0.0%	9	0 0.0%	0 0.0%	9	2	0 0.0%	0 0.0%	0 0.0%	2
819	Misconduct/Malfeasance, etc in office	38	8 0.0%	5 0.0%	13 0.0%	1 0.0%	21	0 0.0%	0 0.0%	22	0	0 0.0%	0 0.0%	3 0.0%	3
781	Misprision/Felony (neg in report crime)	51	15 0.0%	0 0.0%	15 0.0%	0 0.0%	35	0 0.0%	0 0.0%	35	0	1 0.0%	0 0.0%	0 0.0%	1
2139	Motorcycle/Fail to use headlight	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0	0 0.0%	0 0.0%	0	1	0 0.0%	0 0.0%	0 0.0%	1
2112	Motorcycle/Helmet violation, <21 yrs	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0	0 0.0%	0 0.0%	0	1	0 0.0%	0 0.0%	0 0.0%	1
9003	Municipal/Open	5	1 0.0%	0 0.0%	1 0.0%	0 0.0%	4	0 0.0%	0 0.0%	4	0	0 0.0%	0 0.0%	0 0.0%	0
9004	Municipal/Open	6	0 0.0%	0 0.0%	0 0.0%	0 0.0%	5	0 0.0%	0 0.0%	5	1	0 0.0%	0 0.0%	0 0.0%	1
9000	Municipal/Viol of City Ordinance	28	3 0.0%	0 0.0%	3 0.0%	0 0.0%	20	0 0.0%	0 0.0%	20	5	0 0.0%	0 0.0%	0 0.0%	5

Exhibit A
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South Carolina Judicial Department
General Sessions Dispositions by all Offenses

For Period 7/1/2012 Thru 6/30/2013 - Run Date 8/13/2013 - Program-ID CRM115

Code Offense	Disp During Period	GUILTY Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
1481 Metals/Precious, viol by dealers-1st off	9	1	0	1	0	8	0	0	8	0	0	0	0	0
866 Metals/Precious, viol by dealers-2nd off	1	0	0	0	0	1	0	0	1	0	0	0	0	0
783 Military/Unauthorized, wear insignia	1	0	0	0	0	1	0	0	1	0	0	0	0	0
3054 Minor / Criminal Solicitation of a minor	2	2	0	2	0	0	0	0	0	0	0	0	0	0
2999 Minor/ criminal solicitation of a minor	138	56	3	59	2	77	0	0	79	0	0	0	0	0
48 Minor/Contributing to delinquency of minor	663	187	3	190	1	431	0	2	432	4	25	8	2	39
2460 Minor/Purchase or possession of liquors	10	1	0	1	0	9	0	0	9	0	0	0	0	0
1257 Minor/Purchase, poss-beer/wine by minor	19	0	0	0	0	19	0	0	19	0	0	0	0	0
2443 Minor/Use minor to commit certain crimes	1	0	0	0	0	1	0	0	1	0	0	0	0	0
3554 Miscellaneous / General Sessions Misdemeanor Offense where no	4	2	0	2	0	1	0	0	1	0	1	0	0	1
2990 Miscellaneous/ General Sessions Offense repealed and not	4	2	0	2	0	1	0	0	1	1	0	0	0	1
2991 Miscellaneous/ General Sessions Offense repealed and not	22	1	0	1	0	18	1	1	18	1	0	0	0	1
2521 Miscellaneous/Criminal offenses	178	71	0	71	0	69	0	0	69	9	17	9	3	38
2520 Miscellaneous/Traffic offenses	28	12	0	12	0	15	0	0	15	0	0	1	0	1
819 Misconduct/Malefascane, etc in office	29	6	0	6	0	19	0	0	19	2	0	0	2	4

Exhibit A
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South Carolina Judicial Department

General Sessions Dispositions by all Offenses

For Period 7/1/2011 Thru 6/30/2012 - Run Date 8/20/2012 - Program-ID CRM115

Code Offense	Disp During Period	GUILTY PLEA	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fall To Appear	Other	Total Other
2521 Miscellaneous/Criminal offenses	60	12	0	12	0	36	0	0.0%	36	11	1	0	0	12
2520 Miscellaneous/Traffic offenses	30	12	0	12	0	13	0	0.0%	13	3	1	0	1	5
819 Misconduct/Malefascance, etc in office	19	6	1	7	0	12	0	0.0%	12	0	0	0	0	0
781 Misprision/Felony (neg in report crime)	50	20	0	20	0	30	0	0.0%	30	0	0	0	0	0.0%
2117 Moped/Mod equip to increase horsepower	1	0	0	0	0	1	0	0.0%	1	0	0	0	0	0
2139 Motorcycle/Fail to use headlight	1	0	0	0	0	1	0	0.0%	1	0	0	0	0	0.0%
2113 Motorcycle/Goggle or face shield violat	1	0	0	0	0	1	0	0.0%	1	0	0	0	0	0.0%
9003 Municipal/Open	2	0	0	0	0	2	0	0.0%	2	0	0	0	0	0
9004 Municipal/Open	3	0	0	0	0	3	0	0.0%	3	0	0	0	0	0.0%
9000 Municipal/Viol of City Ordinance	22	12	0	12	0	8	0	0.0%	8	2	0	0	0	2
9001 Municipal/Viol of City Tral Ordin	2	1	0	1	0	0	0	0.0%	0	0	1	0	0	1
3410 Murder / Attempted Murder	968	384	29	413	6	477	0	0.0%	483	5	57	7	1	70
2356 Murder/Homicide by child abuse	23	10	2	12	0	11	0	0.0%	11	0	0	0	0	0
2357 Murder/Homicide-Child abuse, aid & abet	7	3	2	5	0	2	0	0.0%	2	0	0	0	0	0.0%
116 Murder/Murder	362	158	54	212	11	130	0	0.0%	141	0	4	2	0	6

Exhibit A
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South Carolina Judicial Department
General Sessions Dispositions by all Offenses

