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HEARING PROCEEDINGS

November 25, 2024

2024 SC Judicial Merit Selection Commission

REPORTER: Jennifer Nottle

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

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JUDICIAL MERIT SELECTION COMMISSION

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TRANSCRIPT OF PUBLIC HEARINGS

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BEFORE: SENATOR LUKE RANKIN, CHAIRMAN

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MICAJAH PICKETT "MICAH" CASKEY, VICE CHAIRMAN

10

SENATOR RONNIE A. SABB

11

SENATOR BILLY GARRETT

12

REPRESENTATIVE J. TODD RUTHERFORD (Absent)

13

MS. HOPE BLACKLEY

14

MS. LUCY GREY MCIVER

15

MR. ANDREW N. SAFRAN

16

REPRESENTATIVE WALLACE H. "JAY" JORDAN

17

MS. ERIN CRAWFORD, CHIEF COUNSEL

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* * * * *

19

DATE: November 25, 2024

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TIME: 9:00 a.m.

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LOCATION: Gressette Building

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1101 Pendleton Street

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Columbia, South Carolina 29201

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REPORTED BY: JENNIFER NOTTLE, COURT REPORTER

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10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

PAGE:

HONORABLE JOSHUA C.B. ALLEN

- Examination by Mr. Hinson.....9
- Examination by Mr. Safran.....14

DE GRANT GIBBONS

- Examination by Mr. Stimson.....28
- Examination by Vice Chairman Caskey.....33
- Examination by Senator Sabb.....35
- Examination by Senator Garrett.....42

RILEY J. MAXWELL

- Examination by Ms. Adler.....53
- Examination by Vice Chairman Caskey.....61

WILLIAM VICKERY "VICK" MEETZE

- Examination by Mr. Walpole.....65
- Examination by Mr. Representative Jordan.....71
- Examination by Senator Sabb.....74

JANE H. MERRILL

- Examination by Ms. Starnes.....83
- Examination by Mr. Strom.....88
- Examination by Ms. Safran.....90

1 THE HONORABLE ANGELA R. TAYLOR
2 - Examination by Mr. Stimson.....97
3 - Examination by Mr. Safran.....101
4
5 THE HONORABLE ERNEST JOSEPH JARRETT
6 - Examination by Mr. Cohl.....113
7 - Examination by Chairman Rankin.....118
8
9 C. HEATH RUFFNER
10 - Examination by Mr. Cohl.....126
11 - Examination by Chairman Rankin.....140
12 - Examination by Mr. Safran.....146
13 - Examination by Senator Garrett.....152
14
15 THE HONORABLE ROCHELLE YARBOROUGH CONITS
16 - Examination by Ms. Baker.....206
17 - Examination by Ms. Blackley.....212
18 - Examination by Senator Garrett.....214
19 - Examination by Chairman Rankin.....216
20 Certificate of Reporter.....221
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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EXHIBIT INDEX

EXHIBITS:	PAGE:
EXHIBIT NO. 1.....	8
- Personal Data Questionnaire for Joshua C.B. Allen (15 pages)	
EXHIBIT NO. 2.....	8
- Amendment to Personal Data Questionnaire for Joshua C.B. Allen (1 page)	
EXHIBIT NO. 3.....	8
- Sworn Statement of Joshua C.B. Allen (5 pages)	
EXHIBIT NO. 4.....	27
- Personal Data Questionnaire for De Grant Gibbons (19 pages)	
EXHIBIT NO. 5.....	27
- Sworn Statement of De Grant Gibbons (6 pages)	
EXHIBIT NO. 6.....	51
- Personal Data Questionnaire for Riley J. Maxwell (16 pages)	
EXHIBIT NO. 7.....	51
- Sworn Statement of Riley J. Maxwell (7 pages)	
EXHIBIT NO. 8.....	64
- Personal Data Questionnaire for William Vickery "Vick" Meetze (16 pages)	

1 EXHIBIT NO. 9.....64
 2 - Amendment to Personal Data Questionnaire of William
 3 Vickery "Vick" Meetze (3 pages)
 4 EXHIBIT NO. 10.....64
 5 - Sworn Statement of Vickery "Vick" Meetze (7 pages)
 6 EXHIBIT NO. 13.....82
 7 - Personal Data Questionnaire for Jane H. Merrill (21
 8 pages)
 9 EXHIBIT NO. 14.....82
 10 - Amendment to Personal Data Questionnaire for Jane H.
 11 Merrill (1 page)
 12 EXHIBIT NO. 15.....82
 13 - Sworn Statement of Jane H. Merrill (8 pages)
 14 EXHIBIT NO. 18.....97
 15 - Personal Data Questionnaire for The Honorable Angela R.
 16 Taylor (12 pages)
 17 EXHIBIT NO. 19.....97
 18 Angela R. Taylor (5 pages)
 19 EXHIBIT NO. 20.....113
 20 - Personal Data Questionnaire for The Honorable Ernest
 21 Joseph Jarrett (17 pages)
 22 EXHIBIT NO. 21.....113
 23 - Sworn Statement of The Honorable Ernest Joseph Jarrett
 24 (5 pages)
 25

1 EXHIBIT NO. 22.....126
2 - Personal Data Questionnaire for C. Heath Ruffner (21
3 pages)
4 EXHIBIT NO. 23.....126
5 - Amendment to Personal Data Questionnaire for C. Heath
6 Ruffner (3 pages)
7 EXHIBIT NO. 24.....126
8 - Sworn Statement of C. Heath Ruffner (9 pages)
9 EXHIBIT NO. 25.....161
10 - Personal Data Questionnaire for The Honorable Rochelle
11 Yarborough (19 pages)
12 EXHIBIT NO. 26.....161
13 - Sworn Statement of The Honorable Rochelle Yarborough (10
14 pages)
15 EXHIBIT NO. 27.....162
16 - Affidavit of Cynthia Glenn (6 pages)
17
18
19
20
21
22
23
24
25

1 VICE CHAIRMAN CASKEY: All right, good morning
2 everyone. We are now back on the record and we
3 will resume our qualification hearings today.
4 Before us we have Judge Joshua C. Allen. Sir, do
5 I have your name right?

6 JUDGE ALLEN: That's correct.

7 VICE CHAIRMAN CASKEY: All right, thank you.

8 THE HONORABLE JOSHUA C.B. ALLEN, being duly
9 sworn, testifies as follows:

10 VICE CHAIRMAN CASKEY: Thank you. There should be
11 some documents in front of you. The personal
12 disclosure questionnaire and a sworn statement.
13 If you would please have a look at those.

14 JUDGE ALLEN: All right.

15 VICE CHAIRMAN CASKEY: Are those correct? Or any
16 changes need to be made?

17 JUDGE ALLEN: No, sir.

18 VICE CHAIRMAN CASKEY: Okay. Do you have any
19 objection to us including those in the record?

20 JUDGE ALLEN: I don't.

21 VICE CHAIRMAN CASKEY: Thank you, sir. We'll give
22 staff just a second to do that. The Judicial
23 Merit Selection Commission has thoroughly
24 investigated your qualifications for the bench.
25 Our inquiry is focused on the nine evaluative

1 criteria. It has included a ballot box survey, a
2 thorough study of your application materials,
3 verification of your compliance with ethics laws,
4 newspaper articles -- a search of newspaper
5 articles in which your name appears, study of
6 previous screenings, and a check for economic
7 conflicts of interest. We've received no
8 affidavits filed in opposition to your election
9 and no complainants are present to testify. If
10 you'd like to take a quick moment and introduce
11 us to this young lady who's joined you here
12 today, we'd be happy to meet her.

13 (Exhibit Number 1 was marked for identification
14 purposes - (15 pages) Personal Data Questionnaire for
15 The Honorable Joshua C.B. Allen)

16 (Exhibit Number 2 was marked for identification
17 purposes - (1 page) Amendment to Personal Data
18 Questionnaire for The Honorable Joshua C.B. Allen.)

19 (Exhibit Number 3 was marked for identification
20 purposes - (5 pages) Sworn Statement of The Honorable
21 Joshua C.B. Allen.)

22 JUDGE ALLEN: Yes, thank you. This is Taylor Allen.

23 This is my wife. More importantly, the mother of
24 our four children: Keller, Emma, Hannah, and
25 Maggie. She's a native of Columbia, daughter of

1 Mike McCabe and Stephanie McCabe, and just happy
2 to have her with us today.

3 VICE CHAIRMAN CASKEY: Taylor, thank you for being
4 here. I appreciate you making the time to join
5 your husband as we go through this. Judge Allen,
6 if you'd like to offer a brief opening statement,
7 we'd be happy to hear from you. Otherwise, I
8 would recognize counsel to begin with the
9 questions.

10 JUDGE ALLEN: I'll waive any opening. Thank you,
11 though.

12 VICE CHAIRMAN CASKEY: Mr. Hinson.

13 JUDGE ALLEN - EXAMINATION BY MR. HINSON:

14 MR. HINSON: Thank you, Chairman. Mr. Chairman, I
15 note for the record that based on the testimony
16 contained in the candidate's PDQ, which has been
17 included in the record with the candidate's
18 consent, Judge Allen meets the constitutional and
19 statutory requirements for this position
20 regarding age, residence, and years of practice.

21 **Q. Judge Allen, how do you feel your legal and**
22 **professional experience thus far renders you**
23 **qualified and will assist you to be an effective**
24 **Circuit Court judge?**

25 A. I believe my diverse background in the practice

1 of law, whether it be judicial positions, my
2 private practice, give me a unique perspective
3 from various different viewpoints, and I think,
4 because of that, I would be well-suited to be on
5 the Circuit Court bench.

6 Q. Thank you, Judge. Judge Allen, the Commission
7 received 112 ballot box surveys regarding you
8 with nine additional comments. The ballot box
9 survey, for example, contained the following
10 positive comments. Mr. Allen is a wonderful
11 judge, and I highly respect him. He would make a
12 great Circuit Court judge. Another stated that
13 Josh would make a good Circuit Court judge. He
14 has extensive experience as a city court judge in
15 handling pro se litigants. He is courteous to
16 all, and I believe he has the proper judicial
17 demeanor. He would make a good Circuit Court
18 judge. The ballot box comments did not contain
19 any pattern of concerns. Judge Allen, you have
20 indicated in your PDQ that a lawsuit was filed
21 against you, your father, and your firm in 2021.
22 The plaintiff was Eric Boland, and the matter was
23 settled in 2023. Can you explain the nature of
24 that lawsuit?

25 A. Yes, sir. So, in approximately 2018, I

1 represented a minor who had been abused at Camden
2 Military Academy by some staff there. We filed a
3 lawsuit in Federal Court. That subsequently was
4 settled confidentially, so I can't go into a lot
5 of detail there. And about two years later, our
6 law firm website publishes -- we have a
7 quote-unquote in-the-news section on our website
8 that publishes various matters that we've handled
9 that are in the news or some publication.
10 Locally here, WIS TV, I think Fox, a few other
11 news outlets had covered that lawsuit. We posted
12 that to our website. The headmaster of Camden
13 Military Academy then sued me and our law firm
14 and the other partner for defamation. The link
15 on our website simply linked a WIS TV article
16 that was 100% factual. They alleged that because
17 the date on our website was different from the
18 date of the article that that was an attempt for
19 us to create the impression that there was a new
20 case. I never quite understood the lawsuit
21 itself, but that ultimately settled. But I would
22 point out that the gentleman that was the primary
23 suspect in that lawsuit has been recently
24 arrested for criminal solicitation of a minor.
25 There will be more lawsuits coming from our law

1 firm for additional victims at that school. So I
2 just point that out to say that there will be
3 more of those coming in the future, probably in
4 the next 30 days.

5 Q. Thank you, Judge. I would note that the Upstate
6 Citizens Committee reported that Judge Allen is
7 qualified in the evaluative criteria of
8 constitutional qualifications, physical health,
9 and mental stability. The Committee found him
10 well qualified in the evaluative criteria of
11 ethical fitness, professional and academic
12 ability, character, reputation, experience, and
13 judicial temperament. Just a few housekeeping
14 questions for you, Judge. Are you aware that as
15 a judicial candidate you are bound by the Code of
16 Judicial Conduct as found in Rule 501 of the
17 South Carolina Appellate Court Rules?

18 A. I am.

19 Q. Since submitting your letter of intent, have you
20 contacted any members of the Commission about
21 your candidacy?

22 A. I have not.

23 Q. Since submitting your letter of intent, have you
24 sought or received a pledge of any legislator
25 either prior to this date or pending the outcome

1 of your screening?

2 A. I have not.

3 Q. Are you familiar with Section 2-19-70, including
4 the limitations on contacting members of the
5 General Assembly regarding your screening?

6 A. I am.

7 Q. Have you asked any third parties to contact
8 members of the General Assembly on your behalf,
9 or are you aware of anyone attempting to
10 intervene in this process on your behalf?

11 A. I'm not aware.

12 Q. Have you reviewed and do you understand the
13 Commission's guidelines on pledging and S.C. Code
14 2-19-70(E)?

15 A. I have reviewed those.

16 MR. HINSON: Mr. Chairman, I would note for the record
17 that any concerns raised during the investigation
18 by staff regarding the candidate were
19 incorporated into the questioning today. And
20 with that, Mr. Chairman, I have no further
21 questions.

22 VICE CHAIRMAN CASKEY: Thank you, sir. I appreciate
23 that. Do members of the Commission have any
24 questions or comments for Judge Allen this
25 morning? Mr. Safran.

1 JUDGE ALLEN - EXAMINATION BY MR. SAFRAN:

2 Q. Good morning. How are you, Judge?

3 A. Good morning. I'm good. Good. Thank you.

4 Q. Just a few things. It looks like you clerked for
5 Judge McIntosh some period?

6 A. I did. I'm not sure if that's good or bad, but
7 yes, that is on my resume, correct.

8 Q. Well, tell me what you walked away with from that
9 experience.

10 A. One of the primary things that I walked away with
11 in that experience, I would say, is my utmost
12 respect for the way he treated office staff,
13 court staff. He did not wear a heavy robe at
14 all. I know that's a little outside the law and
15 technicalities of --

16 Q. Oh, well, that's important, too.

17 A. But that was one of the things that really
18 impressed me. It could be janitorial staff. It
19 could be lawyers. But I would say that would
20 probably be one of the most impactful things,
21 upon me, why I clerked for him.

22 Q. And so you kind of started touching on it. I
23 mean, he was here the other day, and I don't mind
24 telling you he's been somebody I've known since
25 he was a law clerk way back when. So he accepted

1 that grumpy occasionally might be something that
2 he could claim to. But I think, for the most
3 part, I think it was because he has high
4 expectations for lawyers appearing in front of
5 him.

6 A. Yes, sir.

7 Q. I mean, have you noted that, not just when you
8 were with him, but since that time?

9 A. Certainly. In fact, in the last, gosh, 30 days,
10 we tried a six-day trial against a large
11 commercial trucking company. And he presided
12 over that trial, and I thought did a wonderful
13 job. Didn't always rule in my favor or our
14 favor. But I had made several comments to folks,
15 other members of the BAR, that I thought he did
16 an excellent job in that trial.

17 Q. Tell me, you know, there's kind of a lack of
18 opportunities to actually do Circuit Court trials
19 unless you're in the criminal context. So, I
20 mean, what have you been able to do in terms of
21 actually being involved in trials? For instance,
22 this one you just had, were you lead or were you
23 working with somebody?

24 A. It was actually -- it was such a complex matter.
25 Excuse me, it was four attorneys. But me and

1 another attorney, another partner in our law
2 firm, handled all of it. All witnesses, opening
3 and closings. But, yeah, I mean, certainly you
4 don't have many opportunities. I think, you
5 know, there's a lot of things to consider. I've
6 always said that my utmost obligation is to the
7 best interest of the client. It's not stacking
8 trials. And I don't say that to say there's
9 anything wrong if someone has a lot of trials, of
10 course, but, you know, you have to consider the
11 venue you're in.

12 **Q. No, listen, I guess there's a lot that goes into**
13 **deciding what is, quote, reasonable under the**
14 **circumstances.**

15 **A. Correct.**

16 **Q. And I think some of us might say that, you know,**
17 **the longer we practice and the more the landscape**
18 **changes, that our definition of reasonable is**
19 **also something that moves along with it. So I**
20 **get that. I mean, tell me this. I mean, you're**
21 **still a relatively young man, and you've been**
22 **practicing for a limited amount of time**
23 **comparatively. Just a couple things along those**
24 **lines. I mean, how do you see, since what you**
25 **observed, for instance, when you were a law**

1 clerk. Is the -- people maybe take their
2 opportunities and their obligations as attorneys
3 in a litigation context as seriously as maybe you
4 anticipated they would, or do you see some people
5 who, you know, maybe just kind of mail it in?

6 A. Yeah, I think there's certainly some out there
7 like that. I don't think that's really, in my
8 experience, the lack of civil trials. I mean,
9 there's a number of other factors. I know where
10 I am specifically in considering, again, the
11 venue. You know, sometimes there's a reluctance
12 depending on where you are in the state. I think
13 anyone practicing understands that. And there
14 are certainly, and I can't really say why, but
15 there's certainly when I hear stories of people
16 of generations before me -- I mean, they're not
17 tried like they used to be. I know when I was in
18 the solicitor's office, I tried as many as I
19 could. And as you mentioned, that's in the
20 criminal context. Obviously, that's a little
21 different. You can a lot of times you get more
22 cases under your belt that way. But civilly, I
23 can't really point to any one thing. I mean, I
24 know a lot of lawyers that are very well prepared
25 if it comes to trial, but there are just not that

1 many tried now. And, you know ---

2 **Q. Let me switch gears with you.**

3 A. Uh-huh.

4 **Q. You obviously had Judge McIntosh as a model. How**
5 **are you going to approach dealing with attorneys**
6 **that are going to appear in front of you that**
7 **might not meet the standard that you might expect**
8 **out of them? How are you going to handle that?**

9 A. Well, first, I think the first way you handle
10 that is developing a reputation of expecting more
11 out of the attorneys than maybe they're used to.
12 I think that is the first way to do it. Within
13 reasoning, holding attorneys to certain
14 deadlines. I know some judges are, you know, a
15 little more strict than others. I mean, I would
16 try my best to be reasonable at the same time. I
17 don't believe in just, you know, kind of
18 indefinite continuances, things of that nature.
19 And just having a certain standard, I think, in
20 your courtroom that is set early on, like I said.
21 Is -- would be the best way, I think, to handle
22 if you had those issues. And, you know, it
23 doesn't take long. If you've got enough
24 experience, you kind of know what to look for.
25 Some that may not be that way. But at least in

1 the Bar where I'm located, the Anderson County
2 Bar, I mean, we have a good Bar. I think we have
3 good attorneys. So I don't have a whole lot of
4 concern with that, at least locally. I can't
5 speak for statewide.

6 **Q. Well, obviously, you could be moving.**

7 A. Correct. Correct.

8 **Q. Well, you know, let me ask this. Assuming**
9 **something arises where you need to really kind of**
10 **have a little word of prayer with somebody, you**
11 **might need to dress them down, how do you go**
12 **about doing that?**

13 A. Well, I would first try to do that privately.
14 Address that outside presence of others. I've
15 never been one to think that that's the most
16 effective way is to embarrass someone or do
17 things in front of a crowd of people. I'd
18 certainly try it privately first. And then, you
19 know, if that doesn't work, there may be other
20 ways to, you know, try to encourage that person.
21 But I would try everything I could to get that
22 person to fall in line where I believe they
23 needed to be prior to any kind of public
24 reprimand that would, you know, cause
25 embarrassment to someone. I don't believe in

1 doing that.

2 Q. Well, the flip side is this, too. I mean, we've
3 seen this over the course of years. I think you
4 and I both run into it in our practice. What do
5 you do to maintain that recognition of where you
6 came from? To be treated the way that you wanted
7 to be treated as a lawyer, even when those
8 moments come up where you kind of go, God, I just
9 -- I really don't like seeing what I'm seeing
10 here.

11 A. Yeah, I mean, it's hard to say. I mean, I think
12 that would depend a lot on the individual
13 attorney who we're talking about. I mean, it's a
14 little bit difficult for me to answer that in a
15 broad sense.

16 Q. I'm not asking you how you'd handle an
17 individually.

18 A. Okay.

19 Q. What do you do to safeguard to make sure that
20 that robe doesn't wear too heavy?

21 A. Again, I would just go back to there. I think
22 there's a standard you set in your courtroom kind
23 of early on. And it's either people understand
24 -- when they come to the courtroom, they
25 understand there's certain expectations and that

1 those have got to be met. And if not, then that
2 can be some negative consequences for the
3 attorney or the client.

4 **Q. Well, you've appeared in front of Judge Maddox a**
5 **good bit, I'm assuming. How does that style work**
6 **for you?**

7 A. That's two different styles, certainly. To say
8 the least. And I think they both have pros and
9 cons. I mean, you know, Judge Maddox is, I would
10 say, would certainly be known to be a little more
11 laid back than Judge McIntosh. But, I mean, I
12 think there's a place for both of those
13 approaches. I don't think one is better than the
14 other. I think there's certain situations where
15 a more laid back approach would be better, and
16 there's certain situations and certain attorneys
17 that need the tougher approach. And so both can
18 be good and bad depending on the scenario and the
19 attorney. But I think they both have their
20 strengths and weaknesses.

21 **Q. This last thing, again, you're still pretty early**
22 **in your career practice-wise. I think you've**
23 **been out since about 2010.**

24 A. Yes, sir.

25 **Q. So, you know, you've got about 14, 15 years. Why**

1 **now and why do you think you're really ready now**
2 **as opposed to maybe a little bit more seasoning**
3 **before you might take that next step?**

4 A. Well, let me say first, I think the experience
5 question is -- and I'm trying to say this as
6 respectfully as I can, but I know a lot of
7 attorneys out there that are senior attorneys
8 that I don't think do a good job and don't do it
9 the right way. So, yes, I may not have as much
10 overall experience as someone that's 20 years
11 older than me, but I don't think that in and of
12 itself means that they're better at what they do.
13 I mean, I know some that have been doing it a
14 whole lot longer that I really wouldn't do
15 anything the way they do it.

16 **Q. And I agree with you.**

17 A. And I don't think they're very effective. I
18 think I do have a diverse background in what I've
19 done. Whether it be private practice law, civil
20 sense or criminal sense, my position at the city
21 of Anderson, my position on the county drug court
22 team, my vast experience with pro se litigants
23 and other attorneys. So, you know, I certainly,
24 I mean, I'm not 65, no, but I think the
25 experience issue can go either way. And I also

1 think, I do think it's important to note that the
2 diversity of that experience speaks for itself as
3 well.

4 **Q. Thank you very much for your response.**

5 A. Yes, sir. Thank you for the questions.

6 VICE CHAIRMAN CASKEY: Mr. Strom.

7 MR. STROM: Thank you, Mr. Chairman. Good morning.

8 JUDGE ALLEN: Good morning.

9 MR. STROM: So when I look at a lawyer that's running
10 that I don't know, the first thing I do is look
11 at their reference letters. Tommy Edwards,
12 retired judge, they're the better person.
13 Frankie McClain, same thing. Dru Ann White, my
14 classmate, former solicitor. Billy Epps, not a
15 better lawyer, better man. All these people care
16 about the judicial system. They care about
17 getting it right. They care about getting it
18 right. And if they wrote letters for you, took
19 the time, these senior lawyers in your bench took
20 the time to write a letter, then that goes an
21 awful long way with me.

22 JUDGE ALLEN: Well, thank you. Thanks for the
23 comments. And all those folks have been
24 wonderful to me in my career.

25 VICE CHAIRMAN CASKEY: Any other members of the

1 Commission have questions or comments? Judge,
2 I'll just take this opportunity, I want to share
3 with you, if I can find the right file. Just a
4 couple of more comments that were shared with us
5 in the ballot box survey that I'll offer to you
6 just as reinforcement for the good things that
7 you're doing in terms of your career. Because as
8 we see comments that come in, they're not always
9 glowing. And in your case, Mr. Allen is a
10 wonderful judge, and I highly respect him.
11 Stellar reputation for fairness and a hard
12 worker. Josh is a wonderful man, diligent
13 advocate. Diligent advocate and devoted to
14 public service. Confident he will exercise his
15 authority as a judge in a fair, articulate, and
16 responsible fashion. I expect Josh is the type
17 of individual prosecutors, defense attorneys,
18 plaintiffs attorneys will agree is the type of
19 individual they want deciding their cases. And I
20 think it speaks to the reputation you've earned
21 at the Bar, so kudos to you and thank you for
22 conducting yourself in a way that reflects
23 positively on our profession writ large.

24 JUDGE ALLEN: Thank you.

25 VICE CHAIRMAN CASKEY: Okie doke. Seeing no more

1 comments or questions, then that will conclude
2 this portion of our screening test -- or
3 screening process, excuse me. I do need to take
4 this opportunity to remind you that pursuant to
5 the Commission's evaluative criteria, the
6 Commission expects candidates to follow the
7 spirit as well as the letter of our state ethics
8 laws, and that we will view any improprieties as
9 very serious and potentially deserving of very
10 heavy weight in our deliberations. On that note,
11 and as you know, the record will remain open
12 until the formal release of the Report of
13 Qualifications, and you may be called back at
14 such time if the need were to arise. Do you
15 understand all of that?

16 JUDGE ALLEN: I do.

17 VICE CHAIRMAN CASKEY: All right. Thank you, sir.
18 With that, we will conclude this hearing.
19 Taylor, thank you for being here. Glad you guys
20 could make it down. Certainly wish you all the
21 best and hope you travel home safely.

22 JUDGE ALLEN: Thank you.

23 (OFF THE RECORD)

24 VICE CHAIRMAN CASKEY: All right, good morning. We
25 are back on the record and continuing with our

1 screening process. Good morning, Mr. Gibbons.

2 MR. GIBBONS: Good morning, how are you?

3 VICE CHAIRMAN CASKEY: Great, thank you. If you would
4 please state your name for the record.

5 MR. GIBBONS: My name is De Grant Gibbons.

6 VICE CHAIRMAN CASKEY: If you would, sir, raise your
7 right hand.

8 DE GRANT GIBBONS, being duly sworn, testifies as
9 follows:

10 VICE CHAIRMAN CASKEY: All right, and the fact that I
11 swore you in after I asked you your name, would
12 that have changed your answer to your name?

13 MR. GIBBONS: I certainly hope not, but it wouldn't.

14 VICE CHAIRMAN CASKEY: All right, thank you. If you
15 would please take a look at the documents before
16 you. You should have a personal disclosure --
17 or, excuse me, a personal data questionnaire and
18 a sworn statement.

19 MR. GIBBONS: I recognize these.

20 VICE CHAIRMAN CASKEY: Are they both correct, or any
21 changes need to be made?

22 MR. GIBBONS: No changes.

23 VICE CHAIRMAN CASKEY: All right, do you have any
24 objection to us entering those into the record?

25 MR. GIBBONS: Not at all.

1 VICE CHAIRMAN CASKEY: I'll just give staff a second
2 to do that. Mr. Gibbons, if you'd like to
3 introduce us to this lovely lady who's joined you
4 this morning, we'd be happy to meet her.

5 (Exhibit Number 4 was marked for identification
6 purposes - (19 pages) Personal Data Questionnaire for
7 De Grant Gibbons)

8 (Exhibit Number 5 was marked for identification
9 purposes - (6 pages) Sworn Statement of De Grant
10 Gibbons)

11 MR. GIBBONS: This is my wife of almost 40 years,
12 Bonnie Gibbons.

13 VICE CHAIRMAN CASKEY: Thank you for being here.

14 MS. GIBBONS: Thank you.

15 VICE CHAIRMAN CASKEY: All right, the Judicial Merit
16 Selection Commission has thoroughly investigated
17 your qualifications for the bench. Our inquiry
18 has focused on the nine evaluative criteria and
19 has included a ballot box survey, a thorough
20 study of your application materials, verification
21 your compliance with state ethics laws, a search
22 of all media in which your name appears, a study
23 of previous screenings, a check for economic
24 conflicts of interest, and we have received no
25 affidavits in opposition to your election and no

1 witnesses are present to testify. If you would
2 like to offer a brief opening statement, we'd be
3 happy to hear from you. Otherwise, I would
4 recognize counsel for questions.

5 MR. GIBBONS: I'll spare you all that. I'll waive
6 that.

7 VICE CHAIRMAN CASKEY: All right, thank you, sir. Mr.
8 Stimson.

9 MR. GIBBONS - EXAMINATION BY MR. STIMSON

10 MR. STIMSON: Good morning. I note for the record
11 that based on the testimony contained in the
12 candidate's PDQ, which has been included in the
13 record with the candidate's consent, Mr. Gibbons
14 meets the constitutional and statutory
15 requirements for this position regarding age,
16 residence, and years of practice.

17 **Q. Mr. Gibbons, how do you feel your legal and**
18 **professional experience thus far renders you**
19 **qualified and will assist you to be an effective**
20 **Circuit Court judge?**

21 A. That question again. I look forward to the
22 opportunity to serve as a judge. I've got a lot
23 of years of experience, and if you'll forgive me
24 it's kind of like a football analogy. I spent
25 half my career on the offensive side. I learned

1 to deal with victims, learned to deal with law
2 enforcement officers, learned to deal with actual
3 cases. I organized and ran trial dockets for 15
4 years as a deputy solicitor in all three counties
5 of my circuit and learned how to deal with the
6 judges and got a good opportunity to watch a
7 bunch of really good judges and learn how they
8 ran their courtroom. The second half of my
9 career I've spent in the public defender side of
10 the courtroom, and I've learned how to deal with
11 clients who have needs of someone managing their
12 expectations. I've dealt with their families and
13 recognized that every person that comes in to
14 court is a person and does have a life and does
15 have a family. I think that's given me a unique
16 perspective, almost like being a referee that's
17 played both sides of the ball. I'm at a stage in
18 my life now where my kids are grown. I'm not
19 running to softball games and dance recitals and
20 coaching teams. I think it's a good time of life
21 for me to move on to the next step where I can
22 travel the state and try and help the courts get
23 out of their backlog. As I say, I've done it.
24 I've run it. I know everybody's concerns and
25 everybody's thoughts about what needs to be done,

1 and I think I'm in a good position and looking
2 forward to trying it.

3 Q. Thank you. Mr. Gibbons, the Commission received
4 124 ballot box surveys regarding you with 34
5 additional comments. The ballot box survey, for
6 example, contained the following positive
7 comments. Grant Gibbons is an exceptional leader
8 in the public defender's office. He is a leader
9 in technology in the 2nd Judicial Circuit. He
10 has the character and moral fitness for the
11 position. Select him now. Mr. Gibbons is very
12 pleasant and cordial to deal with. He is always
13 prepared in court. He would make an excellent
14 judge and astute veteran lawyer who has
15 represented hundreds of defendants over his legal
16 and public defender career and will bring a
17 healthy dose of civility and decorum to the
18 bench. There were three written comments that
19 expressed a similar concern regarding your lack
20 of civil experience. What would you like to
21 offer as a response to those concerns?

22 A. Well, I understand it completely, and I do have a
23 lot to catch up on on the civil side. I have
24 been working on that for the last couple years.
25 I've gone to numerous CLEs regarding big truck

1 wrecks, medical malpractice, general torts,
2 things like that. I've also been watching
3 trials. I've watched several trials in my home
4 circuit, had two medical malpractice cases that
5 went to trial, a reverse condemnation case that
6 was really interesting stuff I hadn't talked
7 about or heard about for years. I also watched a
8 rather lengthy Airbnb hidden camera trial that
9 went on for several days, and I'm going to
10 continue to do that. I've also gotten in on the
11 WebEx motion hearings in my circuit and been able
12 to watch how those are dealt with. So I know I'm
13 going to have a learning curve, but I have been
14 addressing that and doing my best to get up to
15 speed.

16 MR. STIMSON: I would note that the Midland Citizens
17 Committee reported that Mr. Gibbons is qualified
18 in the evaluative criteria of constitutional
19 qualifications, physical health, mental
20 stability, and experience. Mr. Gibbons was found
21 well qualified in the evaluative criteria of
22 ethical fitness, professional and academic
23 ability, character, reputation, and judicial
24 temperament. The Midlands Citizen Committee
25 report wrote a comment that stated, civil

1 experience zero concerned.

2 Q. Mr. Gibbons, are you aware that as a judicial
3 candidate you are bound by the code of judicial
4 conduct as found in Rule 501 of the South
5 Carolina Appellate Court Rules?

6 A. I am.

7 Q. Mr. Gibbons, since submitting your letter of
8 intent, have you contacted any members of the
9 Commission about your candidacy?

10 A. I have not.

11 Q. Since submitting your letter of intent, have you
12 sought or received the pledge of any legislator
13 either prior to this date or pending the outcome
14 of your screening?

15 A. I have not.

16 Q. Are you familiar with Section 2-19-70, including
17 the limitations on contacting members of the
18 General Assembly regarding your screening?

19 A. I am.

20 Q. Have you asked any third parties to contact
21 members of the General Assembly on your behalf,
22 or are you aware of anyone attempting to
23 intervene in this process on your behalf?