For Period 7/10/2010 Thru 06/30/2011 - Run Date 10/10/2016 - Program-ID CRM115

Code	Offense	Disp During Period	GUILTY Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dismiss	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
317	Masks/Wearing masks & like	13	0 0.0%	0 0.0%	0 0.0%	0 0.0%	13 0.0%	0 0.0%	0 0.0%	13 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
3328	Metals / Injury to real property, fixtures or improvements to obtain	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
3327	Metals / Injury to real property, fixtures or improvements to obtain	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%
3054	Minor / Criminal Solicitation of a minor	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 0.0%	0 0.0%	0 0.0%	2 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2999	Minor/ criminal solicitation of a minor	73	33 0.0%	0 0.0%	33 0.0%	0 0.0%	40 0.0%	0 0.0%	0 0.0%	40 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
48	Minor/Contributing to delinquency of minor	583	154 0.0%	6 0.0%	160 0.0%	1 0.0%	390 0.0%	0 0.0%	0 0.0%	391 0.0%	12 0.0%	19 0.0%	1 0.0%	0 0.0%	32 0.0%
2460	Minor/Purchase or possession of liquors	10	0 0.0%	0 0.0%	0 0.0%	0 0.0%	10 0.0%	0 0.0%	0 0.0%	10 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
1257	Minor/Purchase, poss-beer/wine by minor	12	0 0.0%	0 0.0%	0 0.0%	0 0.0%	9 0.0%	0 0.0%	0 0.0%	9 0.0%	3 0.0%	0 0.0%	0 0.0%	0 0.0%	3 0.0%
2990	Miscellaneous/ General Sessions Offense repealed and not	4	1 0.0%	0 0.0%	1 0.0%	0 0.0%	3 0.0%	0 0.0%	0 0.0%	3 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2991	Miscellaneous/ General Sessions Offense repealed and not	10	2 0.0%	0 0.0%	2 0.0%	0 0.0%	6 0.0%	0 0.0%	0 0.0%	6 0.0%	2 0.0%	0 0.0%	0 0.0%	0 0.0%	2 0.0%
2521	Miscellaneous/Criminal offenses	47	6 0.0%	0 0.0%	6 0.0%	0 0.0%	32 0.0%	0 0.0%	0 0.0%	32 0.0%	7 0.0%	1 0.0%	1 0.0%	0 0.0%	9 0.0%
2520	Miscellaneous/Traffic offenses	19	2 0.0%	1 0.0%	3 0.0%	0 0.0%	14 0.0%	0 0.0%	0 0.0%	14 0.0%	2 0.0%	0 0.0%	0 0.0%	0 0.0%	2 0.0%
819	Misconduct/Maintenance, etc in office	11	2 0.0%	0 0.0%	2 0.0%	0 0.0%	7 0.0%	0 0.0%	0 0.0%	7 0.0%	2 0.0%	0 0.0%	0 0.0%	0 0.0%	2 0.0%
781	Misprision/Felony (neg in report crime)	61	24 0.0%	0 0.0%	24 0.0%	0 0.0%	33 0.0%	0 0.0%	0 0.0%	33 0.0%	0 0.0%	3 0.0%	1 0.0%	0 0.0%	4 0.0%
2116	Moped/Sale, oper moped w/o required equip	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%

Exhibit A
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8.19
0.0%

South Carolina Court Administration

General Sessions Dispositions by all Offenses

For Period 7/1/2009 Thru 6/30/2010 - Run Date 8/17/2010 - Program-ID CRM115

Code Offense	Disp During Period	Guilty Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Dispat Prelim/ No Bill	Fail To Appear	Other	Total Other
2520 Miscellaneous/Traffic offenses	17	2 12%	0 0.0%	2 12%	0 0.0%	15 88%	0 0.0%	0 0.0%	15 88%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
819 Misconduct/Malefeasance, etc in office	27	13 48%	0 0.0%	13 48%	0 0.0%	14 52%	0 0.0%	0 0.0%	14 52%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
781 Misprision/Felony (neg in report crime)	62	27 44%	0 0.0%	27 44%	0 0.0%	32 52%	0 0.0%	1 2%	32 52%	0 0.0%	2 3%	0 0.0%	0 0.0%	2 3%
9004 Municipal/Open	1	1 100%	0 0.0%	1 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
1089 Municipal/Use water system, unauth manner	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 50%	0 0.0%	0 0.0%	1 50%	0 0.0%	0 0.0%	1 50%	0 0.0%	1 50%
9000 Municipal/Viol of City Ordinance	16	8 50%	0 0.0%	8 50%	0 0.0%	7 44%	0 0.0%	0 0.0%	7 44%	1 6%	0 0.0%	0 0.0%	0 0.0%	1 6%
2356 Murder/Homicide by child abuse	28	10 36%	5 18%	15 54%	1 4%	12 43%	0 0.0%	0 0.0%	13 46%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2357 Murder/Homicide-Child abuse, aid & abet	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 100%	0 0.0%	0 0.0%	2 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
116 Murder/Murder	346	159 46%	64 18%	223 64%	16 5%	98 28%	1 0%	2 1%	114 33%	0 0.0%	6 2%	0 0.0%	0 0.0%	6 2%
2656 Neglect/Neglect of vulnerable adult	17	1 6%	0 0.0%	1 6%	0 0.0%	14 82%	0 0.0%	0 0.0%	14 82%	0 0.0%	2 12%	0 0.0%	0 0.0%	2 12%
1306 Notary/False certification by notary	3	0 0.0%	0 0.0%	0 0.0%	0 0.0%	3 100%	0 0.0%	0 0.0%	3 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
869 Nuisance/Nuisance, common	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100%	0 0.0%	0 0.0%	1 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
106 Nuisance/Use of building for	4	3 75%	0 0.0%	3 75%	0 0.0%	1 25%	0 0.0%	0 0.0%	1 25%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
1460 Nurse/Unlicensed, registered/pract nurse	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100%	0 0.0%	0 0.0%	1 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
3131 Obscene / Disseminating obscene material to	10	2 20%	0 0.0%	2 20%	0 0.0%	7 70%	0 0.0%	1 10%	7 70%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%

Exhibit A
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South Carolina Court Administration General Sessions Dispositions by all Offenses