24 A. I'm not aware, and I have not.

25 Q. Have you received and do you understand the

1 Commission's guidelines on pledging in South
2 Carolina Code Section 2-19-70(E)?

3 A. I am aware.

4 Q. Mr. Chairman, I would note for the record that
5 any concerns raised during the investigation by
6 staff regarding Mr. Gibbons were incorporated
7 into the questioning of him today. I have no
8 further questions. Thank you, sir.

9 VICE CHAIRMAN CASKEY: Do members of the Commission
10 have any questions or comments for Mr. Gibbons?

11 MR. GIBBONS - EXAMINATION BY VICE CHAIRMAN CASKEY:

12 Q. Mr. Gibbons, let me ask. Because of the civil
13 experience concerns, I think you talked a bunch
14 about the CLEs that you had been through, and I
15 think this is just a function of our system here.
16 The CLE summaries that you submitted, like the
17 most recent ones, are pretty pale. Like you
18 can't really tell what they are. And I was
19 hoping you could just, as I was listening to you,
20 trying to make a note of what CLEs you had
21 participated in.

22 A. Well, I've gone to the trial lawyers, what we
23 call the trial lawyers convention. And they did
24 have a -- I call it a truck case, you know, major
25 truck accident case seminar. I attended that.

1 That was an hour long. There was general nuts
2 and bolts of civil practice. That was an hour
3 and a half long. And they have been on both the
4 Bar convention and the trial lawyers convention.
5 I have attended those.

6 **Q. And you said you've done a number of, or taken a**
7 **number of opportunities to observe civil trials**
8 **and motions hearings and things. Is that right?**

9 A. Yeah, and that's been more helpful than the CLEs,
10 to be honest with you. A lot of the CLEs, to be
11 honest, were about how to get business and how to
12 rack the money up. But -- they were still
13 helpful. But I think watching the trials and
14 watching the motion hearings and reading the
15 documents has brought me further along than that
16 has.

17 **Q. Also noted, as I was looking through your**
18 **reference letters. You seem to have enjoyed --**
19 **or earned, I should say, you've earned a very**
20 **positive reputation with law enforcement officers**
21 **who refer to your time not as a solicitor but as**
22 **a public defender. I suppose I don't have a**
23 **question about that. I just want to commend you**
24 **for that. I think it speaks well of your**
25 **candidacy.**

1 A. Well, they know that I fight hard, but I fight
2 fair.

3 VICE CHAIRMAN CASKEY: Fair enough. Senator Sabb.

4 MR. GIBBONS: Senator Sabb, I tried to find a CLE
5 you taught this year.

6 MR. GIBBONS - EXAMINATION BY MR. SABB:

7 Q. You may have spared yourself some pain. I do
8 want to commend you, though, on your efforts to
9 try to familiarize yourself with what goes on in
10 the civil world. One of the harsh realities of
11 what we now see is folks are either doing
12 criminal or they're doing civil and not a whole
13 bunch are doing both. As we look at how our
14 jurors have performed who are in the one area or
15 the other, I don't know that I can honestly say
16 that it's hurting our judiciary. I think folks
17 are coming in committed. Realizing, like you,
18 that they don't have the exposure and have
19 committed themselves to excellence. And
20 therefore they challenge themselves to try to get
21 up to speed as quickly as they can. I wanted to
22 ask some questions, though, along the lines of
23 bail, bonds, those kinds of things. I'm curious,
24 what's your understanding of a defendant's right
25 to bail in capital cases, burglary, first-degree

1 **cases, specifically from a time standpoint?**

2 A. As far as how long they've been incarcerated, or
3 --

4 **Q. No, sir. Assume hypothetically they finally**
5 **catch up with Andy Safran and they discover that**
6 **he's committed some heinous crimes and,**
7 **unfortunately, as a result -- I can pick on Andy,**
8 **he's my friend. As a result of it, he's charged**
9 **with murder. He's arrested today. What is your**
10 **understanding of when he's entitled to have a**
11 **bond set?**

12 A. Well, as the rules are right now?

13 **Q. Yeah.**

14 A. He's entitled -- if it's a murder case, it's got
15 to be set by the Circuit Court.

16 **Q. Yes, sir. Yes, sir.**

17 A. And I don't think there is any. It has to be
18 within a reasonable time. I would push that for
19 as soon as possible to actually have a bond
20 hearing.

21 **Q. Yeah.**

22 A. And once it's set, I think there's a six-month
23 cooling-off period before he can move for another
24 bond, except if there's an extenuating change of
25 circumstances.

1 Q. What has been your experience, though, in terms
2 of what a reasonable period of bond has been in
3 those instances where you've represented those
4 individuals?

5 A. Well, in my circuit, and we're still trying to
6 move over to the new order, we would immediately
7 file a motion for a bond hearing. And the
8 problem has been that the docket's been so backed
9 up, sometimes it's taken a couple months to get
10 there. We file it. It should be heard as soon
11 as possible. It should be heard at the next term
12 of court. But given the backlogs and the fight
13 over who's actually running the motions docket
14 and scheduling the motions docket, sometimes it's
15 taken longer than it should. But I think it
16 should be held at least within a couple weeks.

17 Q. And what circuit are we specifically referring to
18 and which counties are included in that circuit?

19 A. It's the whole Second Circuit, Barnwell, Aiken,
20 and Bamberg.

21 Q. All right, sir.

22 A. And I've been trying to change that. I think the
23 order anticipates the clerk running the motions
24 docket, but it's not completely happening yet.

25 Q. Yes, sir. And I think we've experienced some

1 things over the course of the past couple of
2 weeks. And I guess I speak more personally, but
3 I know that this concern is shared by other
4 members of this body in terms of what is it that
5 we might be able to do to bring some uniformity
6 to that process and to try to create a system
7 where a reasonable period of time is not months
8 and is weeks. I, quite frankly, after witnessing
9 one of the screenings earlier, was reasonably
10 convinced that the problems that were happening
11 in that particular circuit, though clearly
12 needing attention, was more widespread than that
13 circuit. And, quite frankly, your experience and
14 what you've shared with me today supports the
15 notion that it is a little more widespread.

16 A. And if I may interrupt you.

17 Q. No, please.

18 A. My compatriots throughout the state, it is not
19 isolated.

20 Q. Yes, sir. That was -- that was my suspicion.

21 A. And the new being arrested while you're out on
22 bond statute is just making it worse. It's
23 putting them further down in the line to get
24 their initial bond hearing.

25 Q. Got you. Got you. Yeah, well, it's, you know.

1 I mean, and I've always tried to add balance to
2 my thought process when it comes to anything.
3 And, you know, there we are, balancing the rights
4 of victims, the rights of defendants, you know,
5 and -- which is tough. But we've, I think --

6 A. That's for sure.

7 Q. Yes, sir. Yes, sir. Yes, sir. But I think
8 we've just got to figure out a way to minimize
9 the period before, where those persons have a
10 chance to appear before a Circuit Court judge.
11 And one of the things that I worry about now.
12 Because I'm advised, and quite frankly, I've not
13 done the research, so I don't know, and I don't
14 practice criminal law really anymore. But I'm
15 advised that there's a very short period of time
16 within a matter of hours and not days that these
17 hearings are actually supposed to take place.
18 And it also appears to me as if we perhaps, we as
19 lawmakers, have created an impossibility. Where
20 it's literally impossible, given the realities of
21 where we find ourselves with our criminal justice
22 system, to expect that a defendant that's
23 arrested under those circumstances are going to
24 be able to get a bond within 24, 48 hours. It
25 just does not seem to be a realistic thing. And

1 what I worry about, quite frankly, and I guess
2 I'm on a soapbox right now.

3 A. It's a good one.

4 Q. Yeah, and it was a serious issue that we dealt
5 with earlier. But what I worry about is whether
6 or not we as lawmakers have created a scenario
7 where it then places a defendant in a position,
8 if he or she can't get a hearing quickly enough,
9 to accuse everybody of violating somebody's
10 constitutional rights. Which worries me as well.
11 And perhaps we are creating liability in the
12 system. I don't want a system that's unfair to a
13 defendant. Everybody is innocent until proven
14 guilty. But I also don't want to create a
15 situation where we give a hammer to a defendant.
16 I mean, because you've got to notify victims in
17 murder cases and all of that. I mean, they have
18 an absolute right to be there and to be heard and
19 all of those kinds of things. And so this thing
20 has troubled me, quite frankly, since we had that
21 initial screening.

22 A. Senator, what I think would help.

23 Q. Yes, sir, please.

24 A. Right now, the prosecutor -- and I'm not throwing
25 rocks, I love my prosecutor.

1 Q. You were on both sides of the aisle, so.

2 A. That's right, and he endorsed me, so.

3 Q. Yes, sir.

4 A. But what happens, someone will get on that bond
5 list, and it's not being run by the clerk, so
6 it's not going in the order they're filed. And
7 someone will say, well, this victim's going to be
8 at the beach that week and sort of get bumped to
9 the next month. And then it may not get back in.
10 If they would go in order that they're filed and
11 just have a date, and the victim has a date there
12 and they're entitled to notice. If it's
13 important enough to them, they'll make sure
14 they're there. That's kind of my feeling about
15 it.

16 Q. Got you.

17 A. But if we just pick and choose which ones we hear
18 every month, I've had them go seven months
19 without having a bond hearing.

20 Q. Yes, sir.

21 A. And I'm screaming every month to get one.

22 Q. Yes, sir.

23 A. It is kind of broken.

24 Q. I got you. Thank you so much. I appreciate it.

25 I'll give it back, Mr. Chairman.

1 VICE CHAIRMAN CASKEY: Yes, sir. Senator Garrett.

2 MR. GIBBONS - EXAMINATION BY MR. GARRETT:

3 Q. Thank you, Mr. Gibbons, for offering for this
4 judgeship. You come with a lot of experience, it
5 appears. I was interested in what you said a
6 moment ago about your participation in setting
7 the dockets. I'm assuming you're setting the
8 docket for trial. You're helping either the
9 assistant solicitor.

10 A. I did that back when I was a prosecutor.

11 Q. Right.

12 A. I would -- I was a deputy.

13 Q. Right.

14 A. And so I kind of picked a couple big cases, some
15 smaller cases, watched out so no one had to go
16 back to back. When one pled, I was in charge of
17 deciding what we're going to try next. That's
18 how the system used to work. And so you had to
19 be jumping and dancing and keeping things going,
20 which is kind of what the court's supposed to be
21 doing now.

22 Q. Right. Are you -- what have you observed since
23 you've left the solicitor's office as it relates
24 to docketing and that kind of thing and getting
25 your cases moved?

1 A. You really have to push a little bit.

2 VICE CHAIRMAN CASKEY: Could you put your microphone a
3 little closer?

4 A. Oh, I'm sorry. It's been all over the place.
5 You have to be proactive, especially if you have
6 a good defense case. They're not going to want
7 to try that one, so you really have to stay on
8 them. I've been a little bit disappointed
9 they're not focusing on the jail cases. Got a
10 lot of people sitting in jail for a year, two
11 years, on relatively easy cases to try. Again, I
12 don't think we've shifted all the way from the
13 old system to the new system yet, and some people
14 are kind of dragging their feet a little bit. I
15 think we're heading in the right direction to
16 where we can focus on the old cases, focus on the
17 jail cases, but it does take some definite
18 effort. I think what would move -- in my
19 opinion, what would move more cases than anything
20 else is if we had more status conferences on the
21 old cases.

22 **Q. That's interesting. That's what we did up in the**
23 **8th Judicial Circuit, especially in Laurens**
24 **County. That's what we did to try to figure out**
25 **how we're going to get rid of this backlog of**

1 cases. COVID didn't help things, but
2 unfortunately in Lawrence County it was already
3 just beyond what they could do. And I found it
4 was for several reasons. One is a lot of times
5 these defendants were getting charged with 14
6 things when they ought to be charged with two.
7 That's up to our solicitors as to how they decide
8 to charge. That was always a problem, just
9 taking up additional time. And then they weren't
10 using the preliminary hearings correctly. In
11 other words, you know, the whole purpose of a
12 preliminary hearing is to toss stuff that's bad.
13 I mean, I've literally been in front of a judge
14 on a third offense trafficking drugs, and I was
15 able to establish that they didn't even have a
16 first count of that, much less a second, much
17 less a third. Yet the preliminary hearing judges
18 sent it up and said, well, send it up and deal
19 with it up there. And it seems to me that,
20 again, for the system to work, all the parts need
21 to work.

22 A. Right.

23 Q. And there's also -- the provisions that cases
24 have to be tried, especially felony cases, within
25 a certain period of time in relation to the next

1 term of court.

2 A. Correct.

3 Q. Right. And what I have found shocking, frankly,
4 was where the courts have changed those dates in
5 an effort to prohibit us from getting the cases
6 done within the time frame that they set forth
7 themselves.

8 A. Yeah, that the speedy trial statute does not
9 apply anymore because they cancel all the
10 statutory terms that are tied to it.

11 Q. Well, again. As a sitting judge, would you try
12 to -- for instance, if the rule was you're
13 supposed to, in your circuit, have a hearing
14 within 24 hours, I mean, if that's the law, what
15 are you going to do? Are you going to hear it or
16 not?

17 A. That's what I'm saying. If the right person is
18 in charge of setting the calendar, it should
19 happen -- it could happen.

20 Q. Well, should it be the clerk or should it be the
21 -- I mean, who's the captain of the ship?

22 A. Well, that's kind of the --

23 Q. In a criminal setting, who's the captain of the
24 ship? Is it solicitor, in your opinion, or is it
25 the Circuit Court judge?

1 A. Well, I think that the way it is right now, the
2 solicitor is supposed to have a lot of input, but
3 the judge is ultimately the one that sets the
4 docket. I don't think they're doing enough
5 pretrial conferences and status conferences that
6 the judge really knows what they're dealing with
7 when they get that docket list, and so they're
8 kind of flying blind. I think if there was some
9 more work on the front end of those cases,
10 looking at what they really were dealing with,
11 that they would move along. And a lot of times,
12 if you schedule a status conference before you
13 get there, you'll get an offer and you can work
14 it out because people have finally read the case.
15 You know?

16 Q. Well often times also at the preliminary hearing,
17 you know, you can look at the case and tell
18 whether or not -- if you've got an experienced
19 prosecutor, and an experienced defense counsel,
20 and you've got a judge that knows what he's doing
21 as far as criminal law and understands the
22 elements and those sorts of things. And even if
23 he's written a search warrant or an arrest
24 warrant. And then they come and they present
25 evidence that's totally contrary to what they

1 were told. You know, we need judges at that
2 preliminary hearing stage to be able to toss
3 those cases, and clean up the docket there on the
4 front end. Because in South Carolina you can be
5 -- it doesn't matter if they nolle pross the case
6 or withdraw it or dismiss it. They can turn
7 right around because it's not been adjudicated,
8 and they can go ahead and bring it back if they
9 find additional evidence or whatever. It just
10 seems to me that we're not using the tools at our
11 disposal, and then we're not following the law,
12 and it becomes okay.

13 A. Senator, here's what goes right along with that.
14 A lot of the circuits -- the defense Bar has to
15 be there. That's their client. That's their
16 case. A lot of the circuits will send their
17 junior prosecutor to do everybody's prelim. And,
18 you know, they've got a brand-new hammer, so
19 they're going to fight for every case to get
20 bound over. You know that.

21 Q. Well, I understand.

22 A. You know what I'm saying?

23 Q. Yeah, that's what I'm saying. We need
24 experienced lawyers at the front end of a
25 preliminary hearing as well as the defense lawyer

1 had better be prepared if he's going to do his
2 job or her job. And so I want to make sure that
3 the judges that we put on the bench recognize
4 what the law is, number one, absolutely. You
5 know, this bond change in the law was necessary.
6 I heard you were saying it's added more time, but
7 look, we cannot allow -- in Greenwood, we had a
8 case where a fellow was bonded out on a murder
9 charge and then went out and committed a murder,
10 another one. And then he was going to go back in
11 and get bonded out again, and the people went
12 crazy.

13 A. Well, it's actually better for my client if they
14 don't get out and do it again.

15 Q. Right.

16 A. So I'm not against it. I'm not against the rule.
17 It's just clogged our jails and our dockets.

18 Q. Well I understand but, you know --

19 A. We need the judges to push a little bit. That's
20 what I'm saying.

21 Q. Having a Baby Ruth judge that lets somebody out,
22 you know, I'm kind of like what you just said a
23 while ago. I'm kind of in the middle. I don't
24 want, you know -- Choppy Patterson, my great
25 friend, who I enjoy trying cases against, but,

1 you know, you lost. He's an amateur. And my
2 good friend, Tommy Houghston, would be light on
3 everybody except for burglary. You know, so --

4 A. Well, that's the thing. And I've hired 100
5 lawyers probably in my time and I look for
6 judgment. because you can't really teach
7 judgment, and that's what we need on the bench is
8 somebody that's got judgment.

9 **Q. Thank you for offering. Thank you, Mr. Chairman.**

10 VICE CHAIRMAN CASKEY: Yes, sir. Any other comments or
11 questions? Senator Garrett, I'll say, as you
12 were asking those questions to Mr. Gibbons, I
13 recall in the Supreme Court's order, solicitors
14 are to have substantial input into the docketing
15 process. And I recall that specifically because
16 I watched a solicitor testify under oath in a
17 hearing that he had no ability to control the
18 docket. And so I had to quote that line and
19 verse to him to help refresh his memory. I don't
20 think it ultimately changed the course of those
21 proceedings, but something that stands with me --
22 or sticks with me nonetheless. Anyway, all
23 right. Seeing no more questions or comments, Mr.
24 Gibbons, I want to thank you. This will conclude
25 this portion of our screening process. I do need

1 to take this opportunity to remind you that
2 pursuant to our Commission's evaluative criteria,
3 the Commission expects candidates to follow the
4 spirit as well as the letter of the law and know
5 that we will view any violations or any
6 appearances of impropriety as potentially
7 deserving a very heavy weight in our screening
8 deliberations. So on that note, and as you know,
9 the record will remain open until the formal
10 release of our qualifications report. And you
11 may be called back at such time if the need were
12 to arise. Do you understand that?

13 MR. GIBBONS: I do.

14 VICE CHAIRMAN CASKEY: All right. Well, thank you,
15 sir. Again, I appreciate your public service so
16 far. Thank you for offering for continued
17 service, and my best wishes to you and Bonnie in
18 your travels home. May they be safe.

19 MR. GIBBONS: Thank you. You all have a good holiday.

20 (OFF THE RECORD)

21 VICE CHAIRMAN CASKEY: All right, we are back on the
22 record and we will proceed with our screening
23 process. Sir, if you would please raise your
24 right hand.

25 RILEY J. MAXWELL, being duly sworn, testifies as

1 follows:

2 VICE CHAIRMAN CASKEY: Thank you. If you would please
3 state your full name.

4 MR. MAXWELL: My name is Riley Johnson Maxwell.

5 VICE CHAIRMAN CASKEY: Mr. Maxwell, would you please
6 take a look at the documents in front of you.
7 There should be a personal data questionnaire and
8 a sworn statement. Do those appear to be correct
9 or need any changes?

10 MR. MAXWELL: They appear to be correct.

11 VICE CHAIRMAN CASKEY: Do you have any objection to
12 our including those in the record?

13 MR. MAXWELL: I do not.

14 VICE CHAIRMAN CASKEY: Let me give staff just a second
15 to do that. All right. I see that someone has
16 joined you in the front row. If you would like
17 to introduce her, we would be happy to meet her.

18 (Exhibit Number 6 was marked for identification
19 purposes - (16 pages) Personal Data Questionnaire for
20 Riley J. Maxwell.)

21 (Exhibit Number 7 was marked for identification
22 purposes - (7 pages) Sworn Statement for Riley J.
23 Maxwell.)

24 MR. MAXWELL: This is Catherine Stern. She is my
25 girlfriend.

1 VICE CHAIRMAN CASKEY: All right. Catherine, thank
2 you for being here. The Judicial Merit Selection
3 Commission has thoroughly investigated your
4 qualifications for the bench. Our inquiry has
5 focused on the nine evaluative criteria and has
6 included a ballot box survey, a thorough study of
7 your application materials, a review for
8 compliance with state ethics laws, a search of
9 all newspaper and media articles in which your
10 name appears, a study of previous screenings, and
11 a check for economic conflicts of interest. We
12 have received no affidavits in opposition to your
13 election and no witnesses are present to testify.
14 If you would like to make any brief opening
15 statements, we would be happy to hear from you.
16 Otherwise, I would recognize counsel for
17 questions.

18 MR. MAXWELL: Okay. I will just briefly give a
19 little more background. I know you have
20 probably seen my questionnaire. Some of you
21 were on the committee last year. My name is
22 Riley Maxwell. I grew up in Bamberg, South
23 Carolina. I went to Bamberg Earhart High
24 School, played sports, and so forth. A lot
25 of my family, grandfather, my father, aunts

1 and uncles, all were public school teachers,
2 worked in the school system, a lot of them
3 in Bamberg. After graduating from Bamberg,
4 went up to Newberry College, completed my
5 degrees there, played baseball for two years
6 up there. Took a year off before going into
7 law school, graduating here in South
8 Carolina School of Law in 2006. Went and
9 clerked for Judge Eddie Welmaker, who is now
10 retired, up in 13th Circuit, Pickens and
11 Greenville. Then after that, came back to
12 the Midlands and resided in Columbia but
13 prosecuted in Fairfield County in the 6th
14 Circuit since then.

15 VICE CHAIRMAN CASKEY: Great. Thank you. Let me just
16 applaud your use of the microphone in a very
17 centered way. To my great chagrin, the member
18 who most frequently offends that is not in the
19 room at this second, but thank you, Ms. Adler.

20 MR. MAXWELL - EXAMINATION BY MS. ADLER:

21 MS. ADLER: Thank you, Mr. Chairman. Good morning,
22 Mr. Maxwell.

23 MR. MAXWELL: Good morning.

24 MS. ADLER: So I'll note for the record that based on
25 the testimony that's contained in the candidate's

1 PDQ, which is now included in the record with the
2 candidate's consent, Riley Maxwell meets the
3 constitutional and statutory requirements for
4 this position regarding age, residence, and years
5 of practice.

6 **Q. Mr. Maxwell, is there anything else you'd like to**
7 **add about how your legal or professional**
8 **experience thus far has rendered you qualified**
9 **and would assist you in being an effective**
10 **Circuit Court judge?**

11 A. I know my experience is mostly limited to General
12 Sessions Court and prosecuting criminal cases.
13 I've been doing that since 2007. A big part of
14 doing that job, in my opinion, is controlling the
15 docket management. I think it's always important
16 to meet with other parties. I've always stressed
17 to do that in my career, working with defense
18 lawyers, working with public defenders, working
19 with the judges, working with clerks of court,
20 working with law enforcement and trying to
21 efficiently move cases as best we can. I just
22 had a recent meeting with Judge Hood. He's
23 coming from Richland County. He's about to start
24 being our administrative judge. He's bringing in
25 some ideas. We just finished with Judge Hocker.

1 He's about to finish up this year as our
2 administrative judge from the 8th Circuit. We've
3 had Judge Griffith. We've had Judge Gibbons, our
4 resident judge, and other judges that have
5 managed the docket. I think it's always good to
6 get these different perspectives in how to
7 control a docket. I think that lends well taking
8 these different approaches because I don't
9 believe you can have something that's always
10 going to work in Richland or Greenville, one of
11 the big counties, that's going to always apply to
12 some of the smaller counties like Fairfield. So
13 I always try to learn as best I can. I think I'm
14 pretty good at adapting to different judges and
15 how they want to manage things, and so I've
16 always paid attention to that in trying to
17 efficiently move cases and so you don't have a
18 backlog of the docket. I think that applies no
19 matter if you're in criminal court or common
20 pleas court. And as I stated before, I've always
21 wanted to try to work well with defense lawyers.
22 The public defenders, I consider them, and a lot
23 of defense lawyers also, I consider them good
24 friends. I've eaten lunch with one of the public
25 defenders probably more so in the past 17 years

1 than anybody else I've eaten lunch with three or
2 four days a week, and that's not just him. Other
3 lawyers as well always try to treat people fairly
4 and always look out for convenient times to help
5 with defense lawyers and their scheduling for
6 court cases, and I don't feel my job as a
7 prosecutor was to put people in jail. I had my
8 vet ask me years ago do I get bonuses for the
9 more people I put in jail, and I just kind of
10 grinned at that and chuckled at it and said no,
11 that would be a pretty unethical way to manage
12 things. So I try to approach my job in looking
13 at cases as a prosecutor in a fair manner,
14 dismiss cases if that's what's the right thing to
15 do, reducing cases down and picking your battles
16 as far as what cases might deserve a higher
17 charge or a mandatory minimum or something like
18 that. So I've always just tried to treat people
19 fairly, lawyers, defendants, and people in the
20 courthouse.

21 **Q. Thank you. Mr. Maxwell, the Commission received**
22 **94 ballot box survey responses about you with 18**
23 **additional comments. By way of example, the**
24 **ballot box survey contained the following**
25 **positive comments: universally respected by**

1 fellow prosecutors and by defense lawyers.
2 Reserved personality in the best way possible,
3 but also forceful when needed. Excellent
4 candidate. Riley is an excellent litigator with
5 a wealth of courtroom experience that will
6 translate well to the bench as well as his calm
7 demeanor. And: possesses integrity beyond
8 reproach. Very smart and knowledgeable, honest
9 and hardworking. I believe he would always do
10 the right thing. Mr. Maxwell, the sole concern
11 raised about your candidacy is that you have
12 little civil experience. What response would you
13 offer to this concern?

14 A. Well, to go back to my clerkship, even though
15 it's been a good long time ago, working with
16 Judge Welmaker, he was the administrative judge
17 in Greenville County, one of the bigger counties
18 in the state. My first half of the clerkship
19 where we held non-jury -- heard non-jury matters,
20 heard complex cases, civil cases, common car
21 wrecks up to trade practice, non-compete type
22 cases, complex cases. That was an eye-opening
23 experience for me. I have filed civil forfeiture
24 statutes under the drug forfeiture law and argue
25 those in common pleas court. I do, even though

1 it's not a common pleas matter, I end up
2 attending the non-jury common pleas terms a lot
3 because there are appeals that come up from
4 criminal court in magistrate summary courts that
5 are put on the common pleas docket. So I often
6 end up in court with the common pleas docket
7 where I observe and watch a lot of those non-jury
8 motions, summary judgment motions, et cetera,
9 discovery motions. And so I try to, even when I
10 don't have a case on the docket, I may try to
11 attend those. It's gotten a little bit more
12 complicated now that there's construction at the
13 Fairfield County Courthouse where the court is
14 being held across the parking lot. It used to be
15 it was right down the hall from me and I can poke
16 my head in, take a couple of files, sit in one of
17 the jury boxes and observe trials, but I always
18 observe non-jury motions. So I always try to do
19 that if my time allows. Last year I did attend
20 or help as best as I could with the civil trial
21 in Florence County. Some colleague friends of
22 mine were trying an auto car wreck case. I
23 didn't file any motions, didn't put my name on
24 any filings. I didn't question any witnesses or
25 make any arguments for the court, but I helped

1 them out as best I could for a couple of days
2 during that trial. But I also try to keep
3 updated as best I can with the case law updates.

4 **Q. Thank you.**

5 MS. ADLER: I'll note that the Midland Citizens
6 Committee reported Mr. Maxwell to be qualified in
7 the evaluative criteria of constitutional
8 qualifications, physical health, mental
9 stability, and experience, and well qualified in
10 the evaluative criteria of ethical fitness,
11 professional and academic ability, character,
12 reputation, and judicial temperament. The
13 Committee noted lacking civil experience,
14 worrisome, great criminal background, but civil,
15 question mark. And just a few housekeeping
16 issues.

17 **Q. Mr. Maxwell, are you aware that as a judicial**
18 **candidate, you are bound by the Code of Judicial**
19 **Conduct as found in Rule 501 of the South**
20 **Carolina Appellate Court Rules?**

21 A. I am.

22 **Q. Mr. Maxwell, since submitting your letter of**
23 **intent, have you contacted any members of the**
24 **Commission about your candidacy?**

25 A. No, ma'am.

1 Q. Since submitting your letter of intent, have you
2 sought or received the pledge of any legislator
3 either prior to this date or pending the outcome
4 of your screening?

5 A. I have not.

6 Q. Are you familiar with South Carolina Code Section
7 2-19-70, including the limitations on contacting
8 members of the General Assembly regarding your
9 screening?

10 A. I am.

11 Q. Have you asked any third parties to contact
12 members of the General Assembly on your behalf,
13 or are you aware of anyone attempting to
14 intervene in this process on your behalf?

15 A. I have not, and I'm not aware of any.

16 Q. Have you reviewed and do you understand the
17 Commission's guidelines on pledging in South
18 Carolina Code Section 2-19-70(E)?

19 A. Yes, ma'am.

20 MS. ADLER: I would note for the record that any
21 concerns raised during the investigation by staff
22 regarding the candidate were incorporated into
23 the questioning of the candidate today. Mr.
24 Chairman, I have no further questions.

25 VICE CHAIRMAN CASKEY: Thank you, ma'am. Do any

1 members of the Commission have questions or
2 comments for Mr. Maxwell?

3 MR. MAXWELL - EXAMINATION BY VICE CHAIRMAN CASKEY:

4 Q. Mr. Maxwell, I will just note, as I -- as is my
5 want sometimes, your interview questions with
6 respect to substantive law were -- and you may
7 have benefitted from whoever was doing the
8 summary, but all were correct and succinctly
9 answered, and I greatly appreciate that.
10 Sometimes we see responses that are wandering.
11 So I appreciate that. As well as your reference
12 letters, I think, speak to the many qualities
13 that you would bring to the office, and being
14 that they are from a range of perspectives, I
15 think, is always instructive and valuable. The
16 one thing I would ask to revisit, though, is
17 questions with respect to your civil experience.
18 And I understand you've taken efforts to go and
19 observe civil court where you can, but I'd be
20 remiss if I didn't bring up, with respect to the
21 CLEs that you reported in your 23-24 compliance
22 report, seem to be almost exclusively, with the
23 exception of the case roundup -- I don't know if
24 that looks like prosecution Commission. Any CLEs
25 o r anything of that sort that would speak to

1 your efforts to familiarize yourself with civil
2 litigation?

3 A. There is one coming up, I think it's before
4 Christmas, that I'm going to try to attend, and I
5 think it's got to do with, it's not the auto
6 torts one, but it's something similar to that,
7 and I think it's upcoming here in South Carolina.

8 Q. Okay, fantastic. Any other questions or comments
9 from members of the Commission? Seeing none,
10 then, Mr. Maxwell, this will conclude this
11 portion of the screening process. I want to
12 thank you for your service to the state and
13 offering for further service on the judicial side
14 of the house, if you will. I need to take this
15 opportunity to remind you that, pursuant to the
16 Commission's evaluative criteria, the Commission
17 expects candidates to follow the letter as well
18 as the spirit of our state ethics laws and that
19 we will view any violations or appearances of
20 impropriety as very serious and potentially
21 deserving of heavy weight in our screening
22 deliberations. So on that note, and as you know,
23 the record will remain open until the formal
24 release of the Report of Qualifications, and you
25 may be called back at such time if the need were

1 to arise. Do you understand all that?

2 A. I do.

3 Q. All right, fantastic. That, then, will conclude
4 this hearing. Thank you very much for being here.

5 (OFF THE RECORD)

6 VICE CHAIRMAN CASKEY: All right, good morning. We
7 will continue with our screenings. Before us we
8 have William "Vick" Meetze. Good morning, sir.

9 MR. MEETZE: Good morning.

10 WILLIAM VICKERY "VICK" MEETZE, being duly sworn,
11 testifies as follows:

12 VICE CHAIRMAN CASKEY: If you would please state your
13 full name for the record.

14 MR. MEETZE: William Vickery Meetze.

15 VICE CHAIRMAN CASKEY: Thank you, sir. There should
16 be some documents in front of you, a personal
17 data questionnaire, a sworn statement. If you
18 would take a second to look at those.

19 MR. MEETZE: Yes, sir.

20 VICE CHAIRMAN CASKEY: Any changes that need to be
21 made?

22 MR. MEETZE: No, sir.

23 VICE CHAIRMAN CASKEY: All right. Any objection to us
24 including those in the record?

25 MR. MEETZE: No, Your Honor -- sir. Sorry. Thank

1 you.

2 VICE CHAIRMAN CASKEY: We'll give staff just a second
3 to do that. All right. Before we go any
4 further, I want to give you an opportunity to
5 introduce us to the young lady who's joined you
6 in the front row.

7 (Exhibit Number 8 was marked for identification
8 purposes - (16 pages) Personal Data Questionnaire for
9 William Vickery "Vick" Meetze.)

10 (Exhibit Number 9 was marked for identification
11 purposes - (3 pages) Amendment to Personal Data
12 Questionnaire for William Vickery "Vick" Meetze.)

13 (Exhibit Number 7 was marked for identification
14 purposes - (16 pages) Sworn Statement of William
15 Vickery "Vick" Meetze.)

16 MR. MEETZE: Sure. Thank you. I'm very proud to
17 introduce my wife, Anna Meetze.

18 VICE CHAIRMAN CASKEY: Great. Thank you for being
19 here. I didn't mean to presume you were with him
20 necessarily. You seem to far outclass him, so
21 glad you're here. Thank you for joining us.
22 Yes, ma'am.