For Period 7/1/2008 Thru 6/30/2009 - Run Date 8/14/2009 - Program-ID CRM115

Code Offense	Disp During Period	Gilty Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
1257 Minor/Purchase, pos-beer/wine by minor	17	0 0.0%	0 0.0%	0 0.0%	0 0.0%	12 71%	0 0.0%	0 0.0%	12 71%	4 24%	0 0.0%	1 6%	0 0.0%	5 29%
2990 Miscellaneous/ General Sessions Offense repealed and Miscellaneous/	24	9 38%	0 0.0%	9 38%	0 0.0%	14 58%	0 0.0%	0 0.0%	14 58%	0 0.0%	0 0.0%	1 4%	0 0.0%	1 4%
2991 General Sessions Offense repealed and Miscellaneous/	9	1 11%	0 0.0%	1 11%	0 0.0%	8 89%	0 0.0%	0 0.0%	8 89%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2521 General Sessions Offense repealed and Miscellaneous/Crimin al offenses	48	9 19%	0 0.0%	9 19%	0 0.0%	27 56%	0 0.0%	1 2%	27 56%	9 19%	1 2%	1 2%	0 0.0%	11 23%
2520 Miscellaneous/Traffic offenses	20	5 25%	0 0.0%	5 25%	0 0.0%	11 55%	0 0.0%	0 0.0%	11 55%	2 10%	1 5%	1 5%	0 0.0%	4 20%
819 Misconduct/Malfesa nce, etc in office	22	10 45%	0 0.0%	10 45%	1 5%	10 45%	0 0.0%	0 0.0%	11 50%	0 0.0%	1 5%	0 0.0%	0 0.0%	1 5%
781 Misprision/Felony (neg in report crime)	65	25 38%	0 0.0%	25 38%	0 0.0%	36 55%	0 0.0%	0 0.0%	36 55%	0 0.0%	1 2%	3 5%	0 0.0%	4 6%
2112 Motorcycle/Helmet violation, <21 yrs	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100%	0 0.0%	0 0.0%	0 0.0%	1 100%
1069 Municipal/Use water system, unauth manner	1	1 100%	0 0.0%	1 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9000 Municipal/Viol of City Ordinance	8	2 25%	0 0.0%	2 25%	0 0.0%	6 75%	0 0.0%	0 0.0%	6 75%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2356 Murder/Homicide by child abuse	16	7 44%	2 13%	9 56%	1 6%	6 38%	0 0.0%	0 0.0%	7 44%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2357 Murder/Homicide-Chi ld abuse, aid & abet	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100%	0 0.0%	1 100%
45 Murder/Killing by stabbing/thrusting	2	2 100%	0 0.0%	2 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
312 Murder/Lynching-1st deg	14	7 50%	1 7%	8 57%	0 0.0%	6 43%	0 0.0%	0 0.0%	6 43%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
116 Murder/Murder	382	182 48%	59 15%	241 63%	18 5%	116 30%	0 0.0%	0 0.0%	134 35%	0 0.0%	6 2%	1 0%	0 0.0%	7 2%

Exhibit A
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SOUTH CAROLINA COURT ADMINISTRATION GENERAL SESSIONS DISPOSITIONS BY ALL OFFENSES															PAGE 33	
PROGRAM- ID CRW115 FOR PERIOD 07/01/2007 THRU 06/30/2008 RUN DATE 09/15/2008	DISP INDIT PERIOD	TRIAL GUILTY PLEA	TRIAL GUILTY	TOTAL CONVICT	TOTAL NOT GUILTY	PROS ENDED/ NOL	PROS COMMIT	JUD DISM	TOTAL NON- CONVICT	REMAND	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	TOTAL OTHER		
2591 Miscellaneous/ General Sessions Offense	9	0.0%	0.0%	0.0%	0.0%	44.4%	0.0%	22.2%	66.7%	2.0%	0.0%	11.1%	0.0%	33.3%		
2521 Miscellaneous/Criminal Offenses	39	10.3%	0.0%	10.3%	0.0%	82.1%	0.0%	0.0%	82.1%	0.0%	0.0%	0.0%	0.0%	7.7%		
2520 Miscellaneous/Traffic offenses	84	0.0%	0.0%	0.0%	0.0%	82.1%	0.0%	0.0%	82.1%	12.0%	0.0%	3.6%	0.0%	17.9%		
0819 Misconduct/Walks on sidewalk, etc in office	32	17.0%	0.0%	17.0%	0.0%	46.9%	0.0%	0.0%	46.9%	0.0%	0.0%	0.0%	0.0%	0.0%		
0781 Misprision/Felony (in report crime)	73	29.7%	0.0%	29.7%	0.0%	54.8%	0.0%	0.0%	54.8%	1.0%	0.0%	2.7%	1.4%	5.5%		
2139 Motorcycle/Fall to seat headlight	4	0.0%	0.0%	0.0%	0.0%	25.0%	0.0%	0.0%	25.0%	1.0%	0.0%	0.0%	0.0%	75.0%		
9000 Municipal/Viol of City Ordinance	5	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
9001 Municipal/Viol of City Traffic Ordinance	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
0308 Murder/Explosive use w/death	1	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
2356 Murder/Homicide by Child Abuse	15	53.3%	13.3%	66.7%	0.0%	33.3%	0.0%	0.0%	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%		
2357 Murder/Homicide-Child Abuse, aid & abet	4	50.0%	0.0%	50.0%	0.0%	50.0%	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
0312 Murder/Lynching-1st deg	6	0.0%	0.0%	0.0%	0.0%	50.0%	0.0%	0.0%	50.0%	2.0%	16.7%	0.0%	0.0%	50.0%		
0116 Murder/Murder	258	23.3%	28.3%	51.6%	4.3%	41.5%	0.0%	0.0%	45.7%	0.0%	1.6%	0.8%	0.0%	2.7%		
0747 Names/Imitate organization name, emblem, etc	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
2656 Neglect/Neglect of vulnerable adult	13	38.5%	0.0%	38.5%	0.0%	53.8%	0.0%	0.0%	53.8%	0.0%	0.0%	7.7%	0.0%	7.7%		
0869 Nuisance/Nuisance, common	1	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
1460 Nurse/Unlicensed, registered/pract nurse	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
3129 Obscene / Criminal solicitation of a minor	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		

SOUTH CAROLINA COURT ADMINISTRATION
GENERAL SESSIONS DISPOSITIONS
BY ALL OFFENSES

PROGRAM-ID: CSM115
FOR PERIOD: 07/01/2006 THRU 06/30/2007
RUN DATE: 08/27/2007

CODE	OFFENSE	DISP INDIT.	QUALITY PERIOD	TRIAL GUILTY	TOTAL CONVICT	TRIAL NOT GUILTY	PROS ENDED/ NO PROS	PTI/ JUD COMMIT	JUD DISM	TOTAL NON- CONVICT	REMAND	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	TOTAL OTHER
0048	Minor/Contributing to delinquency of min	847	227 26.8%	3 0.0%	230 27.2%	1 0.1%	553 65.3%	0 0.0%	0 0.0%	554 65.4%	22 0.0%	27 3.2%	14 1.7%	0 0.0%	63 7.4%
1359	Minor/False represent age, obtain liquor	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	100.0% 100.0%	0 0.0%	0 0.0%	100.0% 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2460	Minor/Purchase or possession of liquors	5	0 0.0%	0 0.0%	0 0.0%	0 0.0%	80.0% 80.0%	0 0.0%	0 0.0%	80.0% 80.0%	0 0.0%	0 0.0%	1 20.0%	0 0.0%	1 20.0%
1257	Minor/Purchase, possession of wine by minor	21	3 14.3%	0 0.0%	3 14.3%	0 0.0%	16 76.2%	0 0.0%	0 0.0%	16 76.2%	0 0.0%	0 0.0%	2 9.5%	0 0.0%	2 9.5%
2443	Minor/Use minor to commit certain crimes	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	100.0% 100.0%	0 0.0%	0 0.0%	100.0% 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2991	Miscellaneous/General Sessions Offense	8	1 12.5%	0 0.0%	1 12.5%	0 0.0%	7 87.5%	0 0.0%	0 0.0%	7 87.5%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2521	Miscellaneous/Criminal offenses	59	3 5.1%	0 0.0%	3 5.1%	0 0.0%	45 76.3%	0 0.0%	0 0.0%	45 76.3%	9 0.0%	1 1.7%	1 1.7%	0 0.0%	11 18.6%
2520	Miscellaneous/Traffic offenses	91	0 0.0%	0 0.0%	0 0.0%	0 0.0%	71 78.0%	0 0.0%	0 0.0%	71 78.0%	17 0.0%	2 2.2%	1 1.1%	0 0.0%	20 22.0%
0819	Miscellaneous/Malefeasant, etc. in office	53	39 73.6%	2 3.8%	41 77.4%	1 1.9%	10 18.9%	0 0.0%	0 0.0%	11 20.8%	0 0.0%	1 1.9%	0 0.0%	0 0.0%	1 1.9%
0781	Misprision/Felony in report crime	81	42 51.9%	0 0.0%	42 51.9%	0 0.0%	31 38.3%	0 0.0%	0 0.0%	31 38.3%	1 0.0%	4 4.9%	3 3.7%	0 0.0%	8 9.9%
2118	Moped/Labeling violations	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	100.0% 100.0%	0 0.0%	0 0.0%	100.0% 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9000	Municipal/Viol of City Ordinance	12	0 0.0%	0 0.0%	0 0.0%	0 0.0%	11 91.7%	0 0.0%	0 0.0%	11 91.7%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	1 8.3%
9001	Municipal/Viol of City Traf Ordin	2	1 50.0%	0 0.0%	1 50.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	1 50.0%
2356	Murder/Homicide by child abuse	19	4 21.1%	1 5.3%	5 26.3%	0 0.0%	12 63.2%	0 0.0%	2 10.5%	14 73.7%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2357	Murder/Homicide-Child abuse, aid & abet	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	100.0% 100.0%	0 0.0%	0 0.0%	100.0% 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0312	Murder/Lynching-1st deg	20	1 5.0%	0 0.0%	1 5.0%	0 0.0%	17 85.0%	0 0.0%	0 0.0%	17 85.0%	1 0.0%	1 5.0%	0 0.0%	0 0.0%	2 10.0%
0116	Murder/Murder	194	55 28.4%	35 23.2%	100 51.5%	14 7.2%	72 37.1%	0 0.0%	1 0.5%	87 44.8%	0 0.0%	7 3.6%	0 0.0%	0 0.0%	7 3.6%
0459	Naturopathy/Violation of Chapter	1	1 100.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%

SOUTH CAROLINA COURT ADMINISTRATION
GENERAL SESSIONS DISPOSITIONS
BY ALL OFFENSES

PROGRAM-ID CRM115
FOR PERIOD 07/01/2005 THRU 06/30/2006
RUN DATE 09/11/2006

CODE	OFFENSE	DISP PERIOD	INIT. PERIOD	GUILTY PLEA	TRIAL GUILTY	TOTAL CONVICT	TRIAL NOT GUILTY	PROS ENDED/ NOL PROS	PTI/ COMMIT	JUD DISM	TOTAL NON- CONVICT	REWARD	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	TOTAL OTHER
0048	Minor/Contributing to a delinquency of min	863	210	24.3%	0.1%	211	1	597	0.0%	0.1%	599	14	26	13	0	53
1255	Minor/Playing in bil liards room	1	0	0.0%	0.0%	0	0	100.0%	0.0%	0.0%	100	0	0	0	0	0
2460	Minor/Purchase or po session of liquors	8	12.5%	0.0%	0.0%	12.5%	0	12.5%	0.0%	0.0%	12.5%	0	0	0	0	6
1257	Minor/Purchase, poss -beer/wine by minor	21	4	0.0%	0.0%	19.0%	0	13	0.0%	0.0%	13	4	0	0	0	4
2990	Miscellaneous/Gener al Sessions Offense	1	100.0%	0.0%	0.0%	100.0%	0	0	0.0%	0.0%	0	0	0	0	0	0
2991	Miscellaneous/Gener al Sessions Offense	3	0	0.0%	0.0%	0	0	66.7%	0.0%	0.0%	66.7%	2	0	0	0	1
2521	Miscellaneous/Crimin al offenses	95	0	0.0%	0.0%	0	0	87.4%	0.0%	0.0%	87.4%	12	0	0	0	12
2520	Miscellaneous/Traffi c offenses	106	0	0.0%	0.9%	0.9%	1	51.9%	0.0%	0.0%	51.9%	49	0	0	0	50
0819	Misconduct/Walreasan ce, etc in office	22	14	63.6%	0.0%	14	0	31.8%	0.0%	0.0%	31.8%	7	0	1	0	1
0781	Misprision/Felony (n eg in report crime)	42	39	92.9%	0.0%	39	0	48.8%	0.0%	0.0%	48.8%	0	2	1	0	3
2113	Motorcycle/Goggle or face shield violat	1	0	0.0%	0.0%	0	0	100.0%	0.0%	0.0%	100	0	0	0	0	0
2112	Motorcycle/Helmet vi olation, <21 yrs	1	0	0.0%	0.0%	0	0	100.0%	0.0%	0.0%	100	0	0	0	0	0
1068	Municipal/Interfere w/sewers, etc	1	0	0.0%	0.0%	0	0	100.0%	0.0%	0.0%	100	0	0	0	0	0
9000	Municipal/Viol of Ci ty Ordinance	2	0	0.0%	0.0%	0	0	100.0%	0.0%	0.0%	100	0	0	0	0	0
2356	Murder/Homicide by c hild abuse	14	3	21.4%	0.0%	3	0	57.1%	0.0%	0.0%	57.1%	0	0	0	0	0
2357	Murder/Homicide-Chil d abuse, aid & abet	2	2	100.0%	0.0%	2	0	0	0.0%	0.0%	0	0	0	0	0	0
0045	Murder/Killing by st abbing/thrusting	2	0	0.0%	0.0%	0	1	0	0.0%	0.0%	0	0	0	1	0	1
0312	Murder/Lynching-lac deg	17	4	23.5%	0.0%	4	0	76.5%	0.0%	0.0%	76.5%	0	0	0	0	0