23 MR. MEETZE: As many others have, I definitely
24 out-putted my coverage.

25 VICE CHAIRMAN CASKEY: I can relate. The Judicial

1 Merrit Selection Commission has thoroughly
2 investigated your qualifications for the bench.
3 Our inquiry has focused on the nine evaluative
4 criteria, has included a ballot box survey, a
5 thorough study of your application materials,
6 verification of your compliance with state ethics
7 laws, a search for newspaper and other media in
8 which your name appears, a study for any previous
9 screenings, a check for economic conflicts of
10 interest. We have received no affidavits filed
11 in opposition to your election, and no witnesses
12 are present to testify. If you have a brief
13 opening statement, we'd be happy to hear from
14 you. Otherwise, I would recognize counsel for
15 questions.

16 MR. MEETZE: I'd just briefly like to say how
17 much I appreciate all of your dedication to
18 this process. I certainly am excited about
19 this opportunity on behalf of myself and the
20 rest of the candidates. We certainly
21 appreciate all that y'all do and the
22 opportunity that y'all give us.

23 VICE CHAIRMAN CASKEY: Thank you, sir. Mr. Walpole.

24 MR. MEETZE - EXAMINATION BY MR. WALPOLE:

25 MR. WALPOLE: Thank you, Mr. Chairman, and members of

1 the Commission. I note for the record that based
2 on the testimony contained in the candidate's
3 PDQ, which has been included in the record with
4 the candidate's consent, Mr. Meetze meets the
5 constitutional and statutory requirements for
6 this position regarding age, residence, and years
7 of practice.

8 **Q. Mr. Meetze, how do you feel your legal and**
9 **professional experience thus far renders you**
10 **qualified and will assist you to be an effective**
11 **Circuit Court judge?**

12 A. Well, I've been practicing law in Circuit Court
13 exclusively for over 25 years now as a trial
14 attorney. I have tried many, many cases. I
15 think that has provided a wealth of experience,
16 and I think that the value that is gained from
17 trying cases is value that straddles both
18 branches of Circuit Court, both criminal and
19 civil. I've had, obviously, years of dealing
20 with people, not just adversaries in the
21 courtroom, but the general public, other
22 courtroom personnel. And I feel like all of that
23 lends itself very well to efficient judicial
24 service and would look forward to that
25 opportunity.

1 Q. Thank you, Mr. Meetze. Mr. Meetze, the
2 Commission received 105 ballot box surveys
3 regarding you with 28 additional comments. The
4 ballot box survey, for example, contained the
5 following positive comments. Very smart
6 attorney, great temperament, would be an asset on
7 the bench. Vic Meetze is one of the few
8 candidates who understands how a Circuit Court
9 should act and rule. He's got the experience,
10 wherewithal, and know-how to be a great judge,
11 and in every endeavor in which I've had the
12 opportunity to work with him, Vic was fully
13 engaged, thoughtful, and fair. He would make an
14 excellent judge. Mr. Meetze, three of the
15 written comments expressed concerns regarding
16 your civil experience. What response would you
17 offer to these concerns?

18 A. Well, I'll reiterate a little bit of what I said
19 earlier. I think that, again, I've been trying
20 cases for 25 years plus and have tried what I
21 consider to be a lot of cases, and I think that
22 that adds value to either side, either branch of
23 Circuit Court. The rules of evidence are the
24 same for both, and I believe that that certainly
25 lends itself to being able to preside over a

1 civil trial just as easily as a Circuit Court
2 trial. I think that, at least the way things are
3 now, and certainly things can change, but I've
4 been told by many judges over the years that 70
5 percent of what they do is criminal. And have
6 been told by many judges over the years that the
7 hardest thing that they do is sentencing in a
8 criminal case. And so I do believe that that
9 certainly places an importance on having the
10 General Sessions background that I do, and I
11 think that being a trial attorney, again, lends
12 itself to being able to act efficiently in the
13 common pleas branch as well.

14 **Q. Thank you, Mr. Meetze.**

15 MR. WALPOLE: The Pee Dee Citizens Committee reported
16 Mr. Meetze to be qualified in the categories of
17 constitutional qualifications, physical health,
18 and mental stability. The Pee Dee Citizens
19 Committee reported Mr. Meetze to be well
20 qualified in the categories of ethical fitness,
21 professional and academic ability, character,
22 reputation, experience, and judicial temperament.

23 **Q. Mr. Meetze, a few housekeeping issues. Are you**
24 **aware that as a judicial candidate you are bound**
25 **by the Code of Judicial Conduct as found in Rule**

1 501 of the South Carolina Appellate Court Rules?

2 A. I am.

3 Q. Mr. Meetze, since submitting your letter of
4 intent, have you contacted any members of the
5 Commission about your candidacy?

6 A. I have not.

7 Q. Since submitting your letter of intent, have you
8 sought or received the pledge of any legislator
9 either prior to this date or pending the outcome
10 of your screening?

11 A. I have not.

12 Q. Are you familiar with Section 2-19-70, including
13 the limitations on contacting members of the
14 General Assembly regarding your screening?

15 A. I am.

16 Q. Have you asked any third parties to contact
17 members of the General Assembly on your behalf or
18 are you aware of anyone attempting to intervene
19 in this process on your behalf?

20 A. I have not.

21 Q. Have you reviewed and do you understand the
22 Commission's guidelines on pledging in South
23 Carolina Code 2-19-70(E)?

24 A. I have.

25 MR. WALPOLE: Mr. Chairman, I would note for the

1 record that any concerns raised during the
2 investigation by staff regarding the candidate
3 were incorporated into the questioning of the
4 candidates today. Mr. Chairman, I have no
5 further questions.

6 MR. MEETZE: May I go back to one of those questions
7 to clarify just one thing?

8 MR. WALPOLE: Yes, sir.

9 MR. MEETZE: The very first question, whether I had
10 contacted any members of the Commission. Excuse
11 me, I have not contacted anybody that was a
12 sitting Commissioner. I did send out letters
13 shortly after the announcement of the candidates.
14 I did check with the Commission before I did that
15 because I knew that somebody on the Senate side
16 would be getting a letter that would eventually
17 be named to the Commission. So, I contacted to
18 make sure it would be all right to send those
19 letters anyway, even knowing that at the time
20 they weren't on the Commission, but would
21 eventually be. And of course, Senator Garrett
22 would have received one of those letters. He was
23 not on the Commission at the time, but he is now.
24 So, I did want to just clarify that. I didn't
25 want to make it seem like I was not being totally

1 truthful with regards to that, but I have not
2 contacted anybody that's a sitting Commission
3 member.

4 VICE CHAIRMAN CASKEY: Yes, sir. Thank you for that.
5 And thank you, Mr. Walpole. And Mr. Jordan, is
6 it? Mr. Jordan.

7 MR. JORDAN: Good morning, Mr. Vice Chairman.

8 VICE CHAIRMAN CASKEY: You've been recognized.

9 MR. MEETZE - EXAMINATION BY REPRESENTATIVE JORDAN:

10 **Q. Mr. Meetze, good morning to you.**

11 A. Good morning.

12 **Q. We know you well. You've been here a couple of**
13 **times before. Welcome back. Of course, I know**
14 **you better than anybody from back home. I found**
15 **you to be a very, very capable lawyer and an even**
16 **better person. I do have one question for you as**
17 **I scroll through some of your information. How**
18 **in the world did you get our Clerk of Court, who**
19 **I'm slightly afraid of, to write such a glowing**
20 **letter for you? Please don't tell her I'm afraid**
21 **of her, by the way. She probably knows that.**

22 A. She may. She may know that. I think she knows
23 that about a lot of us. Well, you know, I
24 clerked for Judge Brogdon years ago in the late
25 90s, and she was a deputy clerk then. And got to

1 know Ms. O'Hara then, and she was Ms. Poulos
2 then, I believe. She's Ms. O'Hara now. I've
3 been fortunate to develop what I believe is a
4 very nice relationship with our clerk in Florence
5 County. And, I -- it's not an accident that I
6 try to stay on her good side, and so she offered
7 at one of the times when I ran. I had not asked
8 her to do a letter, but she came up to me and
9 offered. She says, Listen, anytime you do run,
10 I'll be happy to write a letter for you. And so
11 I've taken advantage of that.

12 Q. Well, and certainly I've seen you treat the folks
13 in court very well, and she echoes that. I do
14 want to follow up briefly. I know from, I think,
15 last time you presented before us, you recognized
16 some of the civil issues while you prosecuted. I
17 need to speak up. I'm not looking at the
18 chairman so he can be critical of my microphone
19 use. I know you obviously prosecuted and
20 defended. You've done both of those things, but
21 the civil experience is not present. But tell us
22 some of the things you might have done. I know
23 you have told us about some things. I'm assuming
24 you continue to do some of those things that you
25 might have done to get up to speed to be what you

1 **would consider more prepared in that venue.**

2 A. Sure. Over the years I have taken some civil
3 CLEs over the years online, on demand. I think
4 I've done that several different times. I think
5 that's certainly helpful. Again, it was a long
6 time ago, but I did clerk for Judge Brogdon for a
7 year. Judge Brogdon at the time was presiding
8 over two complex civil litigation cases that we
9 worked on. It was cases that continued beyond my
10 clerkship with him but spent a whole year off and
11 on working on those. He was chief administrative
12 judge for both common pleas and general sessions
13 at the time, so we had a lot of common pleas,
14 matters to do with him. You know, I've taught
15 the law school at Boys State for over
16 20-something years, which obviously we've got a
17 week and we've only got three days or two days of
18 instruction. But part of that is civil, and
19 we're teaching them actual law and have been
20 involved in that. So that at least helps me bone
21 up a little bit on civil procedures and things
22 like that. So I'm not -- it's not a concept that
23 would be completely foreign to me. Obviously
24 post-conviction relief hearings would be civil
25 matters that I would have had a lot of experience

1 with regards to from the standpoint of being a
2 witness, and so I've been in a lot of those
3 hearings as well.

4 Q. Thank you for that, and when this is all over
5 I'll get with you and you can give me some tips
6 on how I can improve my relationship with our
7 clerk of court. Thank you.

8 A. I'll do that. Thank you.

9 VICE CHAIRMAN CASKEY: Senator Sabb.

10 MR. MEETZE - EXAMINATION BY SENATOR SABB:

11 Q. Thank you, Mr. Chairman. Thank you, Ms. Meetze,
12 for offering again. A couple of comments and
13 then a question or two. I think you're
14 absolutely right in terms of judges and 70% of
15 their caseload being criminal. And I think
16 you're also right in terms of how you approach
17 your role. My colleague and I were asking each
18 other a question that neither of us was certain
19 we'd know the answer to. Is there a right to a
20 jury trial in forfeiture cases?

21 A. You know, that's interesting. That's one thing
22 I'm thankful I've never had to deal with is
23 forfeiture. I've had a number of clients that
24 have had property forfeited over the years, but
25 our office I guess because those are civil

1 matters and we only do criminal matters, don't do
2 that. So I can't give you a definitive answer.

3 Q. Okay. Well, we still don't know.

4 A. Okay. Well, I apologize for that.

5 Q. It's okay. No, it's not your fault. We're in
6 the same boat with you. So Judge Brogdon, to me,
7 always epitomized just what a Circuit Court judge
8 ought to be. Now, were you in Williamsburg
9 County when he had the extraordinary situation
10 where the lawyer was attacked by the defendant?

11 A. I was, yes, sir. That was Mr. Carraway.

12 Q. Yeah. And I was, my wife is a series binge
13 watcher, and so she's hooked on Lincoln Lawyer
14 right now.

15 A. Okay.

16 Q. And there was a scene where the defendant jumped
17 on his lawyer and pounded him pretty good, and
18 the judge in that case declared a mistrial, and
19 it just brought back the situation that we had in
20 the courtroom. I'm going to share it with the
21 Commission for everybody's edification. So we
22 had this guy, and he was on trial for murder.
23 The day before -- Judge Newman and I were
24 prosecuting the case. The day before this
25 incident occurred, two eyewitnesses had testified

1 against him that they witnessed him commit the
2 murders, and so one of them was his cousin. So
3 the next morning, we come to court. He -- the
4 jurors are there. He stands up. His eyes roll
5 back in his head. He chants something. I have
6 no idea what he chanted. Did you all ever figure
7 out what he chanted?

8 A. It sounded like he just was sort of repeating
9 voodoo, voodoo.

10 Q. It was one of those kind of thing, and so he had
11 two shanks that he had created. One had a nail
12 in it, and the other had a razor blade that was a
13 part of it. And so after he did his chant, he
14 had the one with the nail in it, and he came down
15 on his lawyer, and he literally missed his
16 eyeball by that much (gesturing). He hit him
17 here (indicating). And so then the lawyer fell
18 to the ground. Then he was launching towards --
19 Judge Newman was first chair. I was second
20 chair. So he launched towards Judge Newman, and
21 then the officers intercepted him on the way, and
22 so they're tussling. They then usher Judge
23 Brogdon and his law clerk out to chambers, and
24 they try to usher the jurors out. In the
25 meantime, Judge Newman and I are there. And it's

1 clear this guy is trying to grab one of the
2 officers' weapon, but fortunately he's not able
3 to do it. And Mr. Carraway ultimately did okay.
4 He just had the cut and didn't have to go to the
5 hospital or anything like that. But what was
6 fascinating was because Mr. Carraway then
7 continued to represent the guy and made a motion
8 for a new trial. Based on the fact that there's
9 no way he could get a fair trial in light of
10 everything that jurors had witnessed. And so we
11 then researched the issue and said essentially to
12 Judge Brogdon that we would urge him not to do
13 it. Because a defendant then could decide if
14 things are not going for him, just act up in the
15 courtroom and automatically get a new trial. And
16 ultimately we got some case law and convinced
17 Judge Brogdon that the prudent thing to do would
18 be to query the jurors as to whether or not in
19 spite of what they witnessed, could you set that
20 aside. And follow the court's instructions to
21 just obey the law and only consider those things
22 that are literally a part of the trial and that
23 was considered to not be a part of the trial.
24 And ultimately he allowed us to continue, and the
25 guy pled guilty and got what he deserved in terms

1 of a life sentence. But anyway, it was just
2 fascinating. And when I saw Lincoln Lawyer the
3 other night with my wife, I thought about you
4 all.

5 A. How about that. Well, I think about that a lot,
6 Senator. It's certainly one of my earliest
7 memories as a lawyer. And I'm happy to say the
8 only time I've had that kind of an experience in
9 a courtroom. But Judge Brogdon, we went up the
10 stairs to the chambers there and he called -- I
11 think he called Judge Henry Floyd, then a circuit
12 judge, now a federal appellate court judge, to
13 get his opinion on things. And he was very
14 comfortable with his decision to not grant a
15 mistrial and move forward. And as you said, he
16 did plead guilty, and I think he chanted
17 something on the way out as well.

18 **Q. And so did we, like good riddance.**

19 A. That's right. Well, you know, we always
20 speculated. We always just didn't know, but we
21 just felt like he was calling y'all's bluff. I
22 don't think he thought y'all would have his
23 cousin testify and that they would actually
24 testify against him. And when she was up there
25 testifying and it was clearly going south, he had

1 made his plans. But I appreciate you bringing
2 that up.

3 VICE CHAIRMAN CASKEY: Does anybody want to try and
4 follow that up? Comments or questions? Mr.
5 Meetze, I do want to just share with you a couple
6 of things because I think it's important for
7 members of the Bar to know about the reputations
8 they have earned. And so just a few comments
9 that struck out to me in the ballot box survey.
10 One, a supremely talented attorney who would make
11 a great addition to the judiciary. He is well
12 respected among the bar, has a patient
13 temperament that would suit him well. In every
14 endeavor in which I've had the opportunity to
15 work with him, Vic was fully engaged, thoughtful,
16 and fair. He would make a great judge. Vic
17 Meetze is a person of outstanding character,
18 knowledge, talent, and temperament who would
19 serve the bench and the bar honorably. And with
20 great benefit to the legal system of the state.
21 So I share those with you as encouragement
22 because the things that you have done
23 professionally have not gone unnoticed by your
24 peers. And I appreciate that as a member of the
25 profession. When our colleagues, folks such as

1 yourself, do so well, I think it's important to
2 recognize that. Seeing no more comments,
3 questions, or almost fantastical stories, that
4 will conclude this portion of our screening
5 process. I do need to take this opportunity to
6 remind you that pursuant to the Commission's
7 evaluative criteria, the Commission expects
8 candidates to follow the letter as well as the
9 spirit of the law, and that we will view any
10 violations or appearances of impropriety as very
11 serious and potentially deserving of heavy weight
12 in our screening deliberations. And on that
13 note, as you know, the record will remain open
14 until the formal release of the qualifications
15 report, and should the need arise, we would have
16 the ability to call you back. You understand all
17 of that?

18 MR. MEETZE: I do.

19 VICE CHAIRMAN CASKEY: Okay, great. Well, thank you
20 very much for being here. Thank you for offering
21 for continued public service, and certainly wish
22 you and Mrs. Meetze all the best as you travel
23 home safely.

24 MR. MEETZE: Thank you so much. Great to see all of
25 you.

1 VICE CHAIRMAN CASKEY: Have a good morning. The
2 Commission will stand at ease for a few minutes
3 while we adjust our calendar. No need to go into
4 executive session, just we'll stand at ease.

5 (OFF THE RECORD)

6 VICE CHAIRMAN CASKEY: All right, good -- now good
7 afternoon.

8 MS. MERRILL: Good afternoon.

9 VICE CHAIRMAN CASKEY: Glad to see you. We will
10 continue with our screening here this morning.

11 If you would, please raise your right hand.

12 JANE H. MERRILL, being duly sworn, testifies as
13 follows:

14 VICE CHAIRMAN CASKEY: Thank you, ma'am. If you
15 would, please state your full name.

16 MS. MERRILL: Jane Merrill.

17 VICE CHAIRMAN CASKEY: All right. Ms. Merrill, you
18 should have some documents in front of you, a
19 personal data questionnaire and a sworn
20 statement. If you would, please take a look at
21 those and see if any changes need to be made.

22 MS. MERRILL: No changes need to be made. I did
23 submit an amendment to the PDQ. That is
24 also here.

25 VICE CHAIRMAN CASKEY: Okay. Do you have any

1 objection to us entering that into the record?

2 MS. MERRILL: No objection.

3 VICE CHAIRMAN CASKEY: All right. Before we go any
4 further, and just in case I forget, I want to
5 make sure we have an opportunity for you to
6 introduce, should you like, the gentleman who's
7 followed you into the room. We'd be happy to
8 meet him.

9 (Exhibit Number 13 was marked for identification
10 purposes - (21 pages) Personal Data Questionnaire for
11 Jane H. Merrill.)

12 (Exhibit Number 14 was marked for identification
13 purposes - (1 pages) Amendment to Personal Data
14 Questionnaire for Jane H. Merrill.)

15 (Exhibit Number 15 was marked for identification
16 purposes - (8 pages) Sworn Statement of Jane H.
17 Merrill.

18 MS. MERRILL: Thank you. This is my husband, Albert.

19 He's here with me again this year.

20 VICE CHAIRMAN CASKEY: Good to see you, Albert. Thank
21 you for being here. All right. The Judicial
22 Merit Selection Commission has thoroughly
23 investigated your qualifications for the bench.
24 Our inquiry has focused on the nine evaluative
25 criteria and has included a thorough study of

1 your application materials, a ballot box survey,
2 verification of your compliance with state ethics
3 laws, a study of previous screenings, and a check
4 of economic conflicts of interest. We have
5 received no affidavits in opposition to your
6 candidacy, and there are no witnesses here to
7 testify. If you would like to offer a brief
8 opening statement, we'd be happy to hear from
9 you. Otherwise, I would recognize staff counsel
10 for questions.

11 MS. MERRILL: I'd just like to say thank you for
12 your time. I know you all are busy, so I
13 won't say anything else right now.

14 VICE CHAIRMAN CASKEY: Thank you, ma'am. Ms. Starnes.

15 MS. MERRILL - EXAMINATION BY MS. STARNES:

16 MS. STARNES: Good to see you, Ms. Merrill.

17 MS. MERRILL: Good to see you.

18 MS. STARNES: I would note for the record that based
19 on the testimony contained in Ms. Merrill's PDQ,
20 which has been included in the record with the
21 candidate's consent, Ms. Merrill meets the
22 constitutional and statutory requirements for
23 this position regarding age, residence, and years
24 of practice.

25 **Q. Ms. Merrill, how do you feel your legal and**

1 professional experience thus far renders you
2 qualified and will assist you to be an effective
3 Circuit Court judge?

4 A. Well, I love the law, and I love being in the
5 courtroom. and I think my experience, work
6 ethic, and dedication to public service would
7 make me well suited for the bench. I have a
8 unique career path, I feel like, in that I have
9 tried cases, jury trials, on both sides of the
10 courtroom, in civil and criminal. And I think
11 that makes it helpful for lawyers appearing in
12 front of me that I truly have been in their seat,
13 whichever side of the courtroom, whether it be
14 civil or criminal. So I think that's important.
15 And I wouldn't have that experience without my
16 work ethic. I worked my way through college, and
17 in law school I served on Law Review, and I also
18 became a mother while I was in law school. And
19 family is very important to me, and my family
20 instilled in me the importance of serving others.
21 So even though I'm in private practice, I try to
22 do that through work in my community, service on
23 boards, working with a mock trial team, and I was
24 mentor of the year in 2019 for South Carolina.
25 So I think all those make me well suited for the

1 bench.

2 Q. Thank you. Ms. Merrill, the Commission received
3 151 ballot box surveys regarding you with 18
4 additional comments. The ballot box survey, for
5 example, contained the following positive
6 comments. Jane is hardworking and committed to
7 always doing what's right. She has a positive
8 attitude even in unfortunate and negative
9 circumstances. She undoubtedly would treat all
10 who entered her courtroom fairly and would strive
11 to ensure justice at all times. And next, Ms.
12 Merrill's experience as a prosecutor, civil
13 attorney, and defense attorney makes her uniquely
14 and extremely well qualified for the Circuit
15 Court bench. She is always prepared in court and
16 has an intimate understanding of both substantive
17 and procedural law. Three of the written
18 comments expressed concerns. The first
19 indicating that you may not have the aptitude to
20 be a Circuit Court judge. What is your response
21 to that concern?

22 A. I certainly try to respect everyone's opinion,
23 and I think, as I said earlier, my experience
24 does make me well suited, and I also think I have
25 the right temperament. So I find it a little

1 hard to totally agree that I don't have the
2 aptitude to do it, but certainly respect that
3 person's opinion.

4 **Q. Thank you. The second concern had questions**
5 **about your reputation with the local Bar. What**
6 **would your response to this concern be?**

7 **A.** Again, I think everyone has a different
8 perspective, but I think if I did not have a good
9 reputation with my local Bar, there would be more
10 than three negative comments on this survey that
11 goes out to the entire Bar.

12 **Q. Thank you. Ms. Merrill, I would note that the**
13 **Piedmont Citizens Committee found you to be well**
14 **qualified in the evaluative criteria of ethical**
15 **fitness, professional and academic ability,**
16 **character, reputation, experience, and judicial**
17 **temperament, and qualified in the evaluative**
18 **criteria of constitutional qualifications,**
19 **physical health, and mental stability. The**
20 **Committee noted Ms. Merrill's breadth of**
21 **experience, devotion to her profession and her**
22 **community, and doggedness as a talented legal**
23 **practitioner are unmatched in the committee's**
24 **view. We commend her highly as a candidate for**
25 **elevation to the Circuit Court bench. Just a few**

1 housekeeping issues. Ms. Merrill, are you aware
2 that as a judicial candidate, you are bound by
3 the Code of Judicial Conduct as found in Rule 501
4 of the South Carolina Appellate Court Rules?

5 A. I am.

6 Q. Since submitting your letter of intent, have you
7 contacted any members of the Commission about
8 your candidacy?

9 A. Prior to Senator Garrett's appointment to the
10 Commission, I did send a letter in September to
11 the legislature. Obviously, no one who was
12 seated on this committee -- I mean Commission at
13 the time. But since his appointment, I've had no
14 communication with him.

15 Q. Thank you. Since submitting your letter of
16 intent, have you sought or received the pledge of
17 any legislator either prior to this date or
18 pending the outcome of your screening?

19 A. I have not.

20 Q. Are you familiar with Section 2-19-70, including
21 the limitations on contacting members of the
22 General Assembly, regarding your screening?

23 A. I am.

24 Q. Have you asked any third parties to contact
25 members of the General Assembly on your behalf,

1 or are you aware of anyone attempting to
2 intervene in this process on your behalf?

3 A. I have not, and I'm not aware of anyone
4 attempting to intervene on my behalf.

5 Q. Thank you. Finally, have you reviewed and do you
6 understand the Commission's guidelines on
7 pledging in South Carolina Code Section 2-19-
8 70(E)?

9 A. I do understand them.

10 Q. Thank you. Mr. Chairman, I would note for the
11 record that any concerns raised during the
12 investigation by staff regarding the candidate
13 were incorporated into the questioning of the
14 candidate today. I have no further questions.

15 VICE CHAIRMAN CASKEY: Thank you, ma'am. Do members
16 of the Commission have any questions or comments
17 for Ms. Merrill? Mr. Strom.

18 MS. MERRILL - EXAMINATION BY MR. STROM:

19 Q. Thank you, Mr. Chairman. Ms. Merrill, I'm
20 looking at your PDQ, and I see that of the five
21 cases you listed, the first one was The State v.
22 Corey Brown?

23 A. Yes, sir.

24 Q. And we're familiar with that case. And I want to
25 commend you on the digging that you did after the

1 conviction to find out that these plea
2 negotiations had gone on. Would you tell us a
3 little bit about what caused you to have
4 suspicion that that occurred and what you did to
5 find out about it?

6 A. So after the trial, because Greenwood is a
7 smaller county, they usually don't immediately
8 ship someone to SCDC. So I try to go visit my
9 client if they were convicted just to kind of
10 explain things to them. So I went to actually
11 see my client in detention, and he indicated to
12 me that he had heard in the detention center that
13 there were some plea negotiations or perhaps even
14 an offer or something like that. And so I was
15 trying to figure out how I could prove that, and
16 so I started thinking about they record these
17 phone calls. And that's what I -- that's what
18 made me think about getting those. Because I
19 knew my client's word alone would not be
20 sufficient. And so I was able to get those
21 recordings.

22 Q. What was his original sentence before you got it
23 overturned?

24 A. I believe it was 25 years if I recall correctly.

25 Q. And then what did he get on re-sentencing?

1 A. Time served.

2 Q. Which ended up being about how much time?

3 A. About 10 years.

4 Q. So you saved him 15 years from digging?

5 A. Yes, sir. And I'm happy to report he's working
6 and doing well. I've actually called a potential
7 employer for him. He called and asked me to
8 explain the case to the potential employer, and
9 he's working and doing well.

10 Q. That's a great lawyering.

11 A. Thank you. I appreciate it.

12 MR. STROM: Thank you, Mr. Chairman.

13 CHAIRMAN CASKEY: Mr. Safran.

14 MS. MERRILL - EXAMINATION BY MR. SAFRAN:

15 Q. Thank you for appearing again today. And just to
16 follow up on Mr. Strom, when you found out about
17 that, was it a little bit shocking to you that
18 that had gone on?

19 A. I was surprised, yes.

20 Q. And I was reading the opinion from the Supreme
21 Court, and they actually said that Judge Griffin
22 was equally shocked. Is that a fair statement?

23 A. Yes, sir. That's in the opinion.

24 Q. And, you know, we've heard a little bit this
25 morning about the reaction, but, I mean, did you

1 get the sense at any time that the solicitor's
2 office was in any way contrite or in any way
3 apologetic about what they did?

4 A. They did not say anything directly to me. I
5 don't want to read too much into it.

6 Q. Well I'm talking to the court. It sounds like to
7 me they fought it all the way up and tried to
8 maintain that what they did was fine.

9 A. I think that is accurate. I'm trying, honestly,
10 to remember that, the hearing that we had in
11 front of Judge Griffith after the trial. And I
12 don't want to misspeak because I don't have that
13 transcript, you know, backwards and forwards.
14 But I don't recall there being that attitude, and
15 I think it was, you know, that we didn't need to
16 reveal this because of even for the reasons they
17 gave.

18 Q. Okay. But, I mean, there was never any doubt
19 that there had been an offer made, correct?

20 A. Correct.

21 Q. All right.

22 A. What that I learned about after the -- I mean
23 after the conviction. Yes, sir.

24 Q. You didn't know about it prior. What you did, as
25 Mr. Strom pointed out, through, you know, your

1 perseverance, you found out afterwards that it
2 had been done, correct?

3 A. Yes, sir.

4 Q. Okay. And I guess, to your understanding, that
5 offer had never truly been withdrawn. It's just
6 it had been rejected by Mr. Evans. He didn't
7 want 13 years. He felt like he was entitled to a
8 better deal.

9 A. That's my understanding, yes.

10 Q. I mean, what I was concerned about is, is that I
11 think that offer was still floating there. I
12 mean, and you do criminal defense work, don't
13 you?

14 A. Yes, sir.

15 Q. And if somebody basically made an offer to you
16 that maybe your client at one point was thinking,
17 no, I'm not interested, it wouldn't be the first
18 time that they went back later and said, you know
19 what, I think I'll take it.

20 A. Of course.

21 Q. That happens all the time, doesn't it?

22 A. Yes, sir.

23 Q. So the fact that that thing was floating out
24 there, it never necessarily died from the
25 standpoint of the State. Because, I mean, do you

1 think in that case, because you were involved in
2 it, that if that gentleman had come back to him
3 during the course of that trial and said, I'll
4 take the 13 years, you think they would have
5 denied him that opportunity?

6 A. I don't think so. I think he would have been
7 able to plead for that.

8 Q. All right. So the point was, is it was still
9 hanging out there the whole time, wasn't it?

10 A. As far as I know, yes, sir.

11 Q. And you were at the trial, correct?

12 A. Of course. Yes, sir.

13 Q. All right. And so when Mr. Evans was
14 cross-examined at some point about it, was there
15 a deal out there, he flatly denied it, didn't he?

16 A. He did.

17 Q. And what did the solicitor do in response to
18 that? Did they even wince at all about it?

19 A. I can't recall exactly, but I think they were
20 just moving forward with the questioning after
21 that.

22 Q. Right. I mean, so the point was, they didn't
23 call it to your attention, to the Court's
24 attention, didn't even act like anything like
25 anything had happened other than just normal

1 **course of business, right?**

2 A. Yes, sir.

3 **Q. All right. And, again, you're here offering as a**
4 **judge, right?**

5 A. Yes, sir.

6 **Q. I mean, as a judge, would you find that as**
7 **troubling as Judge Griffith did if you determined**
8 **what had happened?**

9 A. Yes, sir.

10 **Q. Okay. Thank you.**

11 VICE CHAIRMAN CASKEY: Other members of the
12 Commission. Well, let me just add then on a
13 different note, Ms. Merrill, I was looking at
14 your letters of reference. For some reason I'm
15 having a tough time today saying all of my
16 letters. And I don't know Mr. Lane, but his
17 letter references your participation in a lot of
18 different community activities, and I just think
19 that's something that's really important.
20 Oftentimes we can talk in here and in courtrooms
21 about how important what we do at law is. And I
22 don't discount that in any way, but I think it's
23 also important that, you know, we have folks from
24 our communities who participate in our
25 communities, who strengthen our communities,

1 serving in different ways. And so I just wanted
2 you to know that I appreciate that.

3 MS. MERRILL: Thank you.

4 VICE CHAIRMAN CASKEY: Additionally, some of the other
5 comments in here, and I'll just share these with
6 you because you don't have the benefit of seeing
7 them all for self-evident reasons. But as an ode
8 to, I guess, the reputation you've earned. Some
9 of these comments, very bright and well-rounded,
10 being an asset to the bench. She's intelligent,
11 capable, respectful, and reasonable.

12 Well-rounded, smart, calm, diligent, great work
13 ethic. Jane is not a look-at-me kind of person or
14 lawyer. She's very bright, very, very bright and
15 capable. She has years of solid experience and
16 is reliable in the state. Anyway, I share that
17 with you as a bit of encouragement to thank you
18 for what you've done professionally to bring
19 great credit to not only yourself and your
20 community, but the Bar as a professional
21 community. So I thank you for that.

22 MS. MERRILL: Thank you.

23 VICE CHAIRMAN CASKEY: Seeing no other comments or
24 questions, that will conclude this portion of our
25 screening process. I do need to take this

1 opportunity to remind you that pursuant to the
2 Commission's evaluative criteria, the Commission
3 expects candidates to follow the letter as well
4 as the spirit of our state's ethics laws, and
5 that we would view any violation or appearance of
6 impropriety as very serious and potentially
7 deserving of heavy weight in our screenings. And
8 on that note, as you know, the record will remain
9 open until the final release of our
10 qualifications report, and should the need arise,
11 we would have the ability to call you back. Do
12 you understand all that?