SOUTH CAROLINA COURT ADMINISTRATION GENERAL SESSIONS DISPOSITIONS BY ALL OFFENSES														
PAGE 30														
PROGRAM-ID CRM115	DISP	INDIT	GUITY	TRIAL	TOTAL	TRIAL	PROS	FTI/	TOTAL	JUD	DISM	PAID	TOTAL	
FOR PERIOD 07/03/2004 THRU 06/30/2005	PERIOD	PLEA	GUITY	GUITY	CONVICT	NOT	ENDED/	JUD	NON-	COMMIT	AT	TO	OTHER	
RUN DATE 09/08/2005						GUILTY	NOL	COMMIT	CONVICT	DISM	NO BILL	APPEAR	OTHER	
CODE	OFFENSE													
0218	Manslaughter/Involun	37	25	8.1%	28	0	8	0	8	0	2.7%	0	0	1
	tary manslaughter	67.6%	8.1%	75.7%	75.7%	0.0%	21.6%	0.0%	21.6%	0.0%	2.7%	0.0%	0.0%	2.7%
0056	Manslaughter/Involun	4	2	50.0%	3	0	1	0	1	0	0.0%	0.0%	0.0%	0.0%
	tary, traffic relate				75.0%	0.0%	25.0%	0.0%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%
0217	Manslaughter/Volunta	89	78	87.6%	83	0	5	0	5	0	1.1%	0	0	1
	ry manslaughter				93.3%	0.0%	5.6%	0.0%	5.6%	0.0%	1.1%	0.0%	0.0%	1.1%
0317	Masks/Wearing masks	5	1	20.0%	1	0	3	0	3	0	0.0%	0.0%	0.0%	0.0%
	& like				20.0%	0.0%	60.0%	0.0%	60.0%	0.0%	0.0%	0.0%	0.0%	0.0%
0864	Medicine/Unlawfully	1	1	100.0%	1	0	0	0	0	0	0.0%	0.0%	0.0%	0.0%
	practice				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
1553	Mental/SC Mental Ret	1	1	100.0%	1	0	0	0	0	0	0.0%	0.0%	0.0%	0.0%
	ardation Act-1st off				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
0883	Mental/Take person f	2	1	50.0%	1	0	0	0	0	0	0.0%	0.0%	0.0%	0.0%
	rom facility w/o per				50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
1481	Metals/Precious, vio	1	0	0.0%	0	0	0	0	0	0	0.0%	0.0%	0.0%	0.0%
	l by dealers-1st off				0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2599	Minor/ criminal soll	4	4	100.0%	4	0	0	0	0	0	0.0%	0.0%	0.0%	0.0%
	citation of a minor				100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2444	Minor/Conspire to v	3	0	0.0%	0	0	3	0	3	0	0.0%	0.0%	0.0%	0.0%
	se to commit crimes				0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
0048	Minor/Contributing t	740	222	30.0%	227	0	387	68	455	20	3.7%	2.0%	0.0%	5.7%
	o delinquency of min				30.7%	0.0%	52.3%	9.2%	61.6%	0.0%	2.3%	2.7%	0.0%	7.7%
2460	Minor/Purchase or po	8	2	25.0%	2	0	3	1	4	2	0.0%	0.0%	0.0%	2.0%
	session of liquors				25.0%	0.0%	37.5%	12.5%	50.0%	0.0%	0.0%	0.0%	0.0%	25.0%
1257	Minor/Purchase, poss	33	3	9.1%	3	0	14	11	25	5	0.0%	0.0%	0.0%	5.0%
	-beer/wine by minor				9.1%	0.0%	42.4%	33.3%	75.8%	0.0%	0.0%	0.0%	0.0%	15.2%
2091	Miscellaneous/ Gener	1	0	0.0%	0	0	1	0	1	0	0.0%	0.0%	0.0%	0.0%
	al Sessions Offense				0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2521	Miscellaneous/Crimin	77	3	3.9%	3	0	49	8	57	15	0.0%	2.6%	0.0%	17.0%
	al offenses				3.9%	0.0%	63.6%	10.4%	74.0%	0.0%	0.0%	2.6%	0.0%	22.1%
2520	Miscellaneous/Traffi	232	3	1.3%	3	0	137	0	137	78	0.9%	5.2%	0.0%	39.7%
	c offenses				1.3%	0.0%	59.1%	0.0%	59.1%	0.0%	0.9%	5.2%	0.0%	39.7%
0819	Miscconduct/Maleasen	13	5	38.5%	5	0	5	3	8	0	0.0%	0.0%	0.0%	0.0%
	ce, etc in office				38.5%	0.0%	38.5%	23.1%	61.5%	0.0%	0.0%	0.0%	0.0%	0.0%
0781	Misprision/Felony (n	69	34	49.3%	34	0	25	2	27	2	5	1.4%	0.0%	8.0%
	es in report crime)				49.3%	0.0%	36.2%	2.9%	39.1%	0.0%	7.2%	1.4%	0.0%	11.6%

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PROGRAM-ID CRM115
FOR PERIOD 07/01/2003 THRU 06/30/2004
GENERAL SESSIONS DISPOSITIONS
BY ALL OFFENSES

DISP
INDIT. GUILTY
PERIOD PLEA

CODE OFFENSE

DISP INDIT. GUILTY PERIOD PLEA	TRIAL GUILTY	TOTAL CONVICT	TRIAL NOT GUILTY	PROS ENDED/ NOL	PROS COMMIT	JUD DISM	TOTAL NON- CONVICT	REMAND	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	TOTAL
2922 Medicaid/ Unauthorized use of patient facility	1	100.0%	0.0%	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2348 Mental/Intake child in facility	2	0.0%	0.0%	0	0.0%	50.0%	1	0.0%	0.0%	50.0%	0.0%	50.0%
0883 Mental/Intake person from facility w/o per	1	100.0%	0.0%	1	0.0%	0.0%	0	0.0%	0.0%	0.0%	0.0%	0.0%
0048 Minor/Contributing to delinquency of min	748	29.9%	0.4%	3	227	1	364	96	12.8%	18	0	60
2460 Minor/Purchase or possession of liquor	8	12.5%	0.0%	1	0	2	5	0	0.0%	0	0	0
1257 Minor/Purchase, possession of liquor	22	13.6%	0.0%	3	0	7	9	0	0.0%	0	0	3
2443 Minor/Use minor to commit certain crimes	2	0.0%	0.0%	0	0	2	0	0	0.0%	0	0	0
2521 Miscellaneous/Criminal offenses	70	10.0%	0.0%	7	0	47	6	0	0.0%	3	1	10
2520 Miscellaneous/Traffic offenses	120	0.0%	0.0%	0	0	93	5.0%	0	0.0%	4.2%	0.0%	21
0819 Misconduct/Malevolent, etc in office	23	13	56.5%	2	35	1	6	1	0.0%	0.0%	0.0%	0
0781 Misprision/Felony (in report crime)	72	52.8%	1.4%	1	39	0	26	2	0.0%	1.4%	0.0%	5
2112 Motorcycle/Helmet violation, <21 yrs	1	0.0%	0.0%	0	0	0	0	0	0.0%	0.0%	0.0%	0
1069 Municipal/Use water system, unauth manne	1	100.0%	0.0%	1	100.0%	0.0%	0	0	0.0%	0.0%	0.0%	0
9000 Municipal/Viol of City Ordinance	4	0.0%	0.0%	0	0	0	4	0	0.0%	0.0%	0.0%	0
2356 Murder/Homicide by child abuse	12	16.7%	8.3%	1	3	0	9	0	0.0%	0.0%	0.0%	0
2357 Murder/Homicide-Child abuse, aid & abet	3	0.0%	33.3%	1	1	0	2	0	0.0%	0.0%	0.0%	0
0045 Murder/Killing by stabbing/thrusting	2	0.0%	0.0%	0	0	0	0	0	0.0%	0.0%	0.0%	0
0312 Murder/Lynching-let deg	23	0.0%	4.3%	1	4	0	17	0	0.0%	8.7%	0.0%	5