13 MS. MERRILL: I do, yes, sir.

14 VICE CHAIRMAN CASKEY: All right. Well, thank you
15 very much. I appreciate your time. Thank you
16 for offering for judicial service, and certainly
17 wish you and your husband all the best as you
18 travel home safely.

19 MS. MERRILL: Thank you very much.

20 VICE CHAIRMAN CASKEY: Thank you. Now on motion of
21 Senator Sabb, seconded by Representative Jordan,
22 the question is going into executive session to
23 receive a legal briefing. All in favor signify
24 by saying aye. The ayes have it. We will be in
25 an executive session.

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(EXECUTIVE SESSION)

CHAIRMAN RANKIN: Welcome, Judge.

JUDGE TAYLOR: Hello, how are you?

CHAIRMAN RANKIN: Doing great, thanks. Alright, we are back on the record and for the record during the executive session no votes were taken, no decisions were made. We will proceed now to the next candidate and that is the Honorable Angela R. Taylor, correct?

JUDGE TAYLOR: Correct, yes sir.

CHAIRMAN RANKIN: Please raise your right hand.

THE HONORABLE ANGELA R. TAYLOR, being duly sworn, testifies as follows:

CHAIRMAN RANKIN: You got the PDQ and the sworn statement, are those ready to be entered into the record? Any objections by you?

JUDGE TAYLOR: No, no sir.

(Exhibit Number 18 was marked for identification purposes - (12 pages) Personal Data Questionnaire for The Honorable Angela R. Taylor.)

(Exhibit Number 19 was marked for identification purposes - (5 pages) Sworn Statement for Angela R. Taylor.)

CHAIRMAN RANKIN: Very well, alright. Judge, as you know this process involves our vetting of your

1 candidacy for re-election. We look at the nine
2 evaluative criteria which includes a ballot box
3 survey, thorough study of your application
4 materials, verification of your compliance with
5 the state ethics law, search of newspaper
6 articles in which your name appears, study of
7 previous screenings and check for economic
8 conflicts of interest. No affidavits have been
9 filed or complaints in opposition to your
10 candidacy and you have the opportunity, if you'd
11 like to make some brief opening remarks. Or, if
12 not, go to Mr. Stimson for questions and then
13 entertain questions by the members of the
14 Commission and then make a closing statement at
15 that point. You have the choice to proceed how
16 you'd like.

17 JUDGE TAYLOR: I'll waive any opening statement.

18 CHAIRMAN RANKIN: Very well and let me note for the
19 record your punctuality plus. You are here way
20 early and we appreciate your being nimble to
21 field these questions. So Mr. Stimson, floor is
22 yours.

23 JUDGE TAYLOR - EXAMINATION BY MR. STIMSON:

24 **Q. Judge Taylor, after serving 15 years on the**
25 **Family Court, why do you want to continue serving**

1 **as a Family Court judge?**

2 A. That's a good question. I just think it's going
3 to be good for some young people who, because of
4 their background, they don't get to see people
5 that look like them in a professional capacity.
6 And so I think that is one reason. And then,
7 you know, hopefully I can make a difference,
8 particularly with juveniles and young people that
9 come before the Court. I think those are the
10 primary, primary reasons.

11 **Q. Thank you, Judge Taylor. What do you think your**
12 **reputation among attorneys of practice before you**
13 **is, as well as court staff that you work with?**

14 A. Well, it depends on the attorney. I think mostly
15 pretty good. I think people believe I'm fair and
16 prepared. And I try to render decisions on a
17 timely basis. As far as the court staff, I think
18 in the circuit, the 3rd Circuit, I think I have a
19 good relationship with the members of the court
20 staff. And I think they feel like if they have
21 any questions or issues that they can come to my
22 office to discuss those matters.

23 **Q. Judge Taylor, the Commission received 334 ballot**
24 **box surveys regarding you with 50 additional**
25 **comments. The ballot box survey, for example,**

1 contained the following positive comments. Judge
2 Taylor is an excellent judge who possesses all
3 the characteristics we want to see in judges.
4 Judge Taylor is one of my favorite judges. I
5 hate I do not get to see her more often. We need
6 more judges like her. And finally, Judge Taylor
7 is one of the hardest working, most conscientious
8 judges I have ever known. She has an incredible
9 work ethic and always tries to do the right thing
10 for litigants. Ten of the written comments
11 expressed some concerns. Nine of those shared a
12 similar concern that your current judicial
13 temperament might not be fit for the bench. How
14 would you respond to that?

15 A. Well, I think I would deny that. This is like my
16 third time here. And I think if my temperament
17 was a major concern that it would have been dealt
18 with before 15 years, I think there are some
19 individuals that have a level of sensitivity
20 where they don't want to be directed or told what
21 to do or how to do things. And so that's the
22 only thing I can account for the, I guess,
23 negative comments. I think I try to treat
24 everybody the same way. But court is serious
25 business for me. And I think when people come to

1 court, they expect seriousness. And that's what
2 I try to give and to be respectful for them,
3 towards them. So some people may have an issue
4 with that.

5 **Q. Thank you, Judge.**

6 MR. STIMSON: I would note that the Pee Dee Citizens
7 Committee found Judge Taylor qualified in the
8 evaluative criteria of constitutional
9 qualifications, physical health, and mental
10 stability. The Committee found Judge Taylor well
11 qualified in the evaluative criteria of ethical
12 fitness, professional and academic ability,
13 character, reputation, experience, and judicial
14 temperament. The Committee did not make any
15 written statements. Just a few more housekeeping
16 issues, Judge.

17 **Q. Judge Taylor, since submitting your letter of**
18 **intent, have you contacted any members of the**
19 **Commission about your candidacy?**

20 A. This Commission? No, no, sir.

21 **Q. Are you familiar with Section 2-19-70, including**
22 **the limitations on contacting members of the**
23 **General Assembly regarding your screening?**

24 A. Yes, sir.

25 **Q. Since submitting your letter of intent, have you**

1 sought or received a pledge of any legislator
2 either prior to this date or pending the outcome
3 of your screening?

4 A. No, sir.

5 Q. Have you asked any third parties to contact
6 members of the General Assembly on your behalf,
7 or are you aware of anyone attempting to
8 intervene in this process on your behalf?

9 A. Not that I'm aware, no, sir.

10 Q. Have you reviewed and do you understand the
11 Commission's guidelines on pledging in South
12 Carolina Code Section 2-19-70(E)?

13 A. Yes, sir. I believe so.

14 MR. STIMSON: I would just note for the record that
15 any concerns raised during the investigation
16 regarding Judge Taylor were incorporated into the
17 questioning of her today. Mr. Chairman, I have
18 no further questions.

19 CHAIRMAN RANKIN: All right, questions by members of
20 the Commission. Mr. Safran.

21 JUDGE TAYLOR - EXAMINATION BY MR. SAFRAN:

22 Q. Thank you, Mr. Chairman. How are you doing this
23 afternoon?

24 A. Just fine.

25 Q. I tell you, we've got some time in, don't we?

1 A. Yes, sir. We were in law school.

2 Q. We were. I think you touched on it. Have you
3 noticed that maybe some of the people that appear
4 before you as attorneys may be a little less
5 inclined to take any criticism, be a little more
6 sensitive in terms of how a courtroom runs?

7 A. In some instances, yes. I think I was telling my
8 attorney when we met that I try to be prepared in
9 advance of court and review files. If I find a
10 problem with the file, I'll usually email the
11 attorney before they come to court so maybe those
12 can be addressed. And there are just some people
13 that's resistant to that. I've had some go to
14 another judge to question what I've said. I had
15 one tell me he didn't get my email at all, even
16 though that's the email address that we've used
17 since I've been on the bench. So, you know,
18 there are some people that, for whatever reason,
19 don't take direction well, I'll just put it that
20 way.

21 Q. Well, and I guess we've heard it from several
22 judges who've appeared this time, who've been on
23 the bench for quite a while, that while we, maybe
24 in our era, were ones who had to learn sometimes
25 from judges that basically had their own way of

1 making sure you learned. That nowadays people
2 aren't quite as inclined to want to accept that
3 type of instruction. I mean, if you run into
4 that basically is what I'm hearing you have.

5 A. Well, yes. And one day we had a discussion, some
6 lawyers that were in school around the same time
7 that I was and a young man that graduated
8 recently. And I think even the whole approach to
9 law school is different from, I think, when we
10 were there. It was more like, I guess, a weeding
11 out process. If you could survive, that was
12 good. If you didn't, you were out. And I think
13 now, as the young man told me, it's more of a
14 nurturing type treatment. And so I think
15 sometimes people are a little sensitive because
16 that's if you have to correct them because that's
17 not consistent with how they were taught.

18 Q. I'll say this. I mean, I haven't addressed it
19 with you, but over the years I've been somewhat
20 of a critic, I think, of the whole notion of the
21 Family Court sometimes moving a little too
22 quickly. Being too sensitive to the time
23 constraints, as opposed to maybe the merits of
24 the case. And that's just my outside view. But
25 if we are living right now in that reality, I'm

1 assuming maybe that somebody trying to get to the
2 point, somebody trying to cut to the chase could
3 be interpreted as being harsh and short. But,
4 you know, you're dealing with the environment
5 you're in, aren't you?

6 A. Well, yeah. And then over a number of years,
7 it's kind of you see the same thing maybe with
8 different stripes. So you kind of have an idea
9 of what the result would be. So maybe someone
10 else would feel like you're giving them the brush
11 off or rushing them. But, you know, after a
12 while, the same type case does come before the
13 court. So you do see the same thing and you do
14 have an idea of how to handle those things when
15 they appear.

16 Q. Okay. Well, I appreciate your time and
17 appreciate you coming to see us today. Thank
18 you.

19 CHAIRMAN RANKIN: Ms. McIver.

20 MS. MCIVER: Thank you, Mr. Chairman. Good morning,
21 Judge Taylor. It's not morning, afternoon.

22 JUDGE TAYLOR: Good afternoon. Yeah.

23 MS. MCIVER: Time flies. Thank you for being here
24 today. I noticed in your letters of reference
25 some comments that you got from somebody who's

1 certainly been in the court system a lot longer
2 than I have, and I want to touch on those in just
3 a minute. But I also wanted to point out Judge
4 Taylor is based in Sumter, which is my hometown.
5 And when I was in high school, I took my first
6 job working for the solicitor's office as an
7 intern, and Judge Taylor was an assistant
8 solicitor and was a role model to me then and
9 continues to be now. And any negative comments
10 that she's gotten, I believe, come from the areas
11 where Mr. Safran just addressed with you.
12 People may not be as prepared as you may like. I
13 know that Judge Taylor holds herself to an
14 extremely high professional and ethical standard,
15 and she enjoys that relationship, certainly
16 amongst all the people that I know in the Sumter
17 Bar. And I have a very close family member who
18 practiced in the Family Court for quite some
19 time, and I know he could be somewhat difficult,
20 maybe taking a little more time than he signed up
21 for, for the temporary hearing. But as tough as
22 you may have been on him and all the other
23 lawyers who practice primarily in the Family
24 Court, I know that you enjoy a reputation with
25 those folks as being tough, but more importantly

1 as being fair and thoughtful and well-prepared.
2 And Gwen Harrod, who I know has been in and
3 around the court system in Sumter, like I said,
4 much longer than I have, and she wrote one of the
5 letters for you. I'm sure you've seen some of
6 these, but some of her comments I just wanted to
7 put on the record. Her reputation for fairness
8 is unprecedented. When parties appear pro se,
9 she takes the time to ensure that they understand
10 their rights and her rulings. She treats the
11 brand-new attorney the same as the powerful,
12 experienced attorneys. When there are cases
13 before her that involve children, she always puts
14 the child's needs first. She is a living,
15 breathing example of Lady Justice who is
16 blindfolded. And certainly that is the
17 reputation that I know you to have in Sumter. I
18 am so proud to practice and live in the same area
19 where you do and appreciate all of your work that
20 you have done in Sumter and the way that you have
21 mentored lawyers, including myself. Also, my
22 daughter was an undergrad and was cold-calling
23 judges for a project she had where she needed to
24 get comments from judges at different areas,
25 Family Court, Circuit Court, and one of the

1 judges she called was Judge Taylor. And she was
2 so impressed with the knowledge that Judge Taylor
3 had, the time that she spent with her, and I'm
4 also going to take this opportunity on the record
5 to tell you that today she was accepted to USC
6 School of Law. So I'm very proud of her and
7 excited to get to tell you that in this way. So
8 thank you for all you've done for Sumter and for
9 her and for us.

10 JUDGE TAYLOR: Thank you. Thank you very much.

11 CHAIRMAN RANKIN: Judge, real quick, and then I'm
12 going to turn it over to Senator Sabb. I noticed
13 you worked in Conway at the Neighborhood Legal
14 Assistance Program. That was on Main Street, was
15 it not?

16 JUDGE TAYLOR: Yes, sir.

17 CHAIRMAN RANKIN: I went to law school in '87, years
18 after your time there, but I remember as a kid
19 that being a long-time fixture for me. Not on
20 the Courthouse Square but in a very distinctive
21 building with a lot of people that got a lot of
22 good service out of your office. So you and I
23 have a little bit in Conway in common.

24 TAYLOR: Yes, sir. Yes, sir. I think they moved
25 the building. I don't think it's there.

1 Something else is in there now.

2 CHAIRMAN RANKIN: All right, Senator Sabb.

3 MR. SABB: Thank you, Mr. Chairman. I'd just be
4 remiss if I didn't lend my voice to some of Lucy
5 Gray's comment. I, too, am extremely proud of
6 Judge Taylor and how she's conducted herself over
7 the years. She and I were assistant solicitors
8 together way back in the day. And I had an
9 incredible amount of respect for her then, and
10 it's simply grown over the years. And I guess I
11 would say, in addition to that, Judge, I really
12 appreciated your comment about the importance of
13 diversity on the bench, and I think it is
14 important for our young girls to see lady
15 jurists. I think it's important for persons of
16 color to see persons of color on the bench, and I
17 don't think that's ever something that any of us
18 should shy away from. And so I appreciate the
19 fact that you candidly shared that on the record.
20 And I also appreciate the fact that one of the
21 reasons why you hang in there is because you know
22 that your presence there is really greater than
23 you because it lends itself to something
24 different and something inspirational. And so I
25 just wanted to share those thoughts and say thank

1 you, and I know that those of us who were born in
2 1958, to the extent that we have six more years,
3 we're timing out, and I just hope that your last
4 six years are as glorious as the ones that
5 preceded it.

6 JUDGE TAYLOR: Thank you. Thank you.

7 CHAIRMAN RANKIN: Anybody else? Judge, again, at the
8 outset I offered you the opportunity to make a
9 final statement if you'd like. You're not
10 required to, and if you'd like to say anything
11 else, we'll hear you. Otherwise ...

12 JUDGE TAYLOR: I just want to say I appreciate the
13 comments from Lucy Gray McIver. I've known her
14 for years, and her dad appeared in front of me
15 many times. He probably made me tougher because
16 he was always prepared and an ardent attorney for
17 his clients, and he made me more prepared because
18 of how he prepared and how he represented his
19 clients. And then Senator Sabb is, you all don't
20 know, he's world-renowned down there in
21 Williamsburg County, highly respected. So it has
22 meant a lot to me to get those comments from him.
23 And then I went to law school with Mr. Safran,
24 and I'm not sure if he remembers me, but I
25 remember his name.

1 CHAIRMAN RANKIN: All right, Judge, thank you again
2 for your willingness to continue to serve and
3 serve this state and the litigants before you.
4 This will conclude this portion of the screening.
5 You understand that we can call you back if
6 there's any appearance of impropriety or
7 violation of the state ethics laws. We don't
8 anticipate that with you, but I just need a
9 verbal affirmation that you do know the record is
10 not closed until the final record or Report of
11 Qualifications is released.

12 JUDGE TAYLOR: All right. Yes, sir, I understand
13 that.

14 CHAIRMAN RANKIN: Very well. Thank you. Godspeed to
15 you and your safe travels back to your part of
16 the world.

17 JUDGE TAYLOR: All right. Thank you all very much,
18 and thank you for your time.

19 (OFF THE RECORD)

20 CHAIRMAN RANKIN: Judge, come on up. Welcome.

21 JUDGE JARRETT: Good afternoon.

22 CHAIRMAN RANKIN: You have the two statements, PDQ and
23 the sworn statement. Are those ready to be put
24 into the record?

25 JUDGE JARRETT: Yes, sir.

1 CHAIRMAN RANKIN: Very well. Raise your right hand.

2 Tell us your name first.

3 (Exhibit Number 20 was marked for identification
4 purposes - (17 pages) Personal Data Questionnaire for
5 The Honorable Ernest Joseph Jarrett.)

6 (Exhibit Number 21 was marked for identification
7 purposes - (5 pages) Sworn Statement of The Honorable
8 Ernest Joseph Jarrett.)

9 JUDGE JARRETT: Ernest Jarrett.

10 CHAIRMAN RANKIN: Judge, welcome back.

11 THE HONORABLE ERNEST JOSEPH JARRETT, being duly
12 sworn, testifies as follows:

13 CHAIRMAN RANKIN: Very well. You have brought a
14 guest with you, we noticed. Would you like to
15 introduce your guest?

16 JUDGE JARRETT: Yes. This is my wife, Josette.

17 CHAIRMAN RANKIN: Welcome, Josette. Judge, you know
18 in our efforts to screen candidates for election
19 or re-election, we look at the nine evaluative
20 criteria, which includes a ballot box survey,
21 thorough study of your application materials,
22 verification of your compliance with the state
23 ethics rules, search of newspaper articles in
24 which your name appears, a check of economic
25 conflicts of interest, and then a study of

1 previous screenings. No application, or rather
2 complaints or affidavits, have been filed in
3 opposition to your campaign. And we're going to
4 turn it over to Mr. Cohl for questions of you.
5 And then, unless you'd like to make an opening
6 statement now, I will offer you the right to make
7 any closing remarks that you'd like. The choice
8 is yours.

9 JUDGE JARRETT: I don't need to make an opening. I'm
10 ready.

11 CHAIRMAN RANKIN: Very good. All right, Mr. Cohl.

12 JUDGE JARRETT - EXAMINATION BY MR. COHL:

13 **Q. Thank you, Mr. Chairman, and good afternoon,**
14 **Judge Jarrett. What do you think your reputation**
15 **is among attorneys that practice before you and**
16 **the court personnel that work with you?**

17 **A.** Well, hopefully, I think they see me as
18 hardworking, want to get the job done, and
19 hopefully they see me as looking out for the best
20 interests of children. That's what I try to do
21 in my focus every day is to make sure that we
22 look out for children.

23 **Q. Thank you. The Commission received 443 ballot**
24 **box surveys regarding you, with 91 providing**
25 **additional comments. The ballot box survey, for**

1 example, contained the following positive
2 comments. Judge Jarrett has an excellent grasp
3 of legal principles and temperament to perform
4 his job at the highest level. The way Judge
5 Jarrett cleaned up the Berkeley County docket was
6 quite impressive. He clearly cares about our
7 judicial system in every way. He is a great
8 communicator. He knows the law and applies it
9 fairly, and he strives to move cases as
10 expeditiously as possible. None of the written
11 comments expressed a concern.

12 MR. COHL: I would note that the Pee Dee Citizens
13 Committee found Judge Jarrett to be qualified in
14 the evaluative criteria of constitutional
15 qualifications, physical health, and mental
16 stability. The Committee found him well qualified
17 in the evaluative criteria of ethical fitness,
18 professional academic ability, character,
19 reputation, experience, and judicial temperament.
20 Now for a few brief housekeeping issues.

21 Q. Judge Jarrett, since submitting your letter of
22 intent, have you contacted any members of the
23 Commission about your candidacy?

24 A. I have not.

25 Q. Are you familiar with Section 2-19-70, including

1 the limitations on contacting members of the
2 General Assembly regarding your screening?

3 A. I have not.

4 Q. Since submitting your letter of intent, have you
5 sought or received the pledge of any legislator
6 either prior to this date or pending the outcome
7 of your screening?

8 A. I have not.

9 Q. Have you asked any third parties to contact
10 members of the General Assembly on your behalf,
11 or are you aware of anyone attempting to
12 intervene in this process on your behalf?

13 A. I have not.

14 Q. Have you reviewed and do you understand the
15 Commission's guidelines on pledging in South
16 Carolina Code Section 2-19-70(E)?

17 A. Yes.

18 Q. Thank you, Judge Jarrett. I would note for the
19 record that any concerns raised during the
20 investigation regarding the candidate were
21 incorporated into the questioning today. Mr.
22 Chairman, I have no further questions.

23 CHAIRMAN RANKIN: All right. Questions by members of
24 the Commission. Senator Sabb.

25 MR. SABB: Thank you, Mr. Chairman. Really more of a

1 comment than anything else. Of course, Judge
2 Jarrett and I both practiced law in Williamsburg
3 County for years and years and years, and we --
4 well, maybe not years and years, but for years.
5 And he enjoyed an excellent reputation as a
6 fellow member of the Bar and jurist back in the
7 day. But I do want to tell you all a story about
8 Judge Jarrett and I. Of course, he continued to
9 do Family Court. I quit. But he and I were
10 involved in a case where our clients just simply
11 did not like each other. And so we found
12 ourselves in court just fighting like cats and
13 dogs. And Judge Turbeville -- and I may have
14 told this story when he screened before. I can't
15 remember. But Judge Turbeville stopped the
16 hearing and took us both back in chambers and
17 said, what's wrong with you all? I know both of
18 you. You're both great lawyers. I'm just not
19 believing what I'm saying. And what I had
20 realized -- and this is reasonably early in my
21 career -- I had taken on the persona of my
22 client. I had. And I think Judge Jarrett had
23 taken on the persona of his client because we've
24 always liked each other and have always gotten
25 along great. But I was just so thankful to Judge

1 Turbeville because, of course, we both changed
2 when we went back into the courtroom. And, of
3 course, we both apologized to each other later on
4 after that. But it was just an interesting
5 thing. But I really mention that just from the
6 standpoint that we've had a number of
7 conversations with judges over the course of
8 these past weeks about how do you dress lawyers
9 down. And I think the experience that Judge
10 Jarrett and I had is a clear indication that you
11 really don't need to embarrass lawyers in the
12 courtroom. I mean, lawyers who want to be good
13 and want to represent the profession well, all
14 they need to know is to have it call to their
15 attention that they are operating out of
16 character. And that's what Judge Turbeville did
17 for us way back in the day. And I think we both
18 grew as lawyers as a result of it. But I've been
19 extremely proud of Judge Jarrett. We all knew
20 when we screened him that he was going to do a
21 great job. I think he's even exceeding
22 expectations and just encourage him to keep up
23 the good work.

24 CHAIRMAN RANKIN: Senator Garrett.

25 SENATOR GARRETT: Thank you, Mr. Chairman. Very

1 seldom do we have a Family Court judge who has no
2 bad statements against you. Wow. I mean, you
3 must be doing something right, my friend. I
4 mean, Family Court is by far the most contentious
5 court that we have. And you have awesome power
6 in the Family Court. You can take a man's wife
7 away from him. You can take his house and car
8 and put him in jail. And there's no jury there.
9 You have all this responsibility and all this
10 power. Yet you must display it correctly.
11 Because if you don't have even one lawyer
12 complaining, I don't know what the sauce is or
13 what the spices are. But whatever it is, keep up
14 the great work. And thank you for that, sir.

15 JUDGE JARRETT: Thank you, sir.

16 JUDGE JARRETT - EXAMINATION BY CHAIRMAN RANKIN:

17 Q. I'm curious because you know that is such an
18 unusual thing. How have you accomplished that,
19 not speaking ill of anybody else, but in terms of
20 what you do in your courtroom and how you treat
21 people? How have you been able to have
22 effectively the anonymous who could say
23 otherwise, maybe not smiling, but at least
24 respecting the way you've treated them? How have
25 you accomplished that?

1 A. I'm not really sure. I was a little worried
2 about they've sent me this year to Berkeley. And
3 Berkeley was in terrible shape because, as you
4 all know, I had not replaced Judge Landis for
5 three years after he retired. And so he wasn't
6 there. Judge Creech got cancer. He wasn't able
7 to be there. And so the dockets just got way
8 behind. And when I found out, about the first
9 week I was there, and I traveled from Kingstree,
10 and they start at 9:00. And I was there at 9:00.
11 And about 9:40, I got a -- The 9:00 o'clock
12 didn't show up. And at 9:40, I got the call.
13 The bailiff told me that the attorney had called.
14 His paralegal had called in. Let Jarrett know
15 we've continued the 9 o'clock. I'm like, oh,
16 this is not going to work here. The judge has
17 continued. The case is not. And so I really had
18 to kind of crack down because I really think with
19 Judge Landis not there and then with Judge Creech
20 having cancer, things had gotten loose. So I was
21 really worried about these ballots this last year
22 because I have kind of had to crack down. But
23 it's made the system work. So even the lawyers I
24 think that I've cracked down on have seen their
25 cases are moving. And in private practice, you

1 can't make money unless the cases are moving.
2 And you can't, you know, trials settle once you
3 get a court date. And if you can't get a court
4 date, you can't move your trials and make your
5 money. And so I think people have appreciated, I
6 guess, the cracking down because they've been
7 able to make money. But I wonder that myself
8 because I have been a little -- this last year,
9 I've been a little more heavy-handed than I was
10 the three previous years.

11 SENATOR SABB: If anybody knows how to make money in
12 Family Court, it's that guy.

13 Q. Oh, so many places to go with that, but we won't.
14 But you gave that up, fortunately, or not. But
15 to the credit of the BAR, obviously you did. And
16 so interesting comments about you by those whose
17 names you do know and the letters you have read.
18 But lifelong learner, curiosity, of course. And
19 then kudos to you in your role as a Highland Park
20 Methodist Church leader in taking the time to
21 teach and wear the robe of judge light and teach
22 in a Sunday school. So kudos to you for that.
23 Unless there are other compliments or comments of
24 Judge Jarrett, and we could invite you as well,
25 Ms. Jarrett, to make any comments you'd like

1 **after the record's closed.**

2 CHAIRMAN RANKIN: We will now close this portion of
3 the record. And I did offer you an opportunity
4 to make a closing statement if you'd like.

5 JUDGE JARRETT: It's the best job ever. I wake up.
6 It's great to have a job that you wake up and
7 want to go to work and feel like this is exactly
8 where God's placed you, and you're doing God's
9 work. So I appreciate the opportunity to serve.
10 I love it. I love to go to work every day. I
11 don't ever dread going to work. Sometimes when
12 it's pro se day, I might dread a little bit. But
13 it's still a good day. It's better than private
14 practice. So I appreciate the opportunity to
15 serve.

16 CHAIRMAN RANKIN: Very well. All right. And, Judge,
17 as you --

18 JUDGE JARRETT: Can I say one more thing?

19 CHAIRMAN RANKIN: Please.

20 JUDGE JARRETT: I'm one of the five judges that have a
21 law clerk. And so we had five law clerks this
22 past year, and so we get eight this coming year.
23 So anything you all can do to help us with the
24 law clerk situation. I use mine all the time. I
25 share with Michelle Forsythe in Charleston, and

1 so I get her a week. Michelle gets her a week.
2 I get her a week because we're both the two
3 chiefs. And so anything you all can help us with
4 getting law clerks, at least one a circuit, would
5 be fabulous.

6 Q. Well, and I want to chase a rabbit here because
7 we've heard other unopposed, highly acclaimed
8 Family Court judges talk about the struggle.
9 And, yes, look forward to the day and appreciate
10 the job and appreciate the role of serving. But
11 who, as we all do in whatever capacity with a
12 challenge, have very tough calls to make. In
13 your tough calls, is there, beyond the law, which
14 we understand, is there a common-sense approach
15 that you have to try to keep the warring factions
16 somewhat at peace so that everyone leaves that
17 courtroom or appreciates the result differently
18 maybe?

19 A. Judge Strickland -- I got this story from Judge
20 Strickland, but I give him the little Johnny
21 story at the end about them fussing and fighting
22 and litigation and all this kind of stuff, and
23 they don't resolve and move on from it. The
24 story about Johnny playing soccer and that both
25 parents went to the soccer game and one sat on

1 one side and one sat on the other side, and
2 Johnny struggled, and he wasn't the best soccer
3 player, but he finally got in, and he got the
4 ball. And you just drag it out, and he got a
5 goal, and all the teammates went over to
6 congratulate him, and he was so excited, he ran
7 to the sideline, and he looked for Mama, looked
8 for Daddy, and he didn't know where to go. So he
9 just dropped his head, turned around, and went
10 back. So I kind of try to leave him with that
11 story. I stole it from Judge Strickland, but
12 especially on the part that I had a nine-day
13 contested and then told that at the end of it
14 just tell them you've got to do better. You
15 really do have to do better, and your trial is
16 dependent on you to do better, so I try to tell
17 them that at the end. Pete knows they don't
18 listen at the time, and he'll see them back the
19 next year. But I try to leave them with that
20 story when it's a really ugly contested one.

21 CHAIRMAN RANKIN: Very good. All right, thank you.

22 JUDGE JARRETT: Thank you all so much.

23 CHAIRMAN RANKIN: All right, Judge, one final little
24 bit of homework or housework here. You know we
25 are sticklers for the ethics laws, and in

1 violation of the spirit, our black letter law
2 would be deemed very serious by us. You
3 understand this record is not closed until the
4 formal release of the record of qualification.

5 JUDGE JARRETT: Yes, sir.

6 CHAIRMAN RANKIN: So we could call you back.

7 JUDGE JARRETT: Yes, sir.

8 CHAIRMAN RANKIN: We don't expect that, but thank you
9 very much for being early, and happy trails to
10 you to wherever you're going.

11 JUDGE JARRETT: Kingstree. We're heading back. Good
12 to see you all.

13 CHAIRMAN RANKIN: Take care.

14 JUDGE JARRETT: Good to see you. Thank you.

15 (OFF THE RECORD)

16 CHAIRMAN RANKIN: All right, we are back on the
17 record, and Mr. Ruffner, correct?

18 MR. RUFFNER: Yes, sir.

19 C. HEATH RUFFNER, being duly sworn, testifies as
20 follows:

21 CHAIRMAN RANKIN: You've got a couple of documents
22 there, PDQ and the sworn statement. Are they
23 ready to be introduced into the record?

24 MR. RUFFNER: Yes, sir. No objection to that.

25 CHAIRMAN RANKIN: And that will be so marked. And you

1 also have the opportunity to introduce the person
2 that you brought with you.

3 (Exhibit Number 22 was marked for identification
4 purposes - (21 pages) Personal Data Questionnaire for
5 C. Heath Ruffner.)

6 (Exhibit Number 23 was marked for identification
7 purposes - (3 pages) Amendment to Personal Data
8 Questionnaire for C. Heath Ruffner.)

9 (Exhibit Number 24 was marked for identification
10 purposes - (9 pages) Sworn Statement of C. Heath
11 Ruffner.)

12 MR. RUFFNER: I'll be glad to do that. This is my
13 much better half, my wife of 21 years, Christy
14 Ruffner.

15 CHAIRMAN RANKIN: Welcome, Ms. Ruffner. You are
16 running unopposed for Family Court, 4th Circuit
17 Seat 2, is that correct?

18 MR. RUFFNER: Yes, sir.

19 CHAIRMAN RANKIN: And you understand our process here
20 by which we look at your qualifications for this
21 office, which is the non-evaluative criteria,
22 which includes -- excuse me, the ballot box
23 survey, thorough study of your application
24 materials, verification of your compliance with
25 the state ethics laws, search of newspaper

1 articles in which your name appears, and study of
2 previous screenings. And you have screened
3 before?

4 MR. RUFFNER: No, sir. This is my first time.

5 CHAIRMAN RANKIN: Very well. And my land, the field
6 is yours, so. And then finally, a check for
7 economic conflicts of interest. No affidavits or
8 complaints have been filed in opposition to your
9 campaign and candidacy. You have the opportunity
10 to make an ever-so-brief opening statement.
11 Otherwise, we can send it to Mr. Cohl, who will
12 ask some questions, and then perhaps members of
13 the Commission will ask you after that.

14 MR. RUFFNER: Yes, sir. The only thing I'd like to say
15 is just thank all the Commission members for what
16 you do, and I would be remiss if I didn't commend
17 what you already know is your top-flight staff of
18 Ms. Crawford, Ms. Putnam, and in my case, Mr.
19 Cohl. So with that, I'll be glad to answer any
20 questions.

21 CHAIRMAN RANKIN: Very well. You're not going to
22 soften him up, I tell you. Flattery will get you
23 nowhere with that guy. Light him up, Mr. Cohl.
24 Light him up.

25 MR. RUFFNER - EXAMINATION BY MR. COHL:

1 Q. Thank you, Mr. Chairman, and good afternoon, Mr.
2 Ruffner.

3 A. Thank you, sir.

4 Q. Please state for the record the city and circuit
5 in which you reside.

6 A. That would be Cheraw in the 4th Judicial Circuit.

7 Q. Thank you. Mr. Chairman, I note for the record
8 that based on the testimony contained in the
9 candidate's PDQ, which has been included in the
10 record with his consent, Mr. Ruffner meets the
11 statutory requirements for this position
12 regarding age, residence, and years of practice.
13 Mr. Ruffner, why do you want to serve as a Family
14 Court judge, and why do you feel that your legal
15 and professional experience qualify and will
16 assist you to be an effective judge?

17 A. Yes, sir. I've been a lawyer for 28 years now.
18 I feel like this is a way for me to serve my
19 state, my community, give back to the profession
20 that's given a lot to me, and as much as
21 anything, try to make a positive difference in
22 people's lives, especially children. Although
23 we've got some excellent younger Family Court
24 judges in our state, one of whom is in my
25 neighboring circuit, Judge McEachin, who will be,

1 I think, screening tomorrow. I have always
2 viewed becoming a judge and that process as
3 something that I wanted to have, not just the
4 legal experience, but probably more importantly
5 for me, the life experience before I made that
6 decision. So this is a decision that I have not
7 made lightly to file for this seat to be on the
8 Family Court. I know that I'm going to be
9 dealing with folks in some stressful, emotional,
10 even sometimes dire situations. And I hope with
11 my legal and life experience that in some of
12 those situations, maybe I'll be able to not just
13 handle those, but perhaps show those people some
14 light at the end of the tunnel, and when it's
15 appropriate, I'm able to maybe offer some words
16 of wisdom and encouragement to those people when
17 they're in those situations. I also feel like
18 it's important as a Family Court judge to listen
19 to people, but for them to know that you've
20 listened to them, and by that I mean, and I have
21 experience with this in dealing with clients, as
22 a county attorney and dealing with constituents,
23 now as a little while as an assistant solicitor
24 dealing with victims, that people appreciate the
25 fact when they know you have actually listened to

1 and tried to understand their concerns and
2 problems. Even if you don't have a favorable
3 response to that, they feel better maybe about
4 their situation, and then on the other hand,
5 you've got to keep an open mind because sometimes
6 you realize after listening that maybe what you
7 thought was the best solution is not the best
8 solution. So certainly as a judge, I think
9 that's important to always keep an open mind, not
10 come in with preconceived notions, and listen
11 because you may learn that what you thought was
12 the right thing is not necessarily the right
13 thing. So in closing and answering that
14 question, I feel like my temperament, my
15 experience, and what I would call probably a
16 common sense approach has led me to a place where
17 I think I'm equipped to serve as a Family Court
18 judge.

19 **Q. Thank you, Mr. Ruffner. Are there any areas of**
20 **the law for which you would need additional**
21 **preparation in order to serve as a Family Court**
22 **judge, and how would you handle that additional**
23 **preparation?**

24 **A. Yes, sir. Probably been 15 or 20 years or more**
25 **since I had done any meaningful work in the**

1 juvenile court. So when this seat, I learned
2 that it may come open back in June, I went to our
3 solicitor and I asked him if he would be so kind
4 to appoint me as an assistant solicitor on a
5 volunteer basis, not to be paid anything. He was
6 kind enough to do that. So since June of this
7 year, I have been working in Chesterfield and
8 Darlington counties, helping with those cases.
9 There have been a couple of times, to my horror,
10 that I had to handle the term on my own, and I
11 got through those. Our current solicitor is
12 retiring at the end of this year. Our newly
13 elected solicitor, I've spoken with him. He's
14 indicated to me that he's fine with me continuing
15 to do that. My pitch to him was, I'm doing it
16 for free, so dollar for dollar, I'm probably one
17 of the best assistant solicitors you're going to
18 get. And so if I'm fortunate enough to be
19 elected to the bench, by the time I get there, I
20 will have a good, solid year of experience on
21 that. In addition to that, our DJJ director,
22 Eden Hendrick, who is super, and her general
23 counsel, Elizabeth Hill, were gracious enough to
24 give me a tour of DJJ's facilities here in
25 Columbia last month. That was an enlightening

1 experience, and it was something that I felt very
2 strongly about doing, because if I'm going to be
3 a Family Court judge and at some point be asked
4 to send a child to DJJ, I felt like it was
5 important for me to go see it for myself to know
6 what I'm sending them to. That would address
7 that. The only other area, and it's not that I
8 haven't done this, it's more that I haven't done
9 it probably in the last, I don't know, six or
10 eight years, as far as private Family Court
11 practice, private custody cases, private
12 equitable revision cases. I have not been active
13 in that a lot in the last six or eight years.
14 That's not something that I just woke up one day
15 and said, hey, I don't want to do this anymore.
16 It happened more organically. I practice in a
17 small town, in a small area, and we kind of have
18 to take what's going to pay the bills. The one
19 thing I would point to on that is probably my
20 service as county attorney, which I've been doing
21 for 26 years. That increasingly over the years
22 has taken up more and more of my time, and that's
23 one of those things where they're my client all
24 the time, so if they call and ask me to do
25 something, I've got to be available to do it. So

1 that probably more than anything led me to the
2 point where, as I say, kind of organically over
3 the years, your contested domestic cases tend to
4 be those cases where people are going to be very
5 demanding of your time. You're going to need to
6 spend time on them, and I didn't feel like it was
7 fair to those clients to take on those types of
8 cases, knowing that I probably wouldn't be able
9 to devote the time that I should to them. So
10 that being said, since I offered for this seat, I
11 have immersed myself, even though I'm unopposed,
12 probably more so because I am unopposed. I
13 immersed myself in studying the code, Title 23,
14 Title 63, studying the rules, studying the case
15 law, to the point I believe I did okay on the
16 questions that the Bar Committee asked me. I've
17 also taken some 20 additional hours of CLE, and
18 I'm scheduled to attend another one next Friday
19 with the bench and bar. That being said, I've
20 continued for the last 20-plus years to serve as
21 the attorney for the guardian ad litem program
22 for DSS abuse and neglect cases in our county.
23 For the last seven years, I've done that for the
24 adult guardian ad litem program, and I did that
25 for two reasons. One, because without question,

1 that's the most rewarding work I've done in my
2 legal career. And then number two, because I did
3 want to stay in Family Court. I didn't want to
4 get completely away from Family Court, so I've
5 done that. So with all that said, while I know
6 I'll have plenty to learn and plenty to continue
7 to learn if I'm lucky enough to be selected and
8 elected to the Family Court, I feel like by the
9 time I go through the new judges school, if I get
10 there and sit with some judges, that I'll be able
11 to hit the ground running.

12 **Q. Thank you, Mr. Ruffner. Please briefly describe**
13 **your experience in handling complex, contested**
14 **Family Court matters and specifically discuss**
15 **your experience with the financial aspects of**
16 **Family Court work.**

17 A. Yes, sir. In Family Court, I think I've handled
18 about every kind of case you can. With financial
19 matters, I've dealt with property, business,
20 pension valuations involving experts, equitable
21 revision of all types of property, quadros. I've
22 had to work through situations where we had to do
23 a refinance for one spouse. Given my real estate
24 practice, I was able to handle that for them.
25 Also dealt with any and all manner of financial

1 matters in other areas of my practice, be it in
2 my transactional practice with a corporation
3 selling assets or stock or an economic
4 development incentive package as county attorney.
5 On the other end of the spectrum, I've handled
6 those cases where the financial declarations had
7 a lot of negative numbers on them. Issues were
8 dividing up debt, having that talk with your
9 client that you're probably going to have to sell
10 the marital home because neither one of you can
11 afford it now that you're not together. Quite
12 frankly, those are probably the tougher cases
13 than when you have a lot of assets to divide.

14 **Q. Thank you, Mr. Ruffner. The Commission received**
15 **262 ballot box surveys regarding you with 42**
16 **additional comments. The ballot box survey, for**
17 **example, contained the following positive**
18 **comments. He has the competence, temperament,**
19 **good judgment, and sense of understanding to**
20 **serve the people of South Carolina with**
21 **distinction. He has an excellent work ethic and**
22 **reputation both professionally and personally.**
23 **He is well suited for the Family Court bench.**
24 **None of the written comments expressed a concern.**
25 **Mr. Ruffner, you were named in three lawsuits,**

1 **the first, Lee v. Ruffner and Sigma Realty, which**
2 **was filed in 2005, concerned a real estate**
3 **commission. Please explain the nature and**
4 **disposition of that lawsuit.**

5 A. Sure. That case involved a dispute between two
6 realtors in a real estate closing that I handled.
7 The two realtors could not agree on how to divide
8 that commission. I offered to hold that
9 commission in my trust account until they could
10 come to an agreement. In the meantime, one of
11 those realtors went to Magistrate's court and
12 filed a pro se action against me as a result of
13 the dispute. I then filed an interpleader action
14 in Circuit Court in which I paid the money over
15 to the Court. That case was resolved in that
16 manner.

17 **Q. Thank you, Mr. Ruffner. The second lawsuit,**
18 **Lisenby v. Ruffner, Kiser, Parker, and the**
19 **Chesterfield Sheriff's Department, which was**
20 **filed in 2014, concerned a challenge to a**
21 **criminal conviction. Please explain the nature**
22 **and disposition of that lawsuit.**

23 A. Yes, sir. That particular plaintiff, if he's not
24 already in the vexatious litigant hall of fame,
25 he will be a first ballot selection unanimously,

1 I'm sure. That case was a case, and actually as
2 I was looking back at that case, that is one of
3 my writing samples that I submitted to you. If
4 you want to get the whole rundown of that case,
5 you can look at that writing sample. That
6 involved a case where that particular plaintiff
7 had already had an order, I think, issued by the
8 Supreme Court, as well as District Judge Norton
9 admonishing him and barring him from filing
10 suits, collaterally attacking a criminal
11 conviction. I can't remember what number this
12 one was that I was involved in and named in, but
13 that was the result of that. The reason I
14 included that, after I got to looking at it, that
15 order that I drafted in that case, in my writing
16 samples, even though I was a party in that case,
17 and even though one could certainly have some bad
18 feelings and animosity, I drafted that order in
19 such a way that I was very careful to look at and
20 preserve that plaintiff's right to access to the
21 courts. Even though he had abused that access
22 many times, I drafted the order in such a way
23 that he was not foreclosed from going back to the
24 court, as all our citizens are entitled to do,
25 and I believe there was also an issue with a

1 Freedom of Information Act request in there.
2 Again, we didn't say that he can't file Freedom
3 of Information Act requests. I think we just put
4 some conditions on what he had to do to do that.
5 If anybody's wondering why that was included in a
6 Family Court candidate's writing samples, that
7 was why. I felt it was a good example of trying
8 to be level-headed in drafting an order.

9 **Q. Thank you, Mr. Ruffner. The third and final**
10 **lawsuit, Ruffner v. Kenny, was filed in May of**
11 **this year and concerned a property damage claim.**
12 **Please explain the nature and disposition of that**
13 **lawsuit.**

14 **A.** Yes, sir. I think that was karma for
15 representing insurance companies for the last 26
16 years in insurance defense cases. That was a
17 case that involved a car accident with my
18 then-16-year-old son in the parking lot of the
19 high school, and the carrier that was
20 representing the defendant and I couldn't agree
21 on the amount of damages, so I had to file an
22 arbitration claim. Fortunately, that came to a
23 very capable young lawyer here in Columbia who
24 handled that case very well, and we were able to
25 get it resolved amicably.

1 **Q. Thank you, Mr. Ruffner.**

2 MR. COHL: I would note that the Pee Dee Citizens
3 Committee found Mr. Ruffner qualified in the
4 evaluative criteria of constitutional
5 qualifications, physical health and mental
6 stability, and well qualified in the evaluative
7 criteria of ethical fitness, professional and
8 academic ability, character, reputation,
9 experience, and judicial temperament. Just a few
10 brief housekeeping issues.

11 **Q. Mr. Ruffner, are you aware that as a judicial**
12 **candidate you are bound by the Code of Judicial**
13 **Conduct as found in Rule 501 of the South**
14 **Carolina Public Court Rules?**

15 A. Yes, sir.

16 **Q. Since submitting your letter of intent, have you**
17 **contacted any members of the Commission about**
18 **your candidacy?**

19 A. No, sir.

20 **Q. Are you familiar with Section 2-19-70, including**
21 **the limitations on contacting members of the**
22 **General Assembly regarding your screening?**

23 A. Yes, sir.

24 **Q. Since submitting your letter of intent, have you**
25 **sought or received a pledge of any legislator**

1 either prior to this date or pending the outcome
2 of your screening?

3 A. I have not, sir.

4 Q. Have you asked any third parties to contact
5 members of the General Assembly on your behalf,
6 or are you aware of anyone attempting to
7 intervene in this process on your behalf?

8 A. No, sir.

9 Q. Have you reviewed and do you understand the
10 Commission's guidelines on pledging in South
11 Carolina Code Section 2-19-70(E)?

12 A. Yes, sir.

13 Q. Thank you, Mr. Ruffner.

14 MR. COHL: I would note for the record that any
15 concerns raised during the investigation
16 regarding the candidate were incorporated into
17 the questioning today. Mr. Chairman, I have no
18 further questions.

19 CHAIRMAN RANKIN: Any more questions by members of the
20 Commission? Mr. Jordan. Representative Jordan.

21 MR. JORDAN: Thank you, Mr. Chairman. Mr. Ruffner, I
22 just want to briefly compliment you on what you
23 brought up a couple times during this process.
24 It's not always that you see the level of
25 positive comments for someone, and it clearly is

1 the case in your situation. Also, I think it's
2 important to note from time to time sometimes the
3 Bar will express its pleasure through the
4 comments, but also by not putting up a candidate
5 against you as well. So I think you're to be
6 complimented in that respect for your Fourth
7 Circuit bar membership in that respect. So to
8 that degree, I so say. Thank you.

9 MR. RUFFNER: Appreciate those kind words.

10 MR. RUFFNER - EXAMINATION BY CHAIRMAN RANKIN:

11 Q. I looked at the Lizen B, a.k.a. Malik Al-Shabaaz
12 case, and I noticed in the order that you're
13 describing writing that sanctions were ordered,
14 but there's no order defining what they are, or
15 is it just the admonition that thou shalt not
16 come back again?

17 A. I think it was just the admonition that, and I
18 haven't looked at it in a while, but I believe it
19 was the admonition that he couldn't file any
20 suits in the 4th Circuit without seeking approval
21 of the chief administrative judge. And likewise
22 I think that he couldn't file any FOIA requests
23 related to his -- what the crime he was convicted
24 of without seeking that same permission. Again,
25 he was in prison. He's recently been released,

1 so he'll probably get cranked up here again soon.
2 But, again, it was not an effort to be punitive
3 to him in any manner. It was really just more to
4 protect our clerk's office from getting flooded
5 with these lawsuits. Again, there was no -- not
6 any effort there to try to be punitive to him.
7 Frankly, to meet him, he's not an unpleasant
8 fellow, as hard as that may be to believe, so.

9 **Q. Your letters of reference here include one from**
10 **someone that many of us know and admire well and**
11 **highly, and that being Judge Henderson.**

12 A. Yes, sir.

13 **Q. And so without another comment that he has said**
14 **yes or he has volunteered to offer his**
15 **endorsement of you is telling. One question, and**
16 **I don't practice in this arena, but I'm reminded**
17 **with every Family Court judge either seeking**
18 **first-term status or re-election, docket**
19 **management.**

20 A. Yes, sir.

21 **Q. Is that -- do you foresee that in your circuit, a**
22 **premium to be able to have a well-oiled docket**
23 **management system?**

24 A. I think where it comes into play is with the
25 private docket. Of course, our population, and I

1 made some notes here, population for our entire
2 circuit is 161,000. Our most populous county is
3 Darlington with 63,000, and then Marlboro and
4 Dillon have 27, 28. Chesterfield has 43,000. I
5 can tell you just even though with those small
6 populations, we're, of course, not assigned as
7 many terms of court. So I checked within the
8 last month or so to get a 15-minute temporary
9 hearing. I think you were looking at about six
10 weeks out. So I know the Chief Justice issued an
11 order back in September clarifying the rule about
12 15-minute and 30-minute, that 30-minute hearings
13 were limited to 16-page affidavits, also
14 requiring that if you're going to put a stack of
15 attachments with your affidavit, that you have to
16 have a Rule 1006, Rule of Evidence 1006 summary
17 of those. I hope that will help some. I think,
18 but for us, that's where the problem comes
19 because in Chesterfield, if we're assigned a term
20 of court, and I think a lot of the private
21 practitioners may not realize this, private
22 practitioners that don't practice in other areas,
23 you have a one-week term of court. You've got
24 one day that's DJJ cases. You've got one day
25 that's DSS abuse and neglect cases. You've got

1 one day that's DSS child support day. So by the
2 time it's said and done, you maybe, maybe if
3 you're lucky, you have two days to schedule
4 private cases. Talking with some other
5 practitioners, had one that was scheduling, I
6 think, maybe a two-day trial. They were looking
7 out into March of next year to schedule that. So
8 I think, as I say, even though we're a smaller
9 county and a smaller circuit population-wise, due
10 to the number of terms of court we get, we have
11 probably some of the same problems that the
12 larger counties do with bigger populations.

13 **Q. Mr. Safran is not sitting at his desk, but it's a**
14 **question. He's here, but I'm going to ask this**
15 **for him. He's listening raptly, I promise you.**
16 **But one of his questions of all particularly new**
17 **candidates, but then no spear to the reelection**
18 **candidates as well, the run-the-train mentality.**
19 **We've got to move this docket. We've got to get**
20 **these cases. This docket has got to be winded**
21 **down. A little bit of time for everybody, and**
22 **you've got 15 minutes. Aside from the order**
23 **which you say is coming in terms of your practice**
24 **with Family Court judges, that you've appreciated**
25 **the way they've run the docket, how do you see**

1 **yourself allowing a more out-of-the-norm**
2 **temporary hearing that is limited on the calendar**
3 **or rostered by 15 minutes?**

4 A. I think you've got to balance that. While
5 keeping the docket running is important, and you
6 may have some lawyers and other litigants in
7 cases that are out there in the hall waiting. A
8 way to just say we've got to keep the train
9 rolling without giving due consideration to those
10 matters that are raised at temporary hearings, I
11 think is not necessarily what I would agree with.
12 Now, if I'm elected and I'm sent down to Horry or
13 Charleston and I've got 50 temporary hearings in
14 a week, my position on that might change. I
15 think one thing, again, with the Chief Justice's
16 order really narrowing down, you're limited to
17 eight pages on 15-minute hearings, 16 on
18 30-minute hearings. I think it's going to be
19 incumbent, and the judges I have spoken with do
20 this. Because the lawyers are going to be so
21 limited, back in the old days when I first
22 started, I felt like I could just kind of, for
23 lack of a better word, spoon-feed in that
24 affidavit. I could make it as long as I wanted
25 to, and it would have kind of everything in it.

1 I think the judges now know that they've got to
2 get there, they've got to look at that file. At
3 least have an idea of who the parties are, what
4 the issues are, before they get to the temporary
5 hearing because they can't rely on, with the
6 limited space they have, those lawyers to put
7 that in an eight-page affidavit. Now, that being
8 said, I think if you have a lawyer that comes in
9 and schedules a 15-minute hearing, and it's
10 readily apparent that it should not have been
11 scheduled for a 15-minute hearing, probably you
12 get through that hearing and then maybe call the
13 lawyers to the back at some point to discuss, we
14 can't do this in the future. Those 15-minute
15 hearings need to be streamlined. It's not fair
16 to that next person down the line who really does
17 have a 15-minute hearing, for them to
18 unnecessarily take up time. I can tell you, Mr.
19 Chair, that is one of my primary concerns, is
20 temporary hearings and dealing with those. As a
21 lawyer, I kind of took it for granted. I was
22 worried about my affidavits, and really, when you
23 get to the hearing, because you don't exchange
24 them ahead of time, looking at the opposing
25 party's affidavits to know what I needed to say

1 if I was given an opportunity. So as a lawyer, I
2 kind of took that for granted. But that is one
3 of the things that, again, if I'm fortunate
4 enough to reach the bench, that I do have very
5 serious concerns about in making sure that that
6 is addressed appropriately, and hopefully from
7 the more experienced judges, they can give me
8 some ideas about how to handle that. I see Mr.
9 Safran has now taken his seat. I'm glad to
10 answer any additional questions about that.

11 Q. Yes. For the record, those of you reading this
12 only and not watching, he has been in his seat
13 the entire time. His seat moves just like mine.

14 A. Okay.

15 Q. And a mic is available wherever he's sitting,
16 perhaps now included. Mr. Safran.

17 MR. SAFRAN: Thank you, Mr. Chairman.

18 MR. RUFFNER - EXAMINATION BY MR. SAFRAN:

19 Q. And, again, this is basically coming from
20 somebody who had enough of a taste of Family
21 Court to know he didn't want to be there anymore.
22 But it's troubling -- and, again, I'm not here to
23 basically pontificate, but you just touched on
24 it.

25 A. Yes, sir.

- 1 Q. You're a lawyer. You're hired to basically be an
2 advocate. You're now being told that essentially
3 your evidence is going to be in an affidavit,
4 that now your pages are going to be limited.
5 Okay. We had this conversation with a judge the
6 other day who was seemingly receptive to the idea
7 that if basically you're already going to be
8 limited in time, now you're going to be limited
9 in terms of what your affidavit is going to
10 contain, and on top of that, you don't even know
11 what the other person is saying. Is there any
12 legitimate reason not to let some argument be
13 allowed from each attorney? Because what's the
14 point of you being there otherwise? I mean, I
15 think you've probably tasted that situation
16 before.
- 17 A. I have -- I say fortunately. I know there are
18 some judges who, as a rule, do not permit
19 argument at temporary hearings. I have never
20 personally experienced that. The judges I have
21 appeared in front of did allow you to give
22 argument, and I say most of the time that
23 argument is responding to something that's in the
24 opposing party's affidavit. Because, again,
25 unlike most anything, other kind of court I've

1 experienced, and I've been in about every court
2 you can, you're getting there and you're under
3 the gun. You've got 15 minutes, and you've got
4 to get their affidavits while also trying to
5 present your argument and try to come up with a
6 response to that. It's a tough, tough scenario
7 to be put in, and there's also an appreciation
8 for me as a lawyer the time that has gone into
9 that 15 minutes, hours and hours, meeting with
10 your client, meeting with witnesses, drafting
11 affidavits, getting financial information that
12 have gone into that 15 minutes at which some very
13 important decisions are going to be made about
14 custody, child support, alimony, that are
15 probably going to be in place for an extended
16 period of time.

17 **Q. If not forever.**

18 **A.** And it can be forever.

19 **Q.** So I guess that's the question. You know, we
20 keep coming back to that. I don't think anybody
21 has disagreed with me yet that basically what
22 happens at that temporary hearing, not only sets
23 the tone but likely is going to substantially
24 represent what the long-term conclusion of the
25 case is going to be. So I guess the question is

1 this, and I'm certainly not picking on you, and
2 you're stepping into a situation saying, hey, you
3 know, I'm just trying to get in there to, you
4 know, dip my feet. I'm not somebody who's here
5 to change the world. But when you consider that
6 this is the most emotionally charged type of
7 litigation that we have, why is it that it seems
8 like it is imposing barrier after barrier after
9 barrier to make it to where it's effective to try
10 to let people kind of have their true day in
11 court? I mean, is there any justification to
12 that?

13 A. Other than the docket management issue, you know,
14 I don't see one. But, again, I'm coming at it
15 from just one side right now. I've only been on
16 one side of it.

17 Q. You know, in the old days, and I understand it
18 was a different time, but, you know, they
19 actually used to do Family Court on Saturdays.

20 A. I do. One of my predecessors in my law firm many
21 years ago, Circuit Judge James Spruill, I
22 remember hearing stories about him coming down to
23 downtown Cheraw and doing Family Court on
24 Saturdays.

25 Q. Well, I mean, and that's back then when the

1 circuit judges used to do it.

2 A. That's right. He was a circuit judge at the
3 time, yes, sir.

4 Q. And so, basically, I guess, you know, I'm not
5 suggesting there's any easy answer. But when we
6 hear from people like you who say, I want to be
7 conscientious about this. I want to come in here
8 and basically recognize that I experience some of
9 the deficits, the negatives, you know, how much
10 do you feel like you're going to be capable of
11 kind of trying to remedy some of the ills of what
12 I think is a difficult system?

13 A. I mean, I hope I will be up to that task again.
14 You know, I will look to my colleagues, if I get
15 there, for some guidance on that. Perhaps the
16 Chief Justice can look at some other changes,
17 having been a Family Court judge himself. I
18 don't have a good answer to your question. I
19 just know, and that's the reason it's one of my
20 chief concerns, is that that temporary hearing is
21 so important. And to limit it to 15 minutes and,
22 again, I've never experienced, but you hand up
23 affidavits and I'm going to make a decision on
24 it.

25 Q. Well, and the only thing I could suggest to you

1 is this. You know, I've had the pleasure and the
2 privilege of sitting through a lot of these
3 hearings now over a while, and what I remember
4 hearing and what really kind of still sticks with
5 me is that, uniformly, the judges that were
6 considered to be the cream of the crop were the
7 ones that basically told us and proved outside of
8 here that I don't care if I have to stay late,
9 I'll stay late. If I've got to give it extra
10 time, I'll give it extra time. I guess their
11 only concern was I don't want to impose on the
12 courthouse personnel.

13 A. Right.

14 Q. But if they're willing to be here with me, then
15 so be it. You know, we'll hang around and do
16 what needs to be done. And I think, as the
17 chairman pointed out, there's certainly some
18 recognition that we've got a lot of people
19 waiting in the hall and we've got to get these
20 things done. But I'm telling you, I'd be lying
21 to you if I told you that I haven't gone in other
22 arenas and had to wait in the hall for three,
23 four, five hours to get my time. But when it
24 comes down to it, I think I owe it to the clients
25 and I think the system does, too. And so, you

1 know, what I'm hoping that you'll do is be like -
2 - and I'm just throwing a name out here, the Phil
3 Sinclairs who basically said, look, this is
4 serious business and I'm going to be there as
5 long as I have to be to make sure I'm doing the
6 right thing for everybody. And that, you know, I
7 think the more people that basically step into
8 these jobs with the idea that that's what I'm
9 going to do, that's how these systems get changed
10 is because of the people who are actually the one
11 administering them on the ground.

12 A. Right.

13 Q. And so, again, I appreciate your thoughts and
14 appreciate your hope that maybe we'll be able to
15 find some better way here. Thank you.

16 A. Yes, sir. Thank you.

17 CHAIRMAN RANKIN: Senator Garrett.

18 MR. RUFFNER - EXAMINATION BY SENATOR GARRETT:

19 Q. Thank you, Mr. Chairman. Just briefly, I was
20 intrigued by your, was it on your own volition
21 that you decided to go in and do a little
22 juvenile work?

23 A. I did, yes, sir. That was, again, something that
24 I felt looking back at some other judges that had
25 come before, that appears to be one of the areas

1 that a lot of judges lack experience in. I've
2 been on the DSS side, so I've been involved with
3 children, and I felt like that that was very
4 important to do that, to get that experience with
5 the system. And then also, again, I felt very
6 strongly about touring DJJ's facilities, and
7 fortunately we have a director that the Senate
8 confirmed who I think does a fantastic job,
9 outstanding lady, who was kind enough to do that.
10 When I got her on the phone, before I could even
11 hardly get the words out of my mouth, she said,
12 you want to come on a tour? I was like, yes,
13 ma'am.

14 **Q. Excellent.**

15 **A.** She was very, very amenable to doing that.

16 **Q. Well, just to make a statement about that. I**
17 **mean, that shows tremendous intellect on your**
18 **part and curiosity, and it also, you know, we**
19 **have people come in and they don't have civil**
20 **skills, they don't have criminal skills, it's**
21 **hard to find someone who's well-rounded. But you**
22 **on your own volition recognize the importance of**
23 **that, so I think that's important for your future**
24 **education. To Mr. Safran and others, as to this**
25 **docketing, you know, a lot of folks don't realize**

1 that you all have to have emergency hearings in
2 the morning before you even get started on your
3 regular docket. Oftentimes those may even take,
4 to Mr. Safran's point, to do justice, sometimes
5 those take an hour, and so you're already an hour
6 late when you get started, so it's a real
7 difficult setting. How much time do you foresee
8 that it would be before, say, if I wanted to come
9 down there and get a temporary hearing, how long
10 would it be before I could get to you to be able
11 to bring my case before you?

12 A. As far as our regular scheduling?

13 Q. Yeah, right now, you know, based on the dockets
14 that you have. If I want to bring a temporary,
15 how long would it take me to get a 15-minute
16 hearing?

17 A. I think I checked a month or so ago with our
18 clerk's office, and it was about six weeks out.

19 Q. I thought that's what you had said earlier on.
20 That bothers me.

21 A. Yes, sir.

22 Q. So to Mr. Safran's point, we need to, you know,
23 we need to give them time. But by the same
24 token, if we have to have extra time in court,
25 what do we do? We've got to take care of the

1 emergencies. You've got to do that. You've got
2 to handle your DJJ. You've got to take care of
3 those kids, and then DSS. So I'm assuming you
4 have to have a day for DSS. So your private Bar,
5 you know, has only got two, three days to do
6 their work. And they are inundated with the
7 earlier cases, so it's a difficult task. So just
8 wish you the best. I'm excited about your
9 offering. I think you'll be a tremendous asset,
10 and I hope you come back. As was stated earlier,
11 no one complained about you, and after
12 20-something years, if you've got nobody
13 complaining about you, just wait until you sit on
14 the Family Court bench.

15 A. I was going to say that. Excuse me. That's what
16 other judges have said. They said wait until
17 you're on the bench for six years and come back.
18 You'll have folks that you'll have made mad and
19 will complain about you.

20 **Q. Thank you very much for serving.**

21 A. Thank you, sir.

22 CHAIRMAN RANKIN: Any other questions? Ms. Ruffner,
23 we did not extend to you the opportunity to write
24 a complaint, anonymous complaint, so that is not
25 allowed on the record. But for the record, you

1 are smiling brightly, so I appreciate you getting
2 my sense of humor there.

3 MS. RUFFNER: No problem.

4 CHAIRMAN RANKIN: But to that point that Senator
5 Garrett just raised, we just screened Judge
6 Jarrett, Ernie Jarrett, and by percentage,
7 effectively, you both enjoy a similar regard by
8 those you've dealt with. You as an attorney, as
9 asked earlier or shared earlier, no negative
10 comments, about 240 some comment or rather
11 respondents, 40 positives, not one negative.
12 Judge Jarrett effectively doubled that, 400 and
13 some odd, 70, I think, and 90 took the time to
14 write a comment, not one negative comment.
15 Perhaps there is an example of how you can do it
16 well.

17 MR. RUFFNER: Okay.

18 CHAIRMAN RANKIN: Maybe you have to go out of your
19 circuit, as he has done, in going to Berkeley,
20 but nonetheless, it can be done. And so I want
21 to commend that to you, and particularly to your
22 wife, in terms of the regard that your husband
23 enjoys by his peers, who could have said any
24 number of things. You are ready for prime time,
25 and it is soon to be yours.

1 MR. RUFFNER: I appreciate those kind words.

2 CHAIRMAN RANKIN: So unless there are any other
3 questions, Mr. Ruffner, this concludes this
4 portion of the screening process.

5 MR. RUFFNER: I apologize, and I know you all are
6 running ahead and want to continue to run ahead.
7 There's one thing I wanted to share with the
8 Committee, or the Commission, if I could.

9 CHAIRMAN RANKIN: And I offered that at the outset, so
10 forgive me.

11 MR. RUFFNER: And I apologize. I kind of wanted to
12 say this to the end, and it won't take me but a
13 second. This is an email from a judge that you
14 all will be screening maybe tomorrow. It's
15 almost 12 years to the day. It's back on
16 November 29 of 2012. Then Jim McGee, now Judge
17 Jim McGee, had been nominated. He was the only
18 nominee for a seat, so I sent him a
19 congratulatory email. Just saw you were the only
20 candidate nominated for your Family Court seat.
21 Congratulations. You'll make a fine addition to
22 the bench. Hope you will be assigned to
23 Chesterfield, take care. His response to me, and
24 I have saved this email for 12 years, and I have
25 never forgotten this. Thanks, Heath. I promise

1 I will never forget what it's like to practice
2 law. Hope to see you soon. I think if more
3 judges had that attitude, practicing law, being a
4 litigant in a case is tough. Those times when
5 you're maybe not having a good day and you tend
6 to be a little impatient, think about that.
7 Think about what practicing law is like. That's
8 what I want to be. That's what I want to do.
9 And that is what I feel like will be a good
10 guiding principle. And I can tell you that Judge
11 McGee has been faithful to that. I'm sure you
12 all know that based on his reputation around the
13 state.

14 CHAIRMAN RANKIN: He was elected in 2012.

15 MR. RUFFNER: Elected in 2012. That's what I told
16 him. I said, Judge, I can't believe it's been 12
17 years since you've been on the bench. I
18 appreciate that indulgence to share that with
19 you.

20 CHAIRMAN RANKIN: Very good. Very good. All right.
21 Now, again, in terms of the record, it remains
22 open. And pursuant to our adherence to both the
23 letter and the spirit of the state ethics law,
24 any violation by you of the appearance of
25 impropriety would be deemed very serious. You

1 understand that the final record of report is not
2 released until the final record of qualifications
3 is released, correct?