PROGRAM- ID CRN115 FOR PERIOD 07/01/2002 THRU 06/30/2003 RUN DATE 08/21/2003														SOUTH CAROLINA COURT ADMINISTRATION GENERAL SESSIONS DISPOSITIONS BY ALL OFFENSES														PAGE 30		
CODE	OFFENSE	DISP INDIT. PERIOD	GUILTY PLEA	TRIAL: GUILTY	TOTAL CONVICT	TOTAL NOT GUILTY	TRIAL END/PROS NOI	PROS END/PROS NOI	PROS END/PROS NOI	PROS END/PROS NOI	PROS END/PROS NOI	PROS END/PROS NOI	PROS END/PROS NOI	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	TOTAL OTHER													
0317	Masks/Wearing masks & like	4	25.0%	0.0%	25.0%	0.0%	0.0%	25.0%	0.0%	0.0%	25.0%	0.0%	0.0%	25.0%	0.0%	0.0%	50.0%													
0036	Mayhem/Mayhem	1	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%													
2922	Medicaid/ Unauthoriz ed use of patient fu	2	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%													
0864	Medicine/Unlawfully practice	5	20.0%	0.0%	20.0%	0.0%	0.0%	80.0%	0.0%	0.0%	80.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%													
1481	Metals/Precious, vio l by dealers-1st off	1	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%													
2444	Minor/Conspire to u se to commit crimes	1	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%													
0048	Minor/Contributing t o delinquency of min	865	284	7	291	1	395	104	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	74													
2460	Minor/Purchase or po session of liquors	11	9.1%	0.0%	9.1%	0.0%	0.0%	36.4%	18.2%	0.0%	54.5%	0.0%	0.0%	0.0%	0.0%	0.0%	36.4%													
1257	Minor/Purchase, poss -beer/wine by minor	16	6.2%	0.0%	6.2%	0.0%	0.0%	50.0%	12.5%	0.0%	62.5%	0.0%	0.0%	0.0%	0.0%	0.0%	31.2%													
2443	Minor/Use minor to c omit certain crimes	1	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%													
2521	Miscellaneous/Crimin al offenses	43	11.6%	0.0%	11.6%	0.0%	0.0%	62.8%	11.6%	0.0%	74.4%	0.0%	0.0%	0.0%	0.0%	0.0%	14.0%													
2520	Miscellaneous/Traffi c offenses	114	2.6%	0.0%	2.6%	0.0%	0.0%	69.3%	3.5%	0.0%	72.8%	0.0%	0.0%	0.0%	0.0%	0.0%	24.6%													
0919	Misconduct/Walfesee ce, etc in office	21	12	0.0%	12	0.0%	0.0%	23.8%	9.5%	0.0%	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	4.8%													
0781	Misprision/felony in eg in report crime	63	30	0.0%	30	0.0%	0.0%	41.3%	1.6%	0.0%	42.9%	0.0%	0.0%	0.0%	0.0%	0.0%	5.5%													
1289	Missile/tire w/o per mis. Aeronautics Com	1	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%													
2112	Motorcycle/Helmet vi olation, <21 yrs	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%													
9004	Municipal/Open	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%													
9001	Municipal/Viol of Ci ty Traf Ordin	1	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%													

SOUTH CAROLINA COURT ADMINISTRATION GENERAL SESSIONS DISPOSITIONS BY ALL OFFENSES																	PAGE 31	
PROGRAM-ID CMI15 FOR PERIOD 07/01/2001 THRU 06/30/2002 RUN DATE 08/19/2002																		
CODE	OFFENSE	DISP INDIT.	QUALITY PLEA	TRIAL GUILTY	TOTAL CONVICT	TRIAL NOT CONVICT	PROS ENDED/ NOL	PROS COMMIT	JUD DISM	TOTAL CONVICT	TOTAL NON- CONVICT	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	OTHER	TOTAL OTHER		
2443	Minor/Use minor to c omit certain crimes	3	0.0%	0.0%	0.0%	0.0%	66.7%	33.3%	1	0	3	0	0	0	0	0		
2521	Miscellaneous/Crimin al offenses	42	9.5%	0.0%	9.5%	0.0%	64.3%	9.5%	4	0	31	0	2.4%	1	0	7		
2520	Miscellaneous/Traffi c offenses	104	3.8%	0.0%	3.8%	0.0%	50.0%	4.8%	5	0	57	0	2.9%	3	0	43		
0819	Misconduct/Maleasan ce, etc in office	16	10	0.0%	62.5%	0.0%	18.8%	12.5%	2	0	5	0	0.0%	0	0	1		
0781	Misprision/felony (n eg in report crime)	58	42	0.0%	72.4%	0.0%	17.2%	5.2%	3	0	13	1	1.7%	1	0	3		
2139	Motorcycle/Fail to u se headlight	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0	0	1	0	0.0%	0	0	0		
2113	Motorcycle/Goggle or face shield violat	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0	0	1	0	0.0%	0	0	0		
2112	Motorcycle/Helmet vi olation, >21 yrs	2	0.0%	0.0%	0.0%	0.0%	50.0%	50.0%	1	0	2	0	0.0%	0	0	0		
9000	Municipal/Viol of Ci ty Ordinance	4	50.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0	1	1	0	0.0%	0	0	1		
2356	Murder/Homicide by c hild abuse	29	45.0%	30.0%	75.0%	0.0%	25.0%	0.0%	0	5	0	0	0.0%	0	0	0		
2357	Murder/Homicide-Chil d abuse, aid & abet	7	42.9%	28.6%	71.4%	0.0%	28.6%	0.0%	2	0	2	0	0.0%	0	0	0		
0045	Murder/Killing by st abbing/thrusting	1	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0	0	0	0	0.0%	0	0	0		
0312	Murder/Lynching-1st deg	17	5.9%	23.5%	29.4%	5.9%	64.7%	0.0%	0	12	0	0	0.0%	0	0	0		
0116	Murder/Murder	263	40	53	35.4%	21	140	0	4	165	0	1.1%	2	0	5	1.9%		
2856	Neglect/Neglect of v ulnerable adult	16	10	0.0%	62.5%	0.0%	31.2%	6.2%	1	0	6	0	0.0%	0	0	0		
0869	Nuisance/Nuisance, c ommon	2	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0	0	0	0	0.0%	0	0	0		
0144	Obscene/Commun messa ges non-telephonic	11	4	0.0%	36.4%	0.0%	27.3%	0.0%	0	3	0	2	0.0%	0	0	4		
0378	Obscene/Diss or exh armful mat to minor	7	4	0.0%	57.1%	0.0%	42.9%	0.0%	0	3	0	0	0.0%	0	0	0		