4 MR. RUFFNER: Yes, sir.

5 CHAIRMAN RANKIN: And you understand that we could
6 call you back in the unlikely event that that
7 were to occur.

8 MR. RUFFNER: Yes, sir.

9 CHAIRMAN RANKIN: Very well. Thank you. And thank
10 you for being early because your time is not
11 quite nigh. We are finished before your arrival
12 time. So you all beat the traffic and head back
13 to Cheraw.

14 MR. RUFFNER: Yes, sir.

15 CHAIRMAN RANKIN: Take care.

16 MR. RUFFNER: Thank you. Thank you all members of the
17 Commission.

18 (OFF THE RECORD)

19 CHAIRMAN RANKIN: All right, Judge, we are back on the
20 record, and welcome.

21 JUDGE CONITS: Thank you.

22 CHAIRMAN RANKIN: Thank you so much for being here
23 well before our appointed hour. You might beat
24 traffic back up the road yet. You can hear me,
25 but the other two people in the world can't, so

1 my apologies. First, let me get you to raise
2 your right hand.

3 THE HONORABLE ROCHELLE YARBOROUGH CONITS, being
4 duly sworn, testifies as follows:

5 CHAIRMAN RANKIN: You have two statements. Are they
6 ready to be put into the record, the PDQ and the
7 sworn statement?

8 JUDGE CONITS: Yes, sir.

9 CHAIRMAN RANKIN: All right, we'll mark those as
10 exhibits and put into the record. Judge, as you
11 know from your prior screenings before JMSC, our
12 role in vetting your candidacy is to look at the
13 nine evaluative criteria, which includes the
14 ballot box survey, thorough study of the
15 application materials, check for confirmation in
16 compliance with the state ethics law, search in
17 newspaper articles in which your name appears,
18 study of past screenings, and check for economic
19 conflicts of interest. Today, there is one
20 affidavit filed in opposition to your election.

21 A witness, we will introduce her shortly.

22 (Exhibit Number 25 was marked for identification
23 purposes - (19 pages) Personal Data Questionnaire for
24 The Honorable Rochelle Yarborough Conits.)

25 (Exhibit Number 26 was marked for identification

1 purposes - (10 pages) Sworn Statement of The Honorable
2 Rochelle Yarborough Conits.)

3 JUDGE CONITS: Certainly.

4 CHAIRMAN RANKIN: At this point, if you will, I'm
5 going to ask you to have a seat, and we're going
6 to introduce the Complainant now.

7 JUDGE CONITS: Certainly. Thank you.

8 CHAIRMAN RANKIN: Come on up, ma'am. You will raise
9 your right hand.

10 CYNTHIA GLENN, being duly sworn, testifies as
11 follows:

12 MS. GLENN: Yes, sir.

13 CHAIRMAN RANKIN: And state your name for the record,
14 please.

15 MS. GLENN: My name is Cynthia Glenn.

16 CHAIRMAN RANKIN: Very well. And you're going to need
17 to lean in or pull that mic back to you a little
18 closer so we'll be able to hear you when we have
19 questions of you. At this time, I'll turn it
20 over to Maura Baker for discussion, and then
21 we'll proceed back to the judge.

22 MS. BAKER: Thank you, Mr. Chairman. Ms. Glenn, the
23 Commission has before it your affidavit of
24 complaint. Is the basis of your complaint and
25 the information you've provided, including the

1 exhibits, from a Family Court matter that had
2 been heard in front of Judge Conant and was
3 sealed?

4 MS. GLENN: Yes, ma'am.

5 MS. BAKER: I respectfully request the affidavit be
6 made a part of the record at this time. For the
7 record, home addresses have been redacted, and
8 with the Commission's permission, any references
9 to the sealed record, including the case name,
10 parties in the case, any minors' names, and
11 documents that would be under seal or
12 confidential will not be included in the public
13 record.

14 (Exhibit Number 27 was marked for identification
15 purposes - (6 pages) Affidavit of Cynthia Glenn)

16 MS. GLENN: Ma'am, they're no longer sealed. They're
17 a part of the public record of the South Carolina
18 Court of Appeals, and they were unsealed a month
19 after they were sealed.

20 MS. BAKER: We'll have to address that in a moment,
21 but it is my understanding that once the Court of
22 Appeals case was decided, the record was
23 resealed.

24 MS. GLENN: The case was sealed for my benefit, for my
25 protection. So I'm submitting it now because it

1 does not protect me. So if you're not going to
2 allow the sealed documents, what is it that
3 you're going to allow?

4 MS. BAKER: Ma'am, the -- for your information, the
5 Commission members have the documents in front of
6 them. Once the hearings are over, we post the
7 information on our website, and that is where we
8 are saying the information would not be included.

9 MS. GLENN: Correct. I want my documents to be part
10 of the public record.

11 CHAIRMAN RANKIN: Difficulty for us, Ms. Glenn, is
12 that you're saying that here before us today with
13 a complaint, but we are bound by what the court
14 records show. And there's no court order stating
15 that these records are now unsealed. So that's
16 the difficulty for us.

17 MS. GLENN: There is a court order saying that
18 they're unsealed, which I would have
19 provided for you had you asked for it, but
20 no one has asked me for that. There is an
21 order a month after this occurred where the
22 records were unsealed, and I did provide the
23 transcript that said that they were only
24 sealed for my benefit. So if they were only
25 sealed for my benefit, they need to be part

1 of the public record.

2 CHAIRMAN RANKIN: Well, and that order, the last order
3 that we've got by way of your submission, in
4 fact, unless mistaken, includes statement in item
5 number nine, all parties consent to the record
6 being sealed. This court finds that sealing this
7 record is appropriate to protect all parties and
8 the minor children. You may be availing yourself
9 today to tell us that you want it unsealed, but
10 you don't speak for all parties.

11 MS. GLENN: So the names have been redacted of the
12 minor children, obviously, in everything that
13 I've submitted. I did submit my complaint in a
14 timely manner. And this Committee did have the
15 opportunity to ask for that, and I would have
16 brought it with me had they asked for it. There
17 is an order inside of Family Court where it was
18 unsealed.

19 CHAIRMAN RANKIN: And who issued that order?

20 MS. GLENN: I do not remember, sir. It would have
21 been the administrative judge at the time.

22 CHAIRMAN RANKIN: And were you represented at the time
23 that you asked that the record be unsealed?

24 MS. GLENN: I honestly do not recall. There were
25 times that I had representation and times that I

1 did not have representation.

2 CHAIRMAN RANKIN: Okay, and your opposing party is now
3 deceased. Is that correct?

4 MS. GLENN: That is not correct, no.

5 CHAIRMAN RANKIN: Forgive me.

6 MS. GLENN: The co-defendant is deceased.

7 CHAIRMAN RANKIN: The co-defendant is deceased. And
8 the other defendant is not deceased.

9 MS. GLENN: The plaintiff is not deceased.

10 CHAIRMAN RANKIN: And the plaintiff was represented by
11 counsel?

12 MS. GLENN: Yes, sir.

13 CHAIRMAN RANKIN: Okay. And you don't remember where
14 the court was that unsealed the record?

15 MS. GLENN: It was Family Court. It was Greenville
16 County Family Court, the same court that sealed
17 it.

18 CHAIRMAN RANKIN: Well, I suggest to you, Ms. Glenn,
19 we're at a little bit of a disadvantage because
20 for fairness purposes, the judge that you filed a
21 complaint against has not filed a response
22 because she is under the belief, perhaps a
23 misapprehension of fact, that this record remains
24 sealed. And therefore, if that remains to be the
25 case, we can't hear and discuss and thoroughly

1 vet a complaint filed other than slightly
2 anecdotally because we don't have a record that
3 is open for God and country to consider. And
4 that's a difficulty for us.

5 MS. GLENN: It is clear by the transcript that I
6 provided that it was sealed for my benefit. In
7 the transcript, that is what it says. Had we
8 been notified in time, we could have gone back to
9 the administrative judge and asked for that to be
10 unsealed so that everybody could see it. I'm
11 sorry, ask again for today's purposes.

12 CHAIRMAN RANKIN: Let me ask you to stand down just
13 for a second, and I want to bring Judge Conits
14 up. You're not a good historian here, but I want
15 to find out what her version is of whether
16 there's an order on unsealing this record, if you
17 don't mind. If you'll have a seat, we're going
18 to bring her up, and then we'll figure out how
19 we're going to proceed with your complaint.
20 Okay?

21 MS. GLENN: I thought we had determined that she
22 couldn't see it because it was sealed.

23 CHAIRMAN RANKIN: That's what we're about to find out.
24 Judge, in terms of your knowledge of this that
25 we've just heard in terms of the status of

1 whether a record has been unsealed or not, can
2 you help us with that?

3 JUDGE CONITS: To the best of my recollection, because
4 this case was, I believe, in 2016, the case was
5 sealed by my August order, I believe, of 2017,
6 and then there was an appeal. So it was unsealed
7 for purposes of the appeal and unsealed as long
8 as the appeal was pending and then resealed. So
9 to the best of my knowledge, the case is still
10 sealed.

11 CHAIRMAN RANKIN: And, again, not to protect you, but
12 -- help us. We're not family -- I'm not a family
13 litigator.

14 JUDGE CONITS: Yes, sir.

15 CHAIRMAN RANKIN: But does a order require consent of
16 both parties or whatever the litigants remain to
17 unseal?

18 JUDGE CONITS: No, to unseal it, it would just require
19 a Family Court order to unseal it.

20 CHAIRMAN RANKIN: Can one party of their own initiate
21 and accomplish the unsealing of a record?

22 JUDGE CONITS: With notice to all parties.

23 CHAIRMAN RANKIN: Right. And would there be a record
24 that we could access electronically here of
25 whether the order which she is speaking of in the

1 record has been unsealed?

2 JUDGE CONITS: Not that I know of. You mean to
3 electronically see if this file is sealed? I
4 believe this file is still sealed. It was
5 resealed after the appeal was dismissed.

6 CHAIRMAN RANKIN: So if you don't mind, have a seat
7 again. And, Ms. Glenn, come on up. So, again, a
8 little difficulty for us. I don't think I've
9 ever seen this before. But for purposes of what
10 you're going to talk about, understand that
11 without an order that says anything that you've
12 submitted is a matter of public record, we're not
13 going to get to -- we're not going to post that.
14 That's not going to be included in our record at
15 all.

16 MS. GLENN: Sir, there is still time for us to go to
17 the administrative judge and ask for it to be
18 unsealed for this purpose.

19 CHAIRMAN RANKIN: Well, no, ma'am, there's not. And
20 no disrespect to you, but whether you should have
21 been told that or known of your own, I'm not
22 going to hold our staff as failing to give you
23 due process here. My point to you is, in trying
24 to be fair, we will hear from you to whatever
25 degree that your complaint deals with the judge's

1 qualifications to serve. You understand that
2 without an order that I would assume she, too,
3 would be on notice of being unsealed. She cannot
4 -- and we're not going to be able to hear from
5 her because of a specific canon of ethics and
6 judicial conduct that says you cannot talk about
7 something that is not a public record.

8 MS. GLENN: So to her statement, I got an order that
9 said that it was unsealed. I never got another
10 order stating that it was resealed.

11 CHAIRMAN RANKIN: Well, and again, you as a litigant
12 know well your facts. As an officer of the court
13 and as a judge, she, too, is held to a standard.
14 And so for purposes of how we proceed here,
15 again, we're going to turn it over to Ms. Baker,
16 but you understand where we are and what we can
17 hear and what we can't hear.

18 MS. GLENN: Well, I understand that this Committee's
19 job is to qualify judges. And if this
20 committee's hands are tied because a case is
21 sealed, then what benefit is being here today?

22 CHAIRMAN RANKIN: This case ended in what year was it?

23 MS. GLENN: I believe that order was 2017.

24 CHAIRMAN RANKIN: All right. Ms. Baker.

25 MS. BAKER: The purpose of today's hearing is for the

1 Commission to review the qualifications of the
2 candidates and to determine whether Judge Conant
3 is qualified to be re-elected to the Family Court
4 bench. The Commission is not here to re-litigate
5 a case, and they do not have the ability to
6 change the result of a case. Ms. Glenn, you've
7 submitted your affidavit, which the Commission
8 members have before them and have reviewed prior
9 to the hearing. Is there anything else that you
10 wish to testify to specifically regarding Judge
11 Conits' ethics, competency, or character that has
12 not already been covered in the documents before
13 the Commission?

14 MS. GLENN: Yes, there is. But for the record, I did
15 submit transcripts that were 41 pages, orders
16 that were 32 pages, a complaint that was 5 pages,
17 Exhibit 1 that was 1 page, Exhibit 2 that was 3
18 pages, Exhibit 3 that was 8 pages, and Exhibit 4
19 that was 8 pages. And I would like to make a
20 statement. I believe the actions that I will
21 describe today challenge Judge Rochelle Conits'
22 character, competency, and ethics. On September
23 1st, 2016, Ms. Conits called me into the
24 courtroom and told me that I had been added as a
25 party to a case that had already been in progress

1 for three days. Even though I was added as a
2 party, I was never given any rights as a party.
3 I was not allowed to testify, call witnesses,
4 present evidence, or participate in the hearings.
5 When I objected, Ms. Conits created an order
6 claiming that I had been given a day in court and
7 was represented by my attorney, but no such
8 hearing ever occurred. I have provided a lot of
9 evidence that I believe prove my allegations.
10 This was a Family Court hearing in which my
11 husband's ex-wife was seeking a change from
12 shared to full custody. Apparently, she had made
13 many outrageous allegations against me, including
14 threats of murder. Police and SLED had become
15 involved, and there was plenty of evidence in my
16 favor. When I was added as a defendant in the
17 case, I was given no notice, I was not served,
18 and I had no attorney to represent me or to
19 defend any of my rights as a party. I wasn't
20 even informed as to why I was suddenly a
21 defendant in a case that was already half over.
22 Ms. Conits did not create an order adding me to
23 the caption, which made it nearly impossible to
24 retain counsel. When I did find an attorney, he
25 was already scheduled in a higher court for the

1 same day, but filed for a continuance on my
2 behalf. Even though he properly filed and
3 notified the judge, opposing counsel, and the
4 guardian ad litem, the motion was ignored, and
5 the hearing again continued without me. The
6 failure of the court to recognize the motion for
7 continuance denied me the ability to present
8 testimony, evidence, witnesses, or defend myself
9 in any manner. Thankfully, my attorney was able
10 to arrive during the last minutes of the hearing
11 and voice my desire to participate as a
12 defendant. Ms. Conits eventually acknowledged
13 that a motion for continuance had been filed and
14 that all parties had not been heard, but despite
15 this acknowledgment, she issued a final order
16 anyway. The judicial instructions and the final
17 order both stated that the record remain open to
18 allow me to present evidence and testimony, and
19 that the Court would afford me the right to be
20 heard on matters pertaining to me. I continue to
21 assert that testimony after a final order
22 contradicts my understanding of due process
23 rights and standard court procedures. Non-biased
24 or accurate orders simply cannot be written prior
25 to the defendants being able to submit evidence

1 and testimony. I learned from the transcripts
2 that the testimony of two separate guardian ad
3 litem was that they were recommending a change
4 of custody based upon the accusations made
5 against me and not because of any characteristics
6 of my husband. Both guardians stated for the
7 record that they believed that my husband was a
8 good father. To reiterate, my husband lost
9 custody of his children based upon the presumed
10 guilt of a third party. A third party who was
11 denied the ability to defend the accusations made
12 against her. At a motion to quash discovery
13 hearing, Conits herself began to ask me questions
14 related to the motion to quash. She then
15 canceled the hearing that had been scheduled for
16 me to present my testimony and evidence. When
17 Conits was reminded that her decisions on custody
18 had been based upon untruths, she laughed and
19 said, this is Family Court. She then insisted
20 that any testimony against me that I considered
21 to be perjury was a matter for us to take up as a
22 civil action. Basically, instead of allowing a
23 defendant to produce evidence and witnesses, she
24 suggested that I submit my defense in the form of
25 a lawsuit against the plaintiff. Of course, that

1 would have no bearing upon custody, which was the
2 issue before the Court. These actions make it
3 apparent that Conits did not believe that was her
4 responsibility to make rulings based upon truths.
5 A second final order was drafted after the motion
6 to quash hearing, and a third one after I filed a
7 motion to reconsider. Conits herself chose to
8 write the third final order. Transcript shows
9 that Conits verbally acknowledged knowing that I
10 was not given the ability to present testimony,
11 but her orders state something very different.
12 It contrives a hearing that never occurred. The
13 order states, counsel for third-party defendant
14 Cynthia Glenn filed an initial motion and
15 requested that the record remain open for her to
16 present testimony and evidence to refute the
17 trial evidence. The court granted her a hearing
18 and a motion, allowing her through counsel to
19 argue her motion. Said hearing was held before
20 me on May 8th, 2017. While the court declined to
21 reopen the record for Ms. Glenn to present
22 testimony and evidence. First, there was never a
23 motion to reopen the case because there was
24 already an order requiring the case to remain
25 open. You have that order in front of you. But

1 most importantly, there was no hearing, not on
2 May 8th, not on any day. Conits was informed of
3 the many inaccuracies in her order, but she would
4 not repair them. However, she did reply to the
5 Commission of Judicial Conduct complaint and
6 implied that the error was simply the date of the
7 hearing and that she was willing to change the
8 date to February 6, 2017. But that was the date
9 of the motion to quash hearing. Obviously, a
10 motion hearing is not the appropriate time to
11 present testimony in a case, and we can also see
12 from the transcript that it did not happen. As
13 this committee is fulfilling its duty to consider
14 Rochelle Conits' qualifications, please remember
15 that Ms. Conits herself drafted the post-trial
16 order, thereby providing false testimony in the
17 form of an order. She herself fabricated a
18 hearing where she alleged that a trial had
19 occurred when it most definitely did not. She
20 herself distorted the time-line to imply that I'd
21 entered a motion to reconsider prior to the
22 motion to quash hearing. She herself fabricated
23 the story that I filed a motion requesting that
24 the record remain open with full knowledge that
25 she had granted that right in the original order.

1 She herself created the untruth that I was
2 allowed to argue that same nonexistent motion.
3 She did not request that the order be drafted by
4 one of the attorneys. Instead, she personally
5 drafted all of these untruths and then signed it
6 in wet ink and submitted it as part of the court
7 record. I now submit to the Judicial Merit
8 Selection Committee that lives have been
9 absolutely ruined by the reckless decisions and
10 actions of this particular judge, Rochelle
11 Conits. It's my belief that such actions are
12 unethical and show an extreme flaw in her
13 character and competency.

14 CHAIRMAN RANKIN: All right. And any questions by any
15 members of the Commission for Ms. Glenn? Mr.
16 Safran.

17 MR. SAFRAN: Thank you, Mr. Chairman. Ms. Glenn, let
18 me just clarify a couple things with you because
19 I want to make sure I'm understanding you.

20 MS. GLENN: Definitely.

21 MR. SAFRAN: Basically, this started out as an action
22 to get a change of custody by the former wife
23 against your husband for children that were their
24 children, correct?

25 MS. GLENN: Correct.

1 MR. SAFRAN: And it was shared custody up to that
2 point?

3 MS. GLENN: Yes, sir.

4 MR. SAFRAN: All right. She was asking to take
5 exclusive custody?

6 MS. GLENN: Correct.

7 MR. SAFRAN: All right. Now, at some point, you were
8 somehow added as a party to this litigation
9 because of allegations made against you by the
10 other wife, by the ex-wife.

11 MS. GLENN: That is what transcript says. I was not
12 there.

13 MR. SAFRAN: Okay. And I guess my point is that I
14 know, at least from looking at what you've
15 provided to us, your husband was represented at
16 least on the custody action before you had to be
17 brought in, correct? He had his own attorney?

18 MS. GLENN: Correct.

19 MR. SAFRAN: All right. And at some point, you got a
20 lawyer that ultimately showed up for you?

21 MS. GLENN: Correct.

22 MR. SAFRAN: All right. So my question is this.

23 This case ultimately was appealed to the Court of
24 Appeals of this state, correct?

25 MS. GLENN: Yes, sir.

1 MR. SAFRAN: And was that one that you were handling
2 the appeal, I guess, on your behalf?

3 MS. GLENN: There were actually two appeals, one for
4 me and one for my husband.

5 MR. SAFRAN: Okay. So was he represented by counsel
6 in the appeal?

7 MS. GLENN: His appeal was denied. I think it was
8 untimely.

9 MR. SAFRAN: Okay. And then how about yours? Were
10 you pro se or did you have an attorney?

11 MS. GLENN: I represented myself.

12 MR. SAFRAN: Okay. So, I mean, I'm assuming you
13 brought these same issues that you're talking to
14 us about to the Court of Appeals.

15 MS. GLENN: That is correct.

16 MR. SAFRAN: All right. And ultimately, was your
17 case dismissed or was it ultimately denied after
18 briefs or how did that go?

19 MS. GLENN: We made it all the way to submitting
20 briefs and were waiting for a hearing, and he
21 died. When he died, they filed a motion to
22 withdraw or deny the appeal. And then the appeal
23 was denied, was considered moot. And at the
24 time, I was not able to submit a writ to the
25 Supreme Court that could adequately explain the

1 situation.

2 MR. SAFRAN: So there was at least an opportunity to
3 seek cert, but you were unable to do that at that
4 point?

5 MS. GLENN: I did seek cert, but I'm just going to
6 admit that it wasn't clear. I'm not an attorney
7 and I was not in a place where I had the time or
8 ability to do that.

9 MR. SAFRAN: Well, and I certainly understand that.
10 But, you know, there are certain rules of law
11 that we're all kind of required to at least
12 recognize when we're involved in these cases.
13 And the last thing I would expect is somebody as
14 smart as you may be, you know, to want to
15 navigate those waters that are involved in
16 appellate process because the vast majority of
17 lawyers don't want to even go there. Very few
18 people do. So I guess my question is, did you
19 consider getting an attorney if these things were
20 important enough to you?

21 MS. GLENN: No, I felt like the appeal was going quite
22 well. And I feel like if he had not died, we
23 would have won the appeal. As a matter of fact,
24 I wasn't even -- didn't even have to pay any
25 attorney fees. So --

1 MR. SAFRAN: I understand that. I mean, which could
2 have been potentially assessed. I understand
3 that. But I guess, you know, my point is, is
4 that, you know, whether we necessarily want to
5 recognize it as being practical or not legally,
6 you know, anybody that's representing themselves
7 is presumed to be have knowledge of all the law
8 that applies. I mean, that's just one of the
9 harsh realities that at least we recognize in the
10 legal system. Are you aware of that?

11 MS. GLENN: I do maintain that and I did in the court
12 system maintain my pro se rights.

13 MR. SAFRAN: Yeah, but as a pro se right, you still
14 have an obligation to unfortunately have to act
15 the same way a lawyer would. Correct?

16 MS. GLENN: No, I act as a defendant.

17 MR. SAFRAN: Well, no, ma'am. I'm saying that when it
18 comes, as you said, you couldn't file something
19 to go to the Supreme Court. You still had to be
20 bound by the same rules as an attorney would have
21 been under the same circumstances. I mean, are
22 you aware of that?

23 MS. GLENN: Yes, we do follow the same rules.

24 MR. SAFRAN: Okay. And you didn't do it. So, I mean,
25 if an attorney would have been out, why would you

1 be any less out at that point?

2 MS. GLENN: I didn't do what, sir?

3 MR. SAFRAN: You didn't perfect your request for cert.

4 MS. GLENN: Well, my husband unexpectedly died.

5 MR. SAFRAN: Well, but I think you said that

6 ultimately was the reason why the court dismissed

7 it in the first place. They deemed it to be moot

8 and so. All right. So, I mean, I guess my point

9 is, is that I know you want us to look at a lot

10 of these things. When we look at this situation

11 as it relates to the lifting of the stay, I mean,

12 do you dispute that the stay was lifted solely

13 for the purpose of allowing the appeal to the

14 Court of Appeals?

15 MS. GLENN: It said that it was lifted for the

16 appeal, but it never said that it was only

17 for the Court of Appeals. However, I will

18 restate that I would have gone to the

19 administrative judge and asked for it to be

20 unsealed for today. If I had known, if I

21 had been made aware, I would have again

22 requested that it be unsealed for today's

23 purposes.

24 MR. SAFRAN: When did the appeal end?

25 MS. GLENN: I do not recall.

1 MR. SAFRAN: Just give me a ballpark.

2 MS. GLENN: Probably 2020.

3 MR. SAFRAN: Okay. So, I mean, we're here four years
4 later roughly, right?

5 MS. GLENN: Well, she's only running for election
6 today.

7 MR. SAFRAN: Okay. But, I mean, you've been waiting
8 for this, haven't you?

9 MS. GLENN: I was aware that it was coming, yes, sir.

10 MR. SAFRAN: Right. And it was your intention to
11 pursue this really some time back, wasn't it?

12 MS. GLENN: I have submitted all of this information
13 to the Court of Appeals without any problem. And
14 I had no way of knowing that this court, this
15 committee, would not accept a complaint based on
16 a judge without all of the information.

17 MR. SAFRAN: Well, I mean, let me ask you this. Do
18 you expect that this committee has the power to
19 correct what a court in the judicial system
20 either decides one way or the other? Do you
21 think we have the power to change that?

22 MS. GLENN: The affidavit said that this Committee had
23 the right to talk to my attorney and to
24 investigate. If you can't investigate, you
25 should find out why you can't investigate. I

1 feel like you cannot investigate without
2 unsealing these records.

3 MR. SAFRAN: Well, I guess my question is this, and I
4 think maybe we're talking past each other.
5 Investigation is one thing. But effectively,
6 you're coming in and telling us that essentially
7 we sit as a super court to decide things that
8 would have been part of the appeal to the Court
9 of Appeals. We can't do that. Okay? We
10 absolutely cannot do that. And if that's your
11 expectation, then maybe you're misunderstanding
12 what the purpose of this is. I mean, we have a
13 very narrow responsibility. Basically, when
14 people come to us, they are asked to provide to
15 us their belief, their evidence that addresses
16 specific criteria. And what I've heard from
17 people, you included, is that it seems like if
18 somebody ruled against you or if you didn't fully
19 avail yourself of the appellate process in a way
20 that may have fixed some of those problems, that
21 we're somehow supposed to sit as a super court
22 and change things. And we don't have that
23 opportunity. We don't have that ability.

24 MS. GLENN: I'm sorry. I don't know what a super court
25 is, and I don't have a problem with the Court of

1 Appeals. But I do believe that this Committee
2 should have the evidence that they need to make a
3 decision today.

4 MR. SAFRAN: Let me ask you this. You're effectively
5 saying that this judge basically made some legal
6 mistakes and factual mistakes. So she was wrong
7 in doing certain things procedurally and
8 factually. That's what I'm hearing from you. Is
9 that an accurate statement?

10 MS. GLENN: No, I believe it's a lot more than that.

11 MR. SAFRAN: Well, what is it beyond that? Tell me.

12 MS. GLENN: Well, a hearing was fabricated. A hearing
13 did not occur. She put in the order that a
14 hearing had occurred when a hearing had not
15 occurred.

16 MR. SAFRAN: Was your attorney at that hearing?

17 MS. GLENN: There was no attorney at that hearing.
18 There was no hearing.

19 MR. SAFRAN: Was your attorney representing you during
20 that time frame? Better question.

21 MS. GLENN: The time frame --

22 MR. SAFRAN: You're saying the hearing didn't occur.

23 MS. GLENN: The time frame to when she said the
24 hearing occurred, yes, I had an attorney.

25 MR. SAFRAN: And what did your attorney do in

1 response to that? Because I'm assuming you
2 told him or her that that didn't happen.
3 What are you going to do about it? What
4 happened from his standpoint or her
5 standpoint?

6 MS. GLENN: We didn't hear about this hearing until
7 after.

8 MR. SAFRAN: I'm asking you something. You heard
9 about it at some point, yes or no?

10 MS. GLENN: After the hearing.

11 MR. SAFRAN: After the hearing, then. You had an
12 attorney at that point, yes or no?

13 MS. GLENN: I did.

14 MR. SAFRAN: All right. What did your attorney do as
15 your representative to remedy what you thought
16 was an inappropriate situation?

17 MS. GLENN: He looked at me and said, I am not an
18 appeals attorney. You need an appeals attorney
19 or you need to appeal.

20 MR. SAFRAN: So he dropped it in your lap.

21 MS. GLENN: He's not an appeals attorney.

22 MR. SAFRAN: He gave it to you to handle.

23 MS. GLENN: If it's his to give, that is what he said
24 to me.

25 MR. SAFRAN: Well, basically it's your case. He's just

1 helping you out with it, right?

2 MS. GLENN: You asked me what he did and that's what
3 he did.

4 MR. SAFRAN: So he told you, I can't do it. You've
5 got to find somebody else?

6 MS. GLENN: Correct.

7 MR. SAFRAN: And you chose to do it yourself instead
8 of finding somebody else.

9 MS. GLENN: You have already said that most attorneys
10 won't take appeals cases.

11 MR. SAFRAN: Well, may be, but I'm just saying you
12 chose to go the route yourself, right?

13 MS. GLENN: Right, and the Court of Appeals did not
14 make me file attorney fees. I did not lose that
15 case.

16 MR. SAFRAN: Okay.

17 MS. GLENN: The case was considered moot when he
18 passed away.

19 MR. SAFRAN: All right, thank you.

20 CHAIRMAN RANKIN: Representative Caskey.

21 VICE CHAIRMAN CASKEY: Thank you, Mr. Chairman. Ms.
22 Glenn, thank you for being here today. I just
23 want to make sure I understand the various cases
24 that we're talking about. You submitted a series
25 of pages from a transcript totaling 41 pages.

1 Does that sound right?

2 MS. GLENN: Yes, sir.

3 VICE CHAIRMAN CASKEY: Okay. Those pages are not
4 continuous or contiguous pages. They're out of
5 order, right?

6 MS. GLENN: Well, they're not out of order, but they
7 are different hearings.

8 VICE CHAIRMAN CASKEY: For example, page 1 of the PDF
9 is page 1. Page 2 is page 7. Page 3 of the PDF
10 is page 131 of the transcript. Does that sound
11 about right?

12 MS. GLENN: It could be. I can get my copy if
13 you have specific questions.

14 VICE CHAIRMAN CASKEY: All right, let me ask you this.
15 The transcript that you submitted is not page 1
16 through 41 sequentially, right?

17 MS. GLENN: Correct. This is transcripts of quite a
18 few different hearings, and I do have the
19 certified copies, which I would have been happy
20 to present to you today. Big stack. They are
21 available, and if this court remains open, I will
22 happily give you certified copies of every single
23 transcript.

24 VICE CHAIRMAN CASKEY: Yes, ma'am. I'm not trying to
25 fight with you. Okay. I'm new to this issue,

1 right? You've been dealing with it for quite
2 some time. I've been dealing with it for 34
3 minutes.

4 MS. GLENN: Congratulations.

5 VICE CHAIRMAN CASKEY: Forgive me for my lack of
6 fluency in the case. I'm trying to understand
7 from your perspective, and you've had some
8 discussions with my colleagues. I'm just trying
9 to get to the facts as they can exist subject to
10 some of the concerns you've heard. These matters
11 taken up in these transcript excerpts, that's the
12 case at issue, right, that we're having some
13 discussion around sealed, not sealed. Is that
14 right, or is that a different case?

15 MS. GLENN: They're all related to the case that
16 eventually became sealed at the final, third,
17 final hearing.

18 VICE CHAIRMAN CASKEY: Okay. And in the transcripts,
19 and I understand you don't have a copy in front
20 of you, on the cover page, there is a case
21 caption. It's 2015 D as in David, R as in Romeo,
22 23-1818. Does that sound about right?

23 MS. GLENN: I'll look. The Family Court case was
24 indeed 2015-DR-23-1818.

25 VICE CHAIRMAN CASKEY: Okay. Thank you for that. I'm

1 trying to make sure that I've got to the right
2 place because, and I understand you don't have a
3 computer in front of you, but as I've tried to
4 locate the record of the Family Court case, the
5 case with that caption shows on the public index
6 as still being sealed. And that's the matter,
7 2015 Delta Romeo, 23-01818. And just in case you
8 look back later, there's a zero added because the
9 dashes aren't there, and we can share our
10 aggrievement at the computer system for always
11 having that challenge, but they're the same,
12 right. 2015-DR-23-1818. And so that case shows
13 here in the system as sealed. I recognize that
14 doesn't resolve the objection you have to whether
15 or not we should have jurisdiction to unseal
16 that. But if it is in fact sealed in the system,
17 I think our hands are tied, Mr. Chairman.
18 Because we don't have the authority to step into
19 the shoes of a judge. And I understand the
20 frustrations that Ms. Glenn may have, and I don't
21 dismiss those in any way. But I do think that
22 where the records show that this case is sealed,
23 we are bound by that order, again, irrespective
24 of whether or not it could have been unsealed.
25 The fact is that it was not, Mr. Chairman.

1 MS. GLENN: So it seems like if Ms. Conits really
2 wanted to defend herself that she could have made
3 sure that it was open. This is her order, but
4 think about it for a second. This is the
5 Judicial Merit Selection Committee. If a judge
6 wants to behave poorly, then all she has to do is
7 seal the case, and you all have no power?
8 There's a flaw.

9 CHAIRMAN RANKIN: Ms. Glenn, respectfully, that is
10 your opinion, but that's not the way this works.
11 And so is there anything else that you'd like to
12 offer us in terms of your complaint?

13 MS. GLENN: I do have a question. How long will this
14 case remain open?

15 CHAIRMAN RANKIN: This is not a case.

16 MS. GLENN: I'm sorry, how long will this hearing, I
17 don't know what it is, remain open?

18 CHAIRMAN RANKIN: Well, your portion of this will
19 close here shortly unless there's something else
20 you'd like to say.

21 MS. GLENN: Well, I was just wondering if I could go
22 and get an order and bring you the information.

23 CHAIRMAN RANKIN: Not likely that we will take the
24 time to leave this record open for that. But I
25 am -- I do want to go back to kind of the

1 proessional you've had through both state court
2 and Federal Court and the Fourth Circuit Court of
3 Appeals or district court in terms of your -- and
4 one of the opinions included the term your case
5 in the Federal Court was inextricably connected
6 to your issues before the Family Court. Is this
7 complaint -- kind of harkening back to Mr.
8 Safran's original question, does your complaint
9 derive from the case that you had before Judge
10 Conits as a Family Court judge in 2016, 2017?

11 MS. GLENN: I'm not sure I understand your question.

12 CHAIRMAN RANKIN: Okay. Have you ever been before her
13 in any other capacity other than a Family Court
14 litigant in the 20- -- what year did you say you
15 filed this action?

16 MS. GLENN: This action was filed in 2015.

17 CHAIRMAN RANKIN: Okay. And you've never appeared
18 before her since that time after the final
19 hearing, is that correct?

20 MS. GLENN: Correct.

21 CHAIRMAN RANKIN: All right. And as a result of that
22 decision, you appealed it to the Court of
23 Appeals, correct?

24 MS. GLENN: Correct.

25 CHAIRMAN RANKIN: Her decision was affirmed at

1 the Court of Appeals? In other words?

2 MS. GLENN: No. Remember, my husband died and the
3 respondent then filed a motion that the case be
4 dismissed and they considered it moot.

5 CHAIRMAN RANKIN: Okay. And forgive me. And so that
6 ended the state court action. And thereafter,
7 you filed a claim against her in Federal Court.

8 MS. GLENN. Well, I don't believe it was after. I
9 believe it was much before then that my husband
10 and I as co-defendant did file. I do not have
11 that information with me and it was cloudy and a
12 long time ago.

13
14 CHAIRMAN RANKIN: Okay. And there's a record, and
15 forgive me for not having the dates, but there's
16 a footnote that says your husband has
17 subsequently died.

18 MS. GLENN: Correct.

19 CHAIRMAN RANKIN: So that is included in that record.
20 So in terms of what you want us to believe and to
21 weigh is your displeasure with her and the
22 conversation and being added as a party midstream
23 for which you had an attorney at that time,
24 correct?

25 MS. GLENN: No. I mean, that is one of the

1 complaints, but my biggest complaint is that she
2 fabricated a hearing.

3 CHAIRMAN RANKIN: Okay. And at that time, as you
4 told Mr. Safran, you had an attorney representing
5 you at that time?

6 MS. GLENN: We didn't find out about the hearing until
7 everything was concluded. It was in her
8 post-trial final order. We'd not heard of it
9 before then.

10 CHAIRMAN RANKIN: Okay. During which you had the same
11 attorney representing you until the appeal,
12 correct?

13 MS. GLENN: During which?

14 CHAIRMAN RANKIN: The issuance of her order.

15 MS. GLENN: Yes. She gave the order to the attorney
16 that I had at the time and it was considered
17 final. There were no hearings after that time.

18 CHAIRMAN RANKIN: All right. Any member for -- Mr.
19 Safran.

20 MR. SAFRAN: Thank you, Mr. Chairman. And again, I'm
21 trying to make sure I understand everything
22 because what is frustrating for you and
23 oftentimes equally frustrating for us is the
24 expectation that we are allowed to effectively go
25 back and re-litigate things that you thought had

1 happened that were inappropriate or that were
2 wrong or in any way, shape or form.

3 MS. GLENN: With all due respect, I'm not asking for
4 it to be re-litigated.

5 MR. SAFRAN: Well, and I understand that. But I mean,
6 the whole reason you're here is because you feel
7 like you're aggrieved by what happened in the
8 Family Court process. I mean, is that fair?

9 MS. GLENN: I feel like this Committee should be
10 concerned if a judge has fabricated a hearing and
11 made orders.

12 MR. SAFRAN: Well, and here's the thing. We go back
13 and I don't want to keep going circular about
14 this, but there's no question that the file was
15 sealed, right?

16 MS. GLENN: It was originally sealed, yes.

17 MR. SAFRAN: Originally sealed, okay. Who was Donald
18 Smith?

19 MS. GLENN: He was my attorney at the time.

20 MR. SAFRAN: Okay. And was Donald Smith at these
21 hearings in the transcripts that you have
22 presented, you know, as part of your complaint?
23 He was participating to some extent in those?

24 MS. GLENN: Of course.

25 MR. SAFRAN: Okay. All right. And he was

1 representing you and speaking on your behalf
2 during those times, at least when he was there
3 with you. Is that right?

4 MS. GLENN: Correct.

5 MR. SAFRAN: All right. And so, again, you ask, for
6 instance, I mean, if a party asks the judge to
7 seal a hearing record and the judge does it, I
8 don't think it's an expectation that anyone has
9 that just on their own the judge is going to say,
10 by the way, let me unseal this record. You know,
11 I know that the record was unsealed for a limited
12 purpose of going to the Court of Appeals. We've
13 already set that out. After that, there's
14 nothing that you pointed us to that says anything
15 changed other than that once that appeal was
16 ended at some point, it went back to status quo,
17 which was sealed. I mean, is there anything
18 you've got that shows us anything different than
19 that?

20 MS. GLENN: I did give you the transcript that said
21 that it was sealed because she didn't want to
22 give me a hearing. Therefore, she sealed it.

23 MR. SAFRAN: That's not what I read.

24 MS. GLENN: Well, it's very similar to that.

25 MR. SAFRAN: Well, I'm sorry. I just respectfully see

1 something different. But I guess my question --
2 the other thing is this, this all boils down to
3 fairness. You want to feel like fairness was
4 denied to you. Fairness in terms of how things,
5 the process, the litigation, you feel like it was
6 unfair as you've explained to us for various
7 reasons. Is that true?

8 MS. GLENN: I am here as a duty to the public, just
9 like you are. You are supposed to decide which
10 judges are qualified, that everyone's due process
11 rights are considered. And I was here with the
12 last case, and you did a great job questioning,
13 and you talked about maybe we should go late
14 because a 15-minute hearing is not enough to
15 decide the fate of a child. So the same reason
16 that you are here is the reason that I am here.

17 MR. SAFRAN: And I don't disagree with that. But I
18 guess my point is this. Everything we do, every
19 process, whether it be a court process or this,
20 which, you know, our appellate courts have found
21 this, what we do here, is not a court process.
22 It's, in fact, considered to be a political
23 process, at least in the reported case law. So
24 my point is, though, I think you ask for
25 fairness, and you want us to try to provide as

1 much fairness as we can, whether it be us in here
2 or a judge in a courtroom, right?

3 MS. GLENN: I'm just asking for my due process rights.

4 MR. SAFRAN: And my question is this, if we can't let
5 her respond to it, where's her due process?

6 MS. GLENN: So I have a question. If you all can't
7 see the evidence today, does that mean that I get
8 to stand here again in six years with the
9 evidence, and we have to do it again after six
10 years of court cases go by us? Is that what that
11 means?

12 MR. SAFRAN: Well, I think where we're at right now.
13 I mean, isn't that where we are basically?

14 MS. GLENN: So after 12 years, we're going to do it
15 again?

16 MR. SAFRAN: Well, I think there's a new statute that
17 actually has been passed that will certainly
18 change the way this place works to some extent,
19 that I think has something that you wouldn't have
20 to wait six years. I think it would be some
21 portion of that, at least as I understand the
22 statute. The new one talks about a three-year
23 situation where you would potentially have a
24 recall or an update. Again, I may be wrong about
25 that, but I know it did materially change the way

1 this process works. So again, you probably are
2 as well opportune to be able to figure that one
3 out as I am. But again, what I'm saying is this.
4 You want us to be hearing things. We are
5 looking at a situation that says this file is
6 sealed, which means she's going to sit there.
7 And I don't think if shoe was on the other foot,
8 you wouldn't want her saying everything she
9 thought, and you sit there and we can't hear a
10 word out of your mouth. I mean, I'm just saying
11 it does work both ways.

12 MS. GLENN: The Committee had the opportunity to get
13 the evidence that they needed to make the
14 decision today, and the Committee did not do
15 that. That is not my failure, and that is not
16 Ms. Conits' failure.

17 MR. SAFRAN: We're not talking about anybody's
18 failure. The problem is this Committee doesn't
19 have the power to go in and get a sealed file and
20 open it.

21 MS. GLENN: They could have requested me to do it.

22 MR. SAFRAN: Ma'am, as I understand it, it was because
23 of you that the file was sealed in the first
24 place.

25 MS. GLENN: It wasn't because of me. It was sealed

1 for my benefit.

2 MR. SAFRAN: All right. Exactly. For your benefit.

3 MS. GLENN: And one party can request that it become
4 unsealed, which I have already done in the past
5 and would have gladly done so for today.

6 MR. SAFRAN: All right. And again, this is something
7 that you have been preparing to do now for a
8 period of years, haven't you, to be here today?

9 MS. GLENN: I've known she was going to get elected,
10 but I had no way of knowing that the committee
11 didn't have the authority to see the evidence.

12 MR. SAFRAN: And this was important enough for you to
13 be planning on coming today, right?

14 MS. GLENN: So I didn't find anywhere in the rules
15 that says that this Committee, that evidence is
16 hidden from the Committee. I found that nowhere
17 in the rules.

18 MR. SAFRAN: Nobody's talking about hidden. We're
19 looking at the operation of law that says a file
20 is sealed. Okay? This Committee has no
21 opportunity, no ability or responsibility to go
22 looking into the circumstances of a sealed file.
23 I mean, if that was something you wanted to bring
24 here, I think it actually falls in your lap in
25 terms of doing what it took to open it back up.

1 If it in fact was closed for your benefit.

2 MS. GLENN: I submitted this on time and no one told
3 me that it would not be allowed.

4 MR. SAFRAN: No one said it wasn't allowed. What
5 basically was not allowed is us getting into a
6 file that's sealed that legally we have no right
7 to be able to discuss. That's it, plain and
8 simple. And there's a part of me that's very
9 sympathetic here to understand that you feel like
10 you've been aggrieved. And I don't necessarily
11 disagree that you have feelings about this thing.
12 But again, it goes back to what I said earlier.
13 We're not a super tribunal that comes in and can
14 basically right whatever perceived wrongs you
15 think happened during that process. We're also
16 somebody that I've said multiple times, we've got
17 judges who are human. We don't have people who
18 are perfect. They make mistakes. That's what
19 appellate courts are all about. And so when
20 people come in here and say they messed my case
21 up, they did this, which should have happened.
22 They didn't do that. That shouldn't have
23 happened. I mean, these things happen in cases
24 all the time. That's why there is a process to
25 correct errors but we're not part of that

1 process. And so, again, with due respect, you
2 know, we just let you know that there are limits
3 to what we can do. And it's not that we don't
4 hear you. It's not that we don't care. But,
5 again, it's the same thing I asked. If the shoe
6 was on the other foot and she was in here
7 basically talking about things that you couldn't
8 respond to, that you were gagged over, you
9 wouldn't think that was very fair either. So,
10 again, all due respect, I just hope you
11 understand. I'm asking these questions for a
12 reason because, unfortunately, we have to deal
13 with certain legal rules that necessarily govern
14 this situation. But I appreciate your being
15 here.

16 CHAIRMAN RANKIN: All right. Any questions by any
17 members of the Commission? No ma'am, I'm sorry.

18 MEMBER OF THE PUBLIC: For the benefit of the public,
19 how long does this record stay open?

20 CHAIRMAN RANKIN: Is there anything else you would
21 like to tell us that you haven't already
22 testified to, Ms. Glenn?

23 MS. GLENN: I did ask before how long the record stays
24 open.

25 CHAIRMAN RANKIN: It's a decision made by the

1 Commission. So is there anything further you'd
2 like to tell us?

3 MS. GLENN: No, sir.

4 CHAIRMAN RANKIN: Thank you so much. Judge, if you
5 will now come back up.

6 JUDGE CONITS: Yes, sir.

7 CHAIRMAN RANKIN: And you are still under oath.

8 JUDGE CONITS: Yes, sir.

9 CHAIRMAN RANKIN: Ms. Baker.

10 MS. BAKER: Judge Conits, it's the understanding of
11 the Commission that this matter is under seal.
12 To your knowledge, is that correct?

13 JUDGE CONITS: Yes, ma'am.

14 MS. BAKER: Given the matter is under seal, are you
15 able to directly respond to matters in the
16 complaint?

17 JUDGE CONITS: No, ma'am.

18 MS. BAKER: Okay. Judge, are you familiar with
19 judicial canon 3, subsection B, sub-item 7?

20 JUDGE CONITS: I am.

21 MS. BAKER: Okay. And that relates to according every
22 person with a legal interest in a proceeding or
23 that person's lawyer, the right to be heard
24 according to the law.

25 JUDGE CONITS: Certainly.

1 MS. BAKER: Judge, is there anything you would like to
2 add or address at this time?

3 JUDGE CONITS: Well, I would, you know, respectfully
4 just acknowledge Ms. Glenn and the process that
5 allows her to come here today and make her
6 presentation. I certainly have all respect for
7 that. I would respectfully deny her allegations
8 against my character, my competency, my ethics,
9 and my honesty. I respectfully deny that I have
10 been reckless in any way, unethical, or that
11 there is any flaw in my character. I've -- you
12 know, after 18 years on the bench and over 17,000
13 cases that I have adjudicated, I can tell the
14 Commission that any time there is an unhappy
15 litigant who doesn't feel treated fairly, that I
16 take that to heart. I take a very hard look at
17 what happened and try to empathize and put myself
18 in their shoes. And it reminds me of the
19 importance and the magnitude of the authority
20 that's entrusted to me, and I just want to assure
21 the Committee that I do not take that trust
22 lightly. I'm happy to answer any specific
23 questions that I'm able to.

24 CHAIRMAN RANKIN: I think, Judge, just to the point of
25 is it sealed or is it not sealed, we've had this

1 exchange before, but again, credit Sleuth
2 McCaskey here. Micah Caskey, I'm conflating his
3 first initial and his last name, but
4 Representative Caskey, for finding this. My
5 question to you, and this is from the DSS,
6 Department of Social Services, case search, is
7 there any other source that we would go to to
8 find whether a case and a file has been unsealed?
9 To your knowledge.

10 JUDGE CONITS: To my knowledge, I would just call my
11 clerk, or I'd call the Clerk of Court who keeps
12 the record of that and keeps those files noted as
13 sealed. So my only source would be my clerk.

14 CHAIRMAN RANKIN: And again, in your due diligence to
15 prepare for this, would you have had contact with
16 your clerk and would your clerk have known to
17 tell you whether it was now not sealed, or would
18 you have been advised of that?

19 JUDGE CONITS: Yes, certainly she would have told me
20 had I asked. I did not ask my clerk.

21 CHAIRMAN RANKIN: And again, we all have rights to
22 pursue whatever relief we're seeking. You have
23 been named in the Federal Court in the case, as
24 my terms, quoting from one of the opinions, an
25 issue inextricably connected to the case that you

1 handled, correct?

2 JUDGE CONITS: Yes. I was never served. I do not
3 believe -- and I do not practice in the Federal
4 Court, or did not practice in the Federal Court
5 when I practiced law, but that case was never
6 released for service of process. So while we
7 knew it was going on, I never was served with
8 that case. It was dismissed before it was
9 allowed to be served.

10 CHAIRMAN RANKIN: Okay. All right. Unless there are
11 other questions on that front from any member of
12 the Commission or anything else that you would
13 like to add to that, I need to now, we're going
14 to tack to the standard flow. And I am remiss
15 not having allowed you to introduce guests that
16 you brought with you.

17 JUDGE CONITS: Thank you.

18 CHAIRMAN RANKIN: Judge?

19 JUDGE CONITS: Thank you so much. I have my sister,
20 Tracy Haltiwanger, who has always come with me to
21 anything important as I go with her. She's a
22 38-year middle school teacher. She's been
23 teaching middle school for 38 years. And my
24 brother-in-law, George Conits, my husband, was
25 not able to come. This is my husband's brother,

1 and he came to be with me today.

2 CHAIRMAN RANKIN: And is school out in your part of
3 the world?

4 MS. HALTIWANGER: No, not until tomorrow.

5 CHAIRMAN RANKIN: Well, welcome, both of you all.

6 Thank you very much. And now we're going to turn
7 it over in just a second. Hold on one second.

8 VICE CHAIRMAN CASKEY: Mr. Chairman, while they're
9 chatting, I would just note that after 38 years
10 of teaching middle school, an extra day is well
11 deserved.

12 CHAIRMAN RANKIN: Wait a minute. For the student or
13 for the teacher?

14 MS. HALTIWANGER: Just the teacher.

15 CHAIRMAN RANKIN: We're glad you're both here. All
16 right. Ms. Baker?

17 JUDGE CONITS - EXAMINATION BY MS. BAKER:

18 **Q. Judge Conits, after serving 18 years on the**
19 **Family Court, why do you want to continue serving**
20 **as a Family Court judge?**

21 A. Certainly, and thank you for that question. I
22 believe I am well-suited and well-placed on the
23 Family Court bench. I feel like I have an innate
24 ability to problem solve. I like putting people
25 on a better path than the ones that brought them

1 to Family Court. It's like pulling a wagon
2 that's gone into the ditch, out of the ditch,
3 fixing the wheel, and most importantly, setting
4 them on their way. And so I think, after 18
5 years on the bench, I think it's part of who I am
6 to problem solve, to do. And I just really enjoy
7 it. It's been the honor of my life to be able to
8 serve in this capacity to help families often by
9 bad decisions they've made or oftentimes not by
10 decisions that have been their own decisions,
11 just to make things better. When they leave
12 Family Court, I want them to leave with hope,
13 with peace, with stability, especially for the
14 children. So, you know, 17,000 cases in 18
15 years. I think there are more cases that I could
16 help the citizens.

17 **Q. And, Judge Conits, your SLED report indicated**
18 **that since your last screening, a rule to vacate**
19 **was filed by you in 2023 in the East Greenville**
20 **Summary Court. Can you please explain the nature**
21 **and disposition of the lawsuit?**

22 **A.** I did. So there was a fellow living in my son's
23 house. My son had moved out of town. I believe
24 he was living in Alabama at the time. And I went
25 to -- he would not move out of the house. And so

1 I went to the magistrate there in Greer and filed
2 that paperwork to have, I believe, the marshal
3 went over. And he was -- he finally left
4 peacefully. I mean, there was no contest about
5 it. He left peacefully.

6 **Q. Judge Conits, what do you think your reputation**
7 **is among attorneys that practiced before you?**

8 A. I believe the attorneys have come to know what my
9 decisions will be like. You know, I'm very - I
10 like to be consistent. And where I have an
11 answer or a solution for one set of facts, I like
12 to apply that consistently. Change it up if you
13 need to for the specific family. But I do
14 believe the attorneys feel like they know if they
15 draw my name, this is what's going to happen.
16 Because I believe I am consistent across the
17 board.

18 **Q. Thank you. Judge Conits, the Commission received**
19 **353 ballot box surveys regarding you with 36**
20 **additional comments. The ballot box survey, for**
21 **example, contained the following positive**
22 **comments. An excellent judge. One of the most**
23 **experienced currently on the bench. Terrific**
24 **all-around judge. Smart, patient, composed. Two**
25 **of the written comments expressed concern. They**

1 indicated that you either favored fathers or
2 formed opinions about litigants prior to
3 appearing in the court. What response would you
4 offer to these concerns?

5 A. Well, I don't believe I favor fathers. I do
6 believe I have a unique perspective on the
7 importance of fathers. I have -- my son's father
8 passed away when he was four years old, and so I
9 raised him as a single mother myself. And I know
10 firsthand just how important a father is to a
11 child. So where I can, I make sure that children
12 have an opportunity to have strong relationships
13 with their fathers. I don't believe, though,
14 that I favor fathers necessarily. I just
15 understand their importance. And I'm sorry, what
16 was the second?

17 **Q. That you have formed opinions about a litigant**
18 **prior to being in a hearing.**

19 A. Yes. I don't think I would have had any way to
20 form an opinion about a litigant prior to a
21 hearing. So I'm sorry someone feels that way. I
22 hate that they would feel that way. I don't want
23 them to feel that way. But I don't do that. I
24 don't believe I'd have any way to do that.

25 MS. BAKER: I would note that the Upstate Citizens

1 Committee found Judge Conits qualified in the
2 evaluative criteria of constitutional
3 qualifications, physical health, and mental
4 stability. The Committee found her well
5 qualified in the evaluative criteria of ethical
6 fitness, professional and academic ability,
7 character, reputation, experience, and judicial
8 temperament.

9 **Q. Judge Conits, I just have a few housekeeping**
10 **questions.**

11 A. Certainly.

12 **Q. Since submitting your letter of intent, have you**
13 **contacted any members of the Commission about**
14 **your candidacy?**

15 A. No, ma'am.

16 **Q. Are you familiar with Section 2-19-70, including**
17 **the limitations on contacting members of the**
18 **General Assembly regarding your screening?**

19 A. Yes, ma'am.

20 **Q. Since submitting your letter of intent, have you**
21 **sought or received the pledge of any legislator,**
22 **either prior to this date or pending the outcome**
23 **of your screening?**

24 A. No, ma'am.

25 **Q. Have you asked any third parties to contact**

1 members of the General Assembly on your behalf,
2 or are you aware of anyone attempting to
3 intervene in the process on your behalf?

4 A. No, ma'am.

5 Q. Have you reviewed and do you understand the
6 Commission's guidelines on pledging in South
7 Carolina Code Section 2-19-70, subsection E?

8 A. I do.

9 Q. I would just note for the record that any
10 concerns raised during the investigation
11 regarding the candidate were incorporated into
12 the questioning of the candidate today. Mr.
13 Chairman, I have no further questions.

14 CHAIRMAN RANKIN: All right, members of the
15 Commission? Mr. Strom.

16 MR. STROM: Thank you, Mr. Chairman. Good afternoon.

17 JUDGE CONITS: Good afternoon.

18 MR. STROM: I just want to commend you on your ballot
19 box. I'm looking through these numbers, and on
20 the qualified and well-qualified, there are like
21 205, 15 or 16, professional and academic ability,
22 202, 18, and one unqualified. In fact, looking
23 through all the different categories, you only
24 have, at most, one lawyer who's really upset with
25 you. And the vast, vast majority of people find

1 you well-qualified reputation, character,
2 physical and mental health, experience, judicial
3 temperament. So as long as you've been on the
4 bench, as difficult as this is, these are really
5 great scores.

6 JUDGE CONITS: Thank you. It's very humbling to hear
7 that. Thank you so much.

8 MR. STROM: Thank you, Mr. Chairman.

9 CHAIRMAN RANKIN: Ms. Blackley.

10 JUDGE CONITS - EXAMINATION BY MS. BLACKLEY:

11 **Q. Good afternoon. I just want to clarify what you**
12 **said earlier in regards to what someone said in**
13 **the ballot box about you favoring fathers. I**
14 **understand that. I understood your comment in**
15 **response to that but I want you to make it clear.**
16 **You don't have a favor over -- of a female?**

17 A. Oh, certainly not. Oh certainly not.

18 **Q. Mother.**

19 A. No, certainly not.

20 **Q. So you basically look at everybody favorable when**
21 **they come in and not just a male or a father.**

22 A. Of course. I just meant to say that I understand
23 that fathers bring something to a relationship
24 with a child and mothers bring something to a
25 relationship with a child, and I believe that

1 they are both equally important.

2 **Q. And I wanted to give you a chance to make sure if**
3 **that was misunderstood, it was clarified.**

4 A. I appreciate it so much. Thank you. Thank you.

5 CHAIRMAN RANKIN: Other questions? Senator Garrett.

6 JUDGE CONITS - EXAMINATION BY SENATOR GARRETT:

7 **Q. Thank you for agreeing to serve again.**

8 A. Thank you.

9 **Q. Most Family Court judges usually burn out in**
10 **about ten years on average. Are you familiar**
11 **with that old adage?**

12 A. Oh, yeah. And, you know, it's not an easy job.
13 Family court's not always an easy place to be,
14 but I do believe it's important work.

15 **Q. Well, we thank you for the fact that you're**
16 **willing to go back at it. It's difficult. And**
17 **we talked a little bit about scheduling and that**
18 **kind of thing.**

19 A. Yes, sir.

20 **Q. Pickens?**

21 A. Yes, sir.

22 **Q. I've had the pleasure of slipping up there once**
23 **or twice. As a matter of fact, I think you might**
24 **have been a judge in a case where the affidavits**
25 **are real bad about both parents, and I think it**

1 might have been you. I'm not really sure. But
2 you went ahead and called DSS in. Is that a
3 customary? You know, you say consistency.
4 **Consistency.**

5 A. Correct. And so when you get two differing sets
6 of affidavits but they're equally bad, I tell
7 litigants, okay, I'm going to believe everything
8 you all have said. You've done a really good
9 job, and I believe this. So believing this, I
10 will need to call DSS in because you've both
11 convinced me that the other party is not able to
12 have this child at this point. Yes.

13 **Q. And it worked. We settled.**

14 A. Good.

15 **Q. I mean, all of a sudden both of those parents**
16 **woke up and wanted to be parents for a change.**
17 **And your statement about the fathers, I have**
18 **found that also. You know, I worked at a time**
19 **when a judge would never even consider giving a**
20 **father the child based on the tender years. As**
21 **you well know, that was a historical thing. The**
22 **tender years doctrine said we had to give it to**
23 **the mom. I mean, she had to be pretty bad back**
24 **in the day. But all the studies have shown that**
25 **children, no matter what happens at the end of**

1 the day, need to have a bonded and strong
2 relationship with each parent, if at all
3 possible, in order for the child to be
4 well-rounded as the child grows up. Is that --

5 A. Absolutely. Absolutely.

6 Q. And I'm sure you strive to try to figure out a
7 way to make that happen in every crazy
8 circumstance.

9 A. Every day.

10 Q. Thank you so much for your willingness to serve.

11 A. Thank you, sir. Thank you.

12 Q. Thank you, Mr. Chairman.

13 JUDGE CONITS - EXAMINATION BY CHAIRMAN RANKIN:

14 Q. Judge, a refrain from a number of us, and I'm
15 going to take it myself on this one, in terms of
16 docket management and how you keep the wheels
17 turning while also recognizing some matters need
18 more than the allotted period of time.

19 A. Sure.

20 Q. How have you done that to such success,
21 apparently, that your Bar, the anonymous folks,
22 have praised you for that? How have you done
23 that?

24 A. Well, I do think sticking to the docket is
25 important. There's a rule that if your temporary

1 hearing is going to require more affidavits than
2 just eight pages, than just something we could
3 handle in 15 minutes, then you need to request
4 30. And especially when I, as a judge, start
5 asking questions, which I do, it can run late.
6 But I do believe it's okay to run late if you're
7 focused on a case that needs extra attention.
8 You can't just stop it at the allotted time if
9 that case needs extra attention. So we just, you
10 know, hit the ground running and move these cases
11 as best we can and give the attention that the
12 cases deserve as they come before us.

13 **Q. Two other things. Hopefully I'll limit myself to**
14 **two. Kudos to you for your assimilation in the**
15 **Greek church.**

16 A. Thank you.

17 **Q. And the work that you're doing there.**

18 A. Thank you.

19 **Q. Beautiful testament to you. The second is your**
20 **progression to the bench. I had the distinct**
21 **pleasure of clerking with Kermit King, the late**
22 **Kermit King, when I was in law school finishing**
23 **in 87.**

24 A. Oh my goodness, yes.

25 **Q. And watched him argue a Court of Appeals oral**

1 argument with one person who taught the law
2 school and was able to appear and handle
3 appellate practice on one side and then Kermit
4 King on the other. I've never seen or heard a
5 more concise and organized and perfectly
6 delivered synopsis in fewer words of a mess of a
7 case than he did. And when it was the other
8 attorney's time, nowhere near in the appearance
9 or the delivery and just a masterful
10 presentation.

11 A. I learned so much from him. I would have worked
12 for him for free. I learned so much from Kermit
13 King. And what a loss, what just an
14 irreplaceable loss to our Bar when he passed
15 away.

16 Q. And your progression, again, in this second
17 category that I'm asking, you have worked with
18 the best of the best. Again, Kermit King being
19 one, Ambassador Wilkins and Tim Madden, now Judge
20 Madden, that you served with on the bench.

21 A. Yes, yes.

22 Q. And so each of these words offered by Ambassador
23 Wilkins can't say enough good about you. Not
24 that you get it right every time and not that you
25 may be appealed or, I don't want to say grieved,

1 but have a complaint filed against you.

2 A. Certainly.

3 Q. And you said 17,000 cases that you've been
4 involved.

5 A. Slightly over 17,000 cases, like 17,051 cases. I
6 called court of appeals just to understand --
7 court administration, to understand how many
8 cases we had adjudicated. And they actually keep
9 a number. So it's like 17,051.

10 Q. Well, and again, not that it matters necessarily,
11 but in terms of your sworn statement and
12 testimony here and your reaching out to those who
13 you may have not gotten it right for or even a
14 complainant as you have done with Ms. Glenn
15 today. Verbally and in gesture, again, I think
16 that speaks well of you and warrants the
17 admiration that you have of both anonymous and
18 those who have spoken on your behalf. And so I
19 have nothing else. If there are other questions,
20 or judge, you have the opportunity if you'd like
21 to say anything else before we close this record
22 almost.

23 A. Yes. Thank you, Mr. Chairman. I'm okay. I
24 appreciate it.

25 Q. Very well.

1 A. Thanks so much.

2 Q. And so you understand that the record is not
3 completely closed because only in the event of
4 the violation by you of the ethics law, both in
5 spirit or the letter of the law, we would have
6 the right to bring you back for further
7 questioning.

8 A. Yes, sir.

9 Q. Until the final release of the Record of
10 Qualifications, this record does not close,
11 correct?

12 A. Thank you, certainly. Certainly.

13 Q. All right. Thank you very much.

14 A. Thank you.

15 Q. Nice seeing all of y'all here today, Ms. Glenn as
16 well. And on motion of -- and we have no further
17 candidates today. All right. On motion of Mr.
18 Safran, seconded by Ms. Blackley, we will go into
19 executive session.

20 A. Thank you so much.

21 (Executive Session)

22 CHAIRMAN RANKIN: For the record, during executive
23 session, no votes were taken, no decisions were
24 made. We will now adjourn until tomorrow
25 morning.

1 (There being nothing further, the proceeding concluded at
2 5:35 p.m.)

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CERTIFICATE OF REPORTER

I, JENNIFER NOTTLE, COURT REPORTER AND NOTARY PUBLIC
IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY
CERTIFY THAT I REPORTED THIS PROCEEDING, ON MONDAY, THE
25TH DAY OF NOVEMBER, 2024, AND THAT THE FOREGOING 244
PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY
STENOMASK REPORT OF SAID PROCEEDING.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
INTERESTED IN SAID CAUSE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS
9TH DAY OF JANUARY, 2025.