SOUTH CAROLINA COURT ADMINISTRATION GENERAL SESSIONS DISPOSITIONS BY ALL OFFENSES																		PAGE 32	
PROGRAM-ID CWM115 FOR PERIOD 07/01/2000 THRU 06/30/2001 RUN DATE 01/09/2002																			
CODE	OFFENSE	DISP INDIT.	GUILTY PERIOD	TRIAL PLEA	TRIAL GUILTY	TOTAL CONVICT	TOTAL CONVICT	TRIAL NOT GUILTY	PROS NOT ENDED	PTI/ JUD COMMIT	TOTAL JUD DISM	TOTAL NON- CONVICT	REMAND	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	TOTAL OTHER		
0864	Medicine/Unlawfully practice	8	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	87.5%	12.5%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
0883	Mental/Take person f rom facility w/o per	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
0785	Military/Unlawful po rchase, property	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
0048	Minor/Contributing t o delinquency of min	369	270 31.1%	2 0.2%	272 31.3%	0 0.0%	458 52.7%	54 6.2%	0.0%	0.0%	0.0%	513 59.0%	19 0.0%	34 3.9%	31 3.6%	0.0%	9.7%		
2460	Minor/Purchase or po session of liquors	8	12.5%	0.0%	12.5%	0.0%	37.5%	25.0%	0.0%	0.0%	0.0%	62.5%	0.0%	0.0%	0.0%	0.0%	25.0%		
1257	Minor/Purchase, poss -beer/wine by minor	28	1 3.6%	0.0%	1 3.6%	0.0%	15 53.6%	21.4%	0.0%	0.0%	0.0%	75.0%	0.0%	3.6%	0.0%	0.0%	21.4%		
2443	Minor/Use minor to c omit certain crimes	2	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
2521	Miscellaneous/Crimin al offenses	58	0.0%	0.0%	0.0%	0.0%	0.0%	44 75.9%	6.9%	0.0%	0.0%	82.8%	0.0%	0.0%	0.0%	0.0%	17.2%		
2520	Miscellaneous/Traffi c offenses	162	10 6.2%	0.0%	10 6.2%	0.0%	70 43.2%	5.6%	0.0%	0.0%	0.0%	48.8%	0.0%	0.0%	3.7%	0.0%	45.1%		
0819	Misconduct/Malefican ce, etc in office	14	7 50.0%	1 7.1%	8 57.1%	1 7.1%	4 28.6%	0.0%	0.0%	0.0%	1	42.9%	0.0%	0.0%	0.0%	0.0%	0.0%		
0781	Misprision/Felony in eg in report crime	52	28 53.8%	0.0%	28 53.8%	0.0%	17 32.7%	5.8%	0.0%	0.0%	0.0%	38.5%	0.0%	3.8%	0.0%	0.0%	7.7%		
2139	Motorcycle/Fail to u se headlight	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
2112	Motorcycle/Helmet vi olation, >21 yrs	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
9000	Municipal/Viol of ci ty Ordinance	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
2356	Murder/Homicide by c hild abuse	17	2 11.8%	5 29.4%	7 41.2%	4 23.5%	6 35.3%	0.0%	0.0%	0.0%	0.0%	10	0.0%	0.0%	0.0%	0.0%	0.0%		
2357	Murder/Homicide-Chil d abuse, aid & abet	4	1 25.0%	1 25.0%	2 50.0%	0 0.0%	0 0.0%	0.0%	0.0%	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
0045	Murder/Killing by st abbing/thrusting	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
0312	Murder/Lynching-1st deg	8	1 12.5%	0.0%	1 12.5%	0.0%	6 75.0%	0.0%	0.0%	0.0%	0.0%	75.0%	0.0%	0.0%	0.0%	0.0%	12.5%		

IN THE STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA,

v.

JOHN E. COURSON,

Defendant.

INDICTMENT NUMBERS:

2017-GS-47-07

2017-GS-47-08

2017-GS-47-09

**ORDER DENYING
MOTIONS TO DISMISS**

THIS MATTER came before the Court on two Motions to Dismiss filed by Defendant John E. Courson ("Defendant"). A hearing was held October 12, 2017. Present at the hearing were David M. Pascoe, Jr., on behalf of the State, and Rose Mary Parham, counsel for the Defendant, who did not appear. Having reviewed the memoranda of law submitted by both the State and the Defendant, and considering the arguments of counsel, for the reasons set forth below, Defendant's motions are denied.

On July 20, 2017, Defendant moved to dismiss Indictment 2017-GS-47-08 on the basis that this Court lacks jurisdiction over the indictment because Misconduct in Office is not an indictable offense under the common law. Additionally, Defendant moved to dismiss Indictment Numbers 2017-GS-47-07 and 2017-GS-47-08 (collectively "Indictments") arguing 1) the elements of the offenses charged are unconstitutionally vague and violate Corson's due process rights; 2) the indictments are multiplicitous of one another; and 3) the charges violate the Eighth Amendment of the U.S. Constitution. *See* Def's Mot. to Dismiss, Jul 20, 2017.

Defendant filed a second Motion to Dismiss on August 11, 2017 wherein the Defendant moved to dismiss with prejudice all indictments against him on the basis that he is "not one of two 'redacted legislators' for which Solicitor Pascoe was designated to investigate outside his judicial

circuit¹" and therefore lacked subject matter jurisdiction or authority to prosecute him for these indictments. *See* Def's Mot. to Dismiss, Aug 11, 2017.

First Motion to Dismiss

Indictability of Common Law Misconduct

Defendant moves to dismiss Indictment 2017-GS-47-08 on the basis that Misconduct in Office is not an indictable offense under the common law. Defendant argues that a review of South Carolina jurisprudence demonstrates there is no common law offense of Misconduct in office. Conversely, a search by this Court revealed a number of cases containing indictments for the common law offense of misconduct in office. *See e.g. State v. Wilson*, 246 S.C. 580, 145 S.E.2d 20 (1965); *State v. Thrift*, 312 S.C. 282, 440 S.E.2d 341 (S.C. 1994); *State v. Follin*, 352 S.C. 235, 249, 573 S.E.2d 812, 819 (Ct. App. 2002); *In re McBee*, 375 S.C. 140, 650 S.E.2d 849 (2007).

Further, common law offenses are not abrogated simply because there is a statutory offense proscribing similar conduct. *State v. Prince*, 316 S.C. 57, 447 S.E.2d 177 (1993), reh'g denied, (Aug. 26, 1994). Rather, it is presumed that no change in common law is intended unless the Legislature explicitly indicates such an intention by language in the statute. *Id.* Defendant's motion to dismiss the subject indictment on this ground is therefore denied.

Indictments are Unconstitutionally Vague

Although not argued before the Court, Defendant's Motion to Dismiss argues indictments should be dismissed as "the elements of the offense charged are unconstitutionally vague and violate Courson's due process rights." *See* Def's Mot. to Dismiss, 1, Jul 20, 2017. "The concept of vagueness or indefiniteness rests on the constitutional principle that procedural due process

¹ Solicitor Pascoe is the Solicitor for the First circuit.

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requires fair notice and proper standards for adjudication." *Curtis v. State*, 345 S.C. 557, 571, 549 S.E.2d 591, 598 (2001), *cert. denied* *77 535 U.S. 926, 122 S.Ct. 1295, 152 L.Ed.2d 208 (2002), quoting *City of Beaufort v. Baker*, 315 S.C. 146, 152, 432 S.E.2d 470, 472 (1993). The constitutional standard for vagueness is the practical criterion of fair notice to those to whom the law applies. A law is unconstitutionally vague if it forbids or requires the doing of an act in terms so vague that a person of common intelligence must necessarily guess as to its meaning and differ as to its application. *Toussaint v. State Bd. of Med. Exam'rs*, 303 S.C. 316, 400 S.E.2d 488 (1991). One to whose conduct the law clearly applies does not have standing to challenge it for vagueness. *Id.* Accordingly, Defense's motion to dismiss the subject indictments on these grounds is denied.

Multiplicity of Indictments

Defendant also argues dismissal is proper as the elements of the offenses of common law misconduct and statutory offense of misconduct² are multiplicitous of one another. The test to determine whether multiple indictments charge the same offense or separate offenses is "whether each provision requires proof of a fact which the other does not." *Blockburger v. United States*, 284 U.S. 299, 304 (1932). A review of common law misconduct in office and the plain reading of the statute in question reveals different elements are required to prove each offense and as such, Defendant's motion to dismiss based on multiplicity is denied.

Violation of Eighth Amendment of U.S. Constitution

While not argued before the Court, Defendant's motion also argues proceeding under both indictments is violative of Defendant's Eighth Amendment rights is equally unavailing and based on the aforementioned, Defendant's motion to dismiss on this basis is also denied.

² S.C. Code Ann. § 81-1-80

Defendant's Second Motion to Dismiss

In Defendant's second motion to dismiss, Defendant argues all indictments against him should be dismissed with prejudice as Solicitor Pascoe did not have jurisdiction or authority to prosecute him for these indictments and that "at no time has there been another designation or expansion of the designated solicitor's authority beyond the redacted legislators." However, the Supreme Court in *Pascoe v. Wilson*... states "nothing in the exhibits...suggests that Pascoe's authority in the redacted legislators matter did not include all the power of the attorney general including the impaneling of a state grand jury." *Pascoe v. Wilson*, 416 S.C. 628, 788 S.E.2d 686 (2016). The question as to Solicitor Pascoe's authority beyond the two redacted legislators was not before the Court, however, the Court recognized the responsibility of authorizing a state grand jury proceeding "should only be exercise by an individual with thorough knowledge of the investigation leading up to the request for a state grand jury." *Pascoe v. Wilson*, 416 S.C. 628, 788 S.E.2d 686 (2016). For this Court to hold that Solicitor Pascoe's authority is limited solely to the two redacted legislators and therefore render him unable to pursue any other alleged wrongdoers uncovered by his investigation would lead to the absurd result the Court warned about.

For the reasons stated above, Defendant's Motions to Dismiss are hereby denied.

IT IS SO ORDERED.



Carmen Tevis Mullen
Chief Administrative Judge
Fourteenth Judicial Circuit

10-17, 2017



4 of 4

THE
STATUTES AT LARGE

OF

SOUTH CAROLINA; *statutes.*

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

BY

DAVID J. McCORD.

.....
VOLUME SIXTH,

CONTAINING THE ACTS FROM 1814, EXCLUSIVE, TO 1838, INCLUSIVE.

ARRANGED CHRONOLOGICALLY.

WITH AN APPENDIX.

.....
COLUMBIA, S. C.
PRINTED BY A. S. JOHNSTON.
1839.

STATUTES AT LARGE

A. D. 1829.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioner in Equity for Cheraw district shall take an account of all the expenses and costs incurred by Baker Wiggins, late of Marion district, in and about contesting the validity of the will of the said Lee, and report thereon to the said court of equity; and the amount so reported, when confirmed by the said court, shall be paid out of the part of the said estate devised to this State.

II. *And be it enacted* by the authority aforesaid, That after the payment of the said costs and expenses, the balance of the interest of this State in the said estate be, and the same is hereby, given and granted to Jonathan and William Pennywell, the heirs at law of John Taylor and Blake Baker Wiggins, late of North Carolina, deceased, to be divided among them in the following manner, viz: To Jonathan Pennywell, one fourth, to William Pennywell, one fourth, to the heirs at law of John Taylor, one fourth, and to the heirs at law of Blake B. Wiggins, one fourth.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2482. AN ACT FOR THE PUNISHMENT OF OFFICIAL MISCONDUCT OF DISTRICT OFFICERS.

Certain officers guilty of misconduct to be indicted. I. *Be it enacted* by the Senate and House of Representatives, That if any public officer hereafter to be elected or appointed, whose authority is limited to a single election or judicial district, shall be guilty of any official misconduct, habitual negligence, habitual drunkenness, corruption, fraud or oppression, he shall be liable to indictment, in which the privilege of traverse shall not be allowed; and upon conviction thereof, shall be fined not exceeding one thousand dollars, and imprisoned not exceeding one year.

Office declared vacant. II. It shall be the duty of the presiding judge, before whom such officer shall be tried, to cause a certified copy of the indictment to be immediately transmitted to the Governor, who shall, upon receipt thereof, declare, by proclamation, his office vacant, and the same shall be filled as in case of the death or resignation of the incumbent.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*