Jennifer Nottle

JENNIFER NOTTLE, COURT REPORTER

MY COMMISSION EXPIRES JULY 19, 2033

<hr/> 1 <hr/>	15-minute 142:8,12 144:17 145:9,11,14,17 154:15 196:14	69:12 87:20 101:21 114:25 138:20 210:16 211:7	174:20 175:8 191:10	134:15
1 8:13,17 82:13 170:17 187:8,9, 15	151 85:3	2-19-70(E) 13:14 33:2 60:18 69:23 102:12 115:16 139:11	2018 10:25	27 142:4 162:14
10 90:3 161:1	16 51:19 64:8,14 144:17 211:21	20 22:10 112:3 129:24 132:17	2019 84:24	28 67:3 127:17 142:4
100 49:4	16-page 142:13	20- 191:14	202 211:22	29 157:16
100% 11:16	161,000 142:2	20-plus 132:20	2020 182:2	2nd 30:9
1006 142:16	17 55:25 112:4	20-something 73:16 155:12	2021 10:21	<hr/> 3 <hr/>
105 67:2	17,000 203:12 207:14	2005 135:2	2023 10:23 207:19	3 8:19 64:11 125:7 170:17,18 187:9 202:19
112 10:7	17,051 218:5,9	2006 53:8	205 211:21	30 12:4 15:9 216:4
12 97:19 157:15,24 158:16 197:14	18 56:22 85:3 97:18 203:12 206:18 207:4,14 211:22	2007 54:13	21 82:10 112:6 125:4,13	30-minute 142:12 144:18
124 30:4	19 27:6 97:21 160:23	2010 21:23	22 125:3	32 170:16
13 82:9 92:7 93:4	1958 110:2	2012 157:16 158:14, 15	23 125:6 132:13	334 99:23
131 187:10	1st 170:23	2014 135:20	23-01818 189:7	34 30:4 188:2
13th 53:10	<hr/> 2 <hr/>	2015 188:21 189:7 191:16	23-1818 188:22	353 208:19
14 21:25 44:5 82:12	2 8:16 125:17 170:17 187:9	2015-DR-23-1818 188:24 189:12	23-24 61:21	36 208:19
15 8:14 21:25 29:3 82:15 90:4 98:24 100:18 129:24 143:22 144:3 148:3,9, 12 150:21 211:21 216:3	2-19- 88:7	2016 167:4 170:23 191:10	24 39:24 45:14 125:9	38 205:23 206:9
	2-19-70 13:3 32:16 60:7	2017 167:5 169:23	240 156:10	38-year 205:22
			25 66:13 67:20 89:24 160:22	3rd 99:18
			26 131:21 137:15 160:25	<hr/> 4 <hr/>
			262	4 27:5 170:18

<p>40 27:11 156:11</p> <p>400 156:12</p> <p>41 170:15 186:25 187:16</p> <p>42 134:15</p> <p>43,000 142:4</p> <p>443 113:23</p> <p>48 39:24</p> <p>4th 125:16 127:6 140:20</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 8:20 27:8 97:22 112:7 170:16</p> <p>50 99:24 144:13</p> <p>501 12:16 32:4 59:19 69:1 87:3 138:13</p> <p>5:35 220:2</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 27:9 51:18 162:15 175:8</p> <p>63 132:14</p> <p>63,000 142:3</p>	<p>65 22:24</p> <p>6th 53:13</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 51:21,22 64:13 187:9 202:19</p> <p>70 68:4 156:13</p> <p>70% 74:14</p> <p>70(E) 88:8</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 64:7 82:16 170:18,19</p> <p>87 108:17 216:23</p> <p>8th 43:23 55:2 174:20 175:2</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 64:10 119:15 125:10</p> <p>90 156:13</p> <p>90s 71:25</p> <p>91 113:24</p> <p>94 56:22</p>	<p>9:00 119:10,11</p> <p>9:40 119:11,12</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.k.a. 140:11</p> <p>ability 12:12 31:23 49:17 59:11 68:21 80:16 86:15 96:11 101:12 114:18 138:8 170:5 172:7 173:11 174:10 179:8 183:23 199:21 206:24 210:6 211:21</p> <p>absolute 40:18</p> <p>absolutely 48:4 74:14 176:9 183:10 215:5</p> <p>abuse 132:22 142:25</p> <p>abused 11:1 136:21</p> <p>academic 12:11 31:22 59:11 68:21 86:15 101:12 114:18 138:8 210:6 211:21</p> <p>Academy 11:2,13</p> <p>accept 104:2 182:15</p>	<p>accepted 14:25 108:5</p> <p>access 136:20,21 167:24</p> <p>accident 33:25 72:5 137:17</p> <p>acclaimed 122:7</p> <p>accomplish 167:21</p> <p>accomplished 118:18,25</p> <p>account 100:22 135:9</p> <p>accurate 91:9 172:24 184:9</p> <p>accusations 173:4,11</p> <p>accuse 40:9</p> <p>acknowledge 203:4</p> <p>acknowledged 172:12 174:9</p> <p>acknowledgment 172:15</p> <p>act 67:9 68:12 77:14 93:24 137:1,3 180:14, 16</p> <p>action 135:12,13 173:22 176:21 177:16 191:15, 16 192:6</p> <p>actions 170:20 174:2</p>	<p>176:10,11</p> <p>active 131:12</p> <p>activities 94:18</p> <p>actual 29:2 73:19</p> <p>ad 132:21,24 172:4 173:2</p> <p>adage 213:11</p> <p>adapting 55:14</p> <p>add 39:1 54:7 94:12 203:2 205:13</p> <p>added 48:6 170:24 171:1,16 177:8 189:8 192:22</p> <p>adding 171:22</p> <p>addition 79:11 109:11 130:21 157:21</p> <p>additional 10:8 12:1 30:5 44:9 47:9 56:23 67:3 85:4 99:24 113:25 129:20, 22 132:17 134:16 146:10 208:20</p> <p>Additionally 95:4</p> <p>address 19:14 103:16 131:6 162:20 203:2</p> <p>addressed 103:12 104:18</p>
--	---	--	---	---

106:11 146:6	adult	66:6 83:23	9:5,10,13,18,21	Angela
addresses	132:24	127:12	10:6,10,19 12:6	97:8,12,20,22
162:7 183:15	advance	aggrieved	13:24 14:1 23:8,	animosity
addressing	103:9	194:7 200:10	22 24:9,24	136:18
31:14	advantage	aggrievement	25:16,22	Ann
adds	72:11	189:10	allotted	23:13
67:22	adversaries	agree	215:18 216:8	Anna
adequately	66:20	22:16 24:18	allowed	64:17
178:25	advised	86:1 135:7	77:24 147:13	announcement
adherence	39:12,15 204:18	137:20 144:11	155:25 171:3	70:13
158:22	advocate	agreeing	176:2 193:24	anonymous
adjourn	24:13 147:2	213:7	200:3,4,5 205:9,	118:22 155:24
219:24	affidavit	agreement	15	215:21 218:17
adjudicated	142:15 144:24	135:10	allowing	answering
47:7 203:13	145:7 147:3,9,	ahead	144:1 173:22	129:13
218:8	24 160:20	47:8 145:24	174:18 181:13	anticipate
adjust	161:23 162:5,15	157:6 214:2	alright	111:8
81:3	170:7 182:22	Aiken	97:4,24	anticipated
Adler	affidavits	37:19	amateur	17:4
53:19,20,21,24	8:8 27:25 52:12	Airbnb	49:1	anticipates
59:5 60:20	65:10 83:5 98:8	31:8	Ambassador	37:23
administering	113:2 126:7	aisle	217:19,22	anybody's
152:11	142:13 145:22,	41:1	amenable	137:5 198:17
administration	25 148:4,11	Al-shabaaz	153:15	anymore
218:7	150:23 213:24	140:11	amendment	39:14 45:9
administrative	214:6 216:1	Alabama	8:17 64:11	131:15 146:21
54:24 55:2	affirmation	207:24	81:23 82:13	anytime
57:16 73:11	111:9	Albert	125:7	72:9
140:21 164:21	affirmed	82:18,20	amicably	apologetic
166:9 168:17	191:25	alimony	137:25	91:3
181:19	afford	148:14	amount	apologies
admiration	134:11 172:19	all-around	16:22 109:9	160:1
218:17	afraid	208:24	137:21	apologize
admire	71:19,20	allegations	analogy	75:4 157:5,11
141:10	afternoon	171:9,13 177:9	28:24	apologized
admit	81:7,8 102:23	203:7	Anderson	117:3
179:6	105:21,22	alleged	19:1 22:21	apparent
admonishing	111:21 113:13	11:16 175:18	Andy	145:10 174:3
136:9	127:1 211:16,17	Allen	36:5,7	apparently
admonition	212:11	7:4,6,8,14,17,20	anecdotally	171:12 215:21
140:15,17,19	age	8:15,18,21,22	166:2	
	9:20 28:15 54:4			

appeal 167:6,7,8 168:5 178:2,6,7,22 179:21,23 181:13,16,24 183:8 185:19 193:11 195:15	78:12 87:4 179:16 183:19 196:20 200:19 217:3	approximately 10:25	172:10	109:7 128:23 130:4,17
appealed 177:23 191:22 217:25	applaud 53:16	aptitude 85:19 86:2	article 11:15,18	assume 36:4 169:2
appeals 58:3 162:18,22 177:24 178:3,14 181:14,17 182:13 183:9 184:1 185:18,21 186:10,13 191:3,23 192:1 195:12 216:25 218:6	application 8:2 27:20 52:7 65:5 83:1 98:3 112:21 113:1 125:23 160:15	arbitration 137:22	articles 8:4,5 52:9 98:6 112:23 126:1 160:17	assuming 19:8 21:5 42:7 72:23 105:1 155:3 178:12 185:1
appearance 96:5 111:6 158:24 217:8	applies 55:18 114:8 180:8	ardent 110:16	articulate 24:15	assure 203:20
appearances 50:6 62:19 80:10	apply 45:9 55:11 208:12	area 35:14 107:18 131:7,17	asks 195:6	astute 30:14
appeared 21:4 103:22 110:14 147:21 191:17	appointed 159:23	areas 106:10 107:24 129:19 134:1 142:22 152:25	aspects 133:15	attachments 142:15
appearing 15:4 84:11 90:15 209:3	appoint 130:4	arena 141:16	Assembly 13:5,8 32:18,21 60:8,12 69:14, 17 87:22,25 101:23 102:6 115:2,10 138:22 139:5 210:18 211:1	attacked 75:10
appears 8:5 27:22 39:18 42:5 52:10 65:8 98:6 112:24 126:1 152:25 160:17	appointed 159:23	arenas 151:22	assert 172:21	attacking 136:10
appellate 12:17 32:5 59:20 69:1	appointment 87:9,13	argue 57:24 174:19 176:2 216:25	assess 180:2	attempt 11:18
	appointed 159:23	argument 147:12,19,22,23 148:5 217:1	assessed 180:2	attempting 13:9 32:22 60:13 69:18 88:1,4 102:7 115:11 139:6 211:2
	appoints 122:17	arguments 58:25	asset 67:6 95:10 155:9	attend 58:11,19 62:4 132:18
	appreciation 148:7	arise 25:14 50:12 63:1 80:15 96:10	assets 134:3,13	attended 33:25 34:5
	approach 18:5 21:15,17 56:12 74:16 104:8 122:14 129:16	arises 19:9	assigned 142:6,19 157:22	attending 58:2
	approaches 21:13 55:8	arrest 46:23	assimilation 216:14	attention 38:12 55:16 93:23,24 117:15 216:7,9,11
	appropriately 146:6	arrested 11:24 36:9 38:21 39:23	assist 9:23 28:19 54:9 66:10 84:2 127:16	attitude 85:8 91:14 158:3
	approval 140:20	arrival 159:11	Assistance 108:14	
		arrive	assistant 42:9 106:7	

attorney 16:1 20:13 21:3, 19 66:14 67:6 68:11 79:10 85:13 99:14 103:8,11 107:11 110:16 119:13 128:22 131:20 132:21 134:4 147:13 156:8 171:7,18,24 172:9 177:17 178:10 179:6, 19,25 180:20,25 182:23 184:16, 17,19,24,25 185:12,14,18,21 186:14 192:23 193:4,11,15 194:19	avail 183:19 availing 164:8 average 213:10 aware 12:14 13:9,11 32:2,22,24 33:3 59:17 60:13,15 68:24 69:18 87:1 88:1,3 102:7,9 115:11 138:11 139:6 180:10,22 181:21 182:9 211:2 awesome 118:5 awful 23:21 aye 96:24 eyes 96:24	109:8 111:5,15 112:10 116:6,16 117:2,17 123:10,18 124:6,11,16 127:19 130:2 136:2,23 140:16 142:11 144:21 145:13 148:20 149:25 152:24 155:10,17 157:15 159:6, 12,19,24 161:17,21 166:8 182:11 189:8 190:25 191:7 193:25 194:12 195:16 199:25 200:12 202:5 213:16 214:23 219:6 backed 37:8 background 9:25 22:18 52:19 59:14 68:10 99:4 backlog 29:23 43:25 55:18 backlogs 37:12 backwards 91:13 bad 14:6 21:18 44:12 118:2 136:17 207:9 213:25 214:6,23 bail 35:23,25 bailiff	119:13 Baker 161:20,22 162:5,20 163:4 169:15,24,25 202:9,10,14,18, 21 203:1 206:16,17 209:25 balance 39:1 144:4 balancing 39:3 ball 29:17 123:4 ballot 8:1 10:7,8,18 24:5 27:19 30:4, 5 52:6 56:22,24 65:4 67:2,4 79:9 83:1 85:3,4 98:2 99:23,25 112:20 113:23,25 125:22 134:15, 16 135:25 160:14 208:19, 20 211:18 212:13 ballots 119:21 ballpark 182:1 Bamberg 37:20 52:22,23 53:3 bar 15:15 19:1,2 24:21 34:4 47:14 79:7,12, 19 86:5,9,11 95:20 106:17 116:6 120:15	132:16,19 140:3,7 155:4 215:21 217:14 Barnwell 37:19 barrier 149:8,9 barring 136:9 baseball 53:5 based 9:15 28:11 53:24 66:1 77:8 83:18 106:4 127:8 154:13 158:12 173:4,9, 18 174:4 182:15 214:20 basically 92:15 103:25 104:4 146:19,23 147:1,7 148:21 150:4,8 151:7 152:3,7 173:22 176:21 183:13 184:5 185:25 197:13 200:5,14 201:7 212:20 basis 99:17 130:5 161:24 battles 56:15 beach 41:8 bearing 174:1 beat 159:12,23 Beautiful 216:19
	B			
attorney's 217:8 attorneys 15:25 17:2 18:5, 11,13 19:3 21:16 22:7,23 24:17,18 99:12 103:4 107:12 113:15 176:4 186:9 208:7,8, 14 August 167:5 aunts 52:25 authority 24:15 189:18 199:11 203:19 auto 58:22 62:5 automatically 77:15	Baby 48:21 back 7:2 14:25 20:21 21:11,15 25:13, 25 41:9,25 42:10,16 47:8 48:10 50:11,21 53:11 57:14 62:25 70:6 71:13,14 75:19 76:5 80:16 92:18 93:2 96:11 97:5			

began 173:13	216:20 217:20	blind 46:8	47:20 59:18	bring 30:16 38:5 47:8
begin 9:8	benefit 79:20 95:6	blindfolded 107:16	68:24 87:2	61:13,20 95:18
behalf 13:8,10 32:21, 23 60:12,14 65:19 69:17,19 87:25 88:2,4 102:6,8 115:10, 12 139:5,7 172:2 178:2 195:1 211:1,3 218:18	162:24 163:24, 25 166:6 169:21 199:1,2 200:1 201:18	bluff 78:21	138:12 163:13 180:20 189:23	154:11,14 166:13,18 190:22 199:23 212:23,24 219:6
behave 190:6	benefitted 61:7	board 208:17	box 8:1 10:7,8,18 24:5 27:19 30:4, 5 52:6 56:22,24 65:4 67:2,4 79:9 83:1 85:3,4 98:2 99:24,25 112:20 113:24,25 125:22 134:15, 16 160:14 208:19,20 211:19 212:13	bringing 54:24 79:1
belief 165:22 176:11 183:15	Berkeley 114:5 119:2,3 156:19	boards 84:23	boxes 58:17	broad 20:15
believed 173:7	big 30:25 42:14 54:13 55:11 187:20	boat 75:6	Boys 73:15	Brogdon 71:24 73:6,7 75:6 76:23 77:12,17 78:9
believing 116:19 214:9	bigger 57:17 143:12	body 38:4	branch 67:22 68:13	broken 41:23
belt 17:22	biggest 193:1	boils 196:2	branches 66:18	brother 205:25
bench 7:24 10:5 23:19 27:17 30:18 48:3 49:7 52:4 57:6 65:2 67:7 79:19 82:23 84:7 85:1,15 86:25 95:10 100:13 103:17, 23 109:13,16 130:19 132:19 134:23 146:4 155:14,17 157:22 158:17 170:4 203:12 206:23 207:5 208:23 212:4	bills 131:18	Boland 10:22	brand-new 47:18 107:11	brother-in-law 205:24
	Billy 23:14	bolts 34:2	breadth 86:20	brought 34:15 75:19 112:13 125:2 139:23 164:16 177:17 178:13 205:16 206:25
	binge 75:12	bond 36:11,19,24 37:2,7 38:22,24 39:24 41:4,19 48:5	breathing 107:15	Brown 88:22
	bit 20:14 21:5 22:2 43:1,8,14 48:19 58:11 67:18 73:21 89:3 90:17,24 95:17 108:23 121:12 123:24 143:21 165:19 213:17	bonded 48:8,11 215:1	briefing 96:23	brush 105:10
	black 124:1	bonds 35:23	briefly 52:18 65:16 72:14 133:12 139:22 152:19	building 108:21,25
	Blackley 212:9,10 219:18	bone 73:20	briefs 178:18,20	bumped 41:8
	blade 76:12	Bonnie 27:12 50:17	bright 95:9,14	bunch 29:7 33:13 35:13
		bonuses 56:8	brightly 156:1	burglary 35:25 49:3
		born 110:1		burn 213:9
		bothers 154:20		
		bound 12:15 32:3		

business 34:11 94:1 100:25 133:19 152:4	cancel 45:9	capacity 99:5 122:11 191:13 207:8	carrier 137:19	36:1 40:17 42:14,15,25 43:9,11,16,17, 19,21 44:1,23, 24 45:5 46:9 47:3 48:25 54:12,21 55:17 56:6,13,14,15, 16 57:20,22 66:14,17 67:20, 21 73:8,9 74:20 84:9 88:21 107:12 114:9 119:25 120:1 130:8 131:11,12 132:3,4,8,22 134:6,12 137:16 142:24,25 143:4,20 144:7 155:7 179:12 186:10,23 197:10 200:23 203:13 207:14, 15 216:10,12 218:3,5,8
busy 83:12	canceled 173:15	capital 35:25	case 11:20 24:9 31:5 33:24,25 36:14 43:6 46:14,17 47:5,16,19 48:8 58:10,22 59:3 61:23 68:8 75:18,24 77:16 82:4 88:24 90:8 93:1 104:24 105:12 116:10 119:17 126:18 132:14 133:18 135:5,15 136:1, 2,4,6,15,16 137:17,24 140:1,12 148:25 154:11 158:4 162:9,10,22,24 165:25 167:4,9 169:20,22 170:5,6,25 171:17,21 174:23,24 175:11 177:23 178:17 185:25 186:15,17 188:6,12,14,15, 20,23 189:4,5,7, 12,22 190:7,14, 15 191:4,9 192:3 196:12,23 200:20 204:6,8, 23,25 205:5,8 213:24 216:7,9 217:7	47:3 48:25 54:12,21 55:17 56:6,13,14,15, 16 57:20,22 66:14,17 67:20, 21 73:8,9 74:20 84:9 88:21 107:12 114:9 119:25 120:1 130:8 131:11,12 132:3,4,8,22 134:6,12 137:16 142:24,25 143:4,20 144:7 155:7 179:12 186:10,23 197:10 200:23 203:13 207:14, 15 216:10,12 218:3,5,8
C	cancer 119:6,20	captain 45:21,23		
	candidacy 12:21 32:9 34:25 57:11 59:24 69:5 83:6 87:8 98:1,10 101:19 114:23 126:9 138:18 160:12 210:14	caption 171:23 188:21 189:5		
C.B. 7:8 8:15,18,21	candidate 12:15 13:18 32:3 57:4 59:18 60:22,23 68:24 70:2 86:24 87:2 88:12,14 97:8 115:20 138:12 139:16 140:4 157:20 211:11, 12	car 57:20 58:22 118:7 137:17		
calendar 45:18 81:3 144:2	candidate's 9:16,17 28:12, 13 53:25 54:2 66:2,4 83:21 127:9 137:6	career 21:22 23:24 24:7 28:25 29:9 30:16 54:17 84:8 116:21 133:2		
call 33:23,24 80:16 93:23 96:11 111:5 117:14 119:12 124:6 129:15 131:24 145:12 159:6 171:3 204:10,11 214:10	candidates 25:6 50:3 62:17 65:20 67:8 70:4, 13 80:8 96:3 112:18 143:17, 18 170:2 219:17	careful 136:19		
called 25:13 50:11 62:25 78:10,11 90:6,7 108:1 119:13,14 170:23 214:2 218:6		cares 114:6		
calling 78:21	candidly 109:19	Carolina 12:17 32:5 33:2 47:4 52:23 53:8 59:20 60:6,18 62:7 69:1,23 84:24 87:4 88:7 102:12 115:16 134:20 138:14 139:11 162:17 211:7		
calls 89:17 122:12,13	canon 169:5 202:19	Carraway 75:11 77:3,6		
calm 57:6 95:12	capable 71:15 95:11,15 137:23 150:10			
Camden 11:1,12				
camera 31:8				
campaign 113:3 126:9				
			caseload 74:15	
			cases 17:22 24:19 29:3 31:4 35:25	
				Caskey 7:1,7,10,15,18, 21 9:3,12 13:22 23:6,25 24:25 25:17,24 26:3,6, 10,14,20,23 27:1,13,15 28:7 33:9,11 35:3 42:1 43:2 49:10 50:14,21 51:2,5, 11,14 52:1 53:15 60:25 61:3 63:6,12,15, 20,23 64:2,18, 25 65:23 71:4,8 74:9 79:3 80:19 81:1,6,9,14,17, 25 82:3,20

83:14 88:15 90:13 94:11 95:4,23 96:14, 20 186:20,21 187:3,8,14,24 188:5,18,25 204:2,4 206:8	41:25 42:1 43:2 49:9,10 50:14, 21 51:2,5,11,14 52:1 53:15,21 60:24,25 61:3 63:6,12,15,20, 23 64:2,18,25 65:23,25 69:25 70:4 71:4,7,8 72:18 74:9,11 79:3 80:19 81:1, 6,9,14,17,25 82:3,20 83:14 88:10,15,19 90:12,13 94:11 95:4,23 96:14, 20 97:2,4,11,14, 24 98:18 102:17,19,22 105:19,20 108:11,17 109:2,3 110:7 111:1,14,20,22 112:1,10,13,17 113:11,13 115:22,23,25 117:24,25 118:16 121:2, 16,19 123:21,23 124:6,8,13,16, 21,25 125:15,19 126:5,21 127:1, 7 139:17,19,21 140:10 146:17 151:17 152:17, 19 155:22 156:4,18 157:2, 9 158:14,20 159:5,9,15,19, 22 160:5,9 161:4,8,13,16, 22 163:11 164:2,19,22	165:2,5,7,10,13, 18 166:12,23 167:11,15,20,23 168:6,19 169:11,22,24 176:14,17 186:20,21 187:3,8,14,24 188:5,18,25 189:17,25 190:9,15,18,23 191:12,17,21,25 192:5,14,19 193:3,10,14,18, 20 201:16,20,25 202:4,7,9 203:24 204:14, 21 205:10,18 206:2,5,8,12,15 211:13,14,16 212:8,9 213:5 215:12,13 218:23 219:22	changed 26:12 45:4 49:20 117:1 152:9 195:15 chant 76:13 chanted 76:6,7 78:16 chants 76:5 character 12:12 30:10 31:23 59:11 68:21 79:17 86:16 101:13 114:18 117:16 138:8 170:11,22 176:13 203:8,11 210:7 212:1 characteristics 100:3 173:5 charge 42:16 44:8 45:18 48:9 56:17 charged 36:8 44:5,6 149:6 Charleston 121:25 144:13 chase 105:2 122:6 chatting 206:9 check 8:6 27:23 52:11 65:9 70:14 83:3 98:7 112:24 126:6 160:15,18 checked 142:7 154:17	Cheraw 127:6 149:23 159:13 Chesterfield 130:7 135:19 142:4,19 157:23 chief 73:11 140:21 142:10 144:15 150:16,20 chiefs 122:3 child 131:4 143:1 148:14 196:15 209:11 212:24, 25 214:12,20 215:3,4 child's 107:14 children 8:24 107:13 113:20,22 127:22 153:3 164:8,12 173:9 176:23,24 207:14 209:11 214:25 choice 98:15 113:7 choose 41:17 Choppy 48:24 chose 174:7 186:7,12 Christmas 62:4 Christy 125:13 chuckled 56:10
---	--	---	--	---

church 120:20 216:15	10:14 22:20 127:4	166:5 179:6 212:15	190:19 218:21 219:10	college 53:4 84:16
circuit 9:24 10:5,12,13, 17 15:18 28:20 29:5 30:9 31:4, 11 36:15 37:5, 17,18,19 38:11, 13 39:10 43:23 45:13,25 53:10, 14 54:10 55:2 66:11,12,18 67:8,23 68:1 75:7 78:11 84:3 85:14,20 86:25 99:18 107:25 122:4 125:16 127:4,6,25 135:14 140:7,20 141:21 142:2 143:9 149:21 150:1,2 156:19 191:2	civil 17:8 22:19 30:20,23 31:25 33:12 34:2,7 35:10,12 57:12, 20,23 58:20 59:13,14 61:17, 19 62:1 66:19 67:16 68:1 72:16,21 73:2,8, 18,21,24 74:25 84:10,14 85:12 153:19 173:22	clerk 14:25 17:1 37:23 41:5 45:20 71:18,25 72:4 73:6 74:7 76:23 121:21,24 204:11,13,16,20	closed 111:10 121:1 124:3 200:1 219:3 closer 43:3 161:18 closing 98:14 113:7 121:4 129:13 135:6 closings 16:3 cloudy 192:11 co-defendant 165:6,7 192:10 coaching 29:20 code 12:15 13:13 32:3 33:2 59:18 60:6,18 68:25 69:23 87:3 88:7 102:12 115:16 132:13 138:12 139:11 211:7	color 109:16 Columbia 8:25 53:12 130:25 137:23 comfortable 78:14 commend 34:23 35:8 86:24 88:25 126:16 156:21 211:18 comment 31:25 109:5,12 116:1 141:13 156:10,14 212:14 comments 10:8,10,18 13:24 15:14 23:23 24:1,4,8 25:1 30:5,7,18 33:10 49:10,23 56:23,25 61:2 62:8 67:3,5,15 74:12 79:4,8 80:2 85:4,6,18 86:10 88:16 95:5,9,23 99:25 100:1,10,23 105:25 106:9 107:6,24 110:13,22 113:25 114:2,11 120:16,23,25 134:16,18,24 139:25 140:4 156:10 208:20, 22,25
circuits 47:14,16	civility 30:17	clerk's 141:4 154:18	cloudy 192:11	commercial
circular 194:13	civily 17:22	clerked 14:4,21 53:9 71:24	coaching 29:20	
circumstance 215:8	claim 15:2 137:11,22 192:7	clerking 216:21	co-defendant 165:6,7 192:10	
circumstances 16:14 36:25 39:23 85:9 180:21 199:22	claiming 171:6	clerkship 57:14,18 73:10	coaching 29:20	
Citizen 31:24	clarified 213:3	CLES 30:25 33:14,20 34:9,10 61:21, 24 73:3	code 12:15 13:13 32:3 33:2 59:18 60:6,18 68:25 69:23 87:3 88:7 102:12 115:16 132:13 138:12 139:11 211:7	
citizens 12:6 31:16 59:5 68:15,18 86:13 101:6 114:12 136:24 138:2 207:16 209:25	clarify 70:7,24 176:18 212:11	client 16:7 21:3 47:15 48:13 89:9,11 92:16 116:22,23 131:23 134:9 148:10	Cohl 113:4,11,12 114:12 126:11, 19,23,25 138:2 139:14	
city	clarifying 142:11	client's 89:19	cold-calling 107:22	
	classmate 23:14	clients 29:11 74:23 110:17,19 116:10 128:21 132:7 151:24	collaterally 136:10	
	CLE 33:16 35:4 132:17	clogged 48:17	colleague 58:21 74:17	
	clean 47:3	close 106:17 121:2	colleagues 79:25 150:14 188:8	
	cleaned 114:5			
	clear 77:1 117:10			

15:11	committed 35:17,19 36:6 48:9 85:6	comparatively 16:23	61:21 65:6 83:2 98:4 112:22 125:24 160:16	concise 217:5
commission 7:23 10:6 12:20 13:23 24:1 25:6 27:16 30:3 32:9 33:9 50:3 52:3 56:21 59:24 61:1,24 62:9,16 65:1 66:1 67:2 69:5 70:10,14, 17,20,23 71:2 75:21 80:7 81:2 82:22 85:2 87:7, 10,12 88:16 94:12 96:2 98:14 99:23 101:19,20 102:20 113:23 114:23 115:24 126:13,15 134:14 135:3,8, 9 138:17 139:20 157:8 159:17 161:23 163:5 170:1,4,7,13 175:5 176:15 201:17 202:1,11 203:14 205:12 208:18 210:13 211:15	committee 12:6,9 31:17,24 52:21 59:6,13 68:15,19 86:13, 20 87:12 101:7, 10,14 114:13,16 132:16 138:3 157:8 164:14 175:13 176:8 182:15,18,22 184:1 190:5 194:9 198:12, 14,18 199:10, 15,16,20 203:21 210:1,4	complainant 161:6 218:14	composed 208:24	conclude 25:1,18 49:24 62:10 63:3 80:4 95:24 111:4
Commission's 13:13 25:5 33:1 50:2 60:17 62:16 69:22 80:6 88:6 96:2 102:11 115:15 139:10 162:8 211:6	committee's 86:23 169:18,20	complained 155:11	computer 189:3,10	concluded 193:7 220:1
Commissioner 70:12	common 55:19 57:20,25 58:1,2,5,6 68:13 73:12,13 108:23 129:16	complaining 118:12 155:13	Conant 162:2 170:2	concludes 157:3
commit 76:1	common-sense 122:14	complaint 155:24 161:24 163:13 164:13 165:21 166:1,19 168:25 170:16 175:5 182:15 190:12 191:7,8 193:1 194:22 202:16 218:1	concept 73:22	conclusion 148:24
	communication 87:14	complaints 98:9 113:2 126:8 193:1	concern 19:4 30:19 38:3 57:10,13 85:21 86:4,6 100:12, 17 114:11 134:24 151:11 208:25	condemnation 31:5
	communicator 114:8	completed 53:4	concerned 32:1 92:10 135:2,20 137:11 194:10	conditions 137:4
	communities 94:24,25	completely 30:22 37:24 73:23 133:4 219:3	concerns 10:19 13:17 29:24 30:21 33:5,13 60:21 67:15,17 70:1 85:18 88:11 100:11 102:15 115:19 129:1 139:15 145:19 146:5 150:20 188:10 209:4 211:10	conduct 12:16 32:4 59:19 68:25 87:3 138:13 169:6 175:5
	community 84:22 86:22 94:18 95:20,21 127:19	complex 15:24 57:20,22 73:8 133:13		conducted 109:6
	companies 137:15	compliance 8:3 27:21 52:8		conducting 24:22
	company 15:11			conference 46:12
				conferences 43:20 46:5
				Confident 24:14
				confidential 162:12
				confidentially 11:4
				confirmation 160:15
				confirmed 153:8
				conflating 204:2

conflicts 8:7 27:24 52:11 65:9 83:4 98:8 112:25 126:7 160:19	consequences 21:2	101:18 114:22 138:17 210:13	continues 106:9	copy 187:12 188:19
congratulate 123:6	consideration 144:9	contacting 13:4 32:17 60:7 69:13 87:21 101:22 115:1 138:21 210:17	continuing 25:25 130:14	cordial 30:12
Congratulations 157:21 188:4	considered 77:23 151:6 173:20 178:23 186:17 192:4 193:16 196:11, 22	contained 9:16 10:9 28:11 30:6 53:25 56:24 66:2 67:4 83:19 85:5 100:1 114:1 127:8 134:17 208:21	continuous 187:4	Corey 88:22
congratulatory 157:19	consistency 214:3,4	containing 9:16 10:9 28:11 30:6 53:25 56:24 66:2 67:4 83:19 85:5 100:1 114:1 127:8 134:17 208:21	contradicts 172:22	corporation 134:2
Conits 159:21 160:3,8, 24 161:2,3,7 166:13 167:3, 14,18,22 168:2 170:11,21,23 171:5,22 172:12 173:13,17 174:3,7,9 175:2, 14,15 176:11 190:1 191:10 198:16 202:6,8, 10,13,17,20,25 203:3 204:10,19 205:2,17,19,24 206:17,18 207:17 208:6,18 210:1,9 211:17 212:6,10 213:6 215:13	consistent 104:17 208:10, 16	contentious 118:4	contrary 46:25	correct 7:6,15 14:7 16:15 19:7 26:20 45:2 51:8, 10 61:8 91:19, 20 92:2 93:11 97:9,10 104:16 124:17 125:17 159:3 163:9 165:3,4 176:24, 25 177:6,17,18, 21,24 178:15 180:15 182:19 186:6 187:17 191:19,20,23,24 192:18,24 193:12 195:4 200:25 202:12 205:1 214:5 219:11
connected 191:5 204:25	consistently 208:12	contest 208:4	contrite 91:2	control 49:17 55:7
cons 21:9	constituents 128:22	contested 123:13,20 132:3 133:13	contrives 174:12	controlling 54:14
conscientious 100:7 150:7	constitutional 9:18 12:8 28:14 31:18 40:10 54:3 59:7 66:5 68:17 83:22 86:18 101:8 114:14 138:4 210:2	context 15:19 17:3,20	control 49:17 55:7	convenient 56:4
consent 9:18 28:13 54:2 66:4 83:21 127:10 164:5 167:15	constraints 104:23	contiguous 187:4	convention 33:23 34:4	convention 33:23 34:4
	construction 58:12	continance 172:1,7,13	conversation 147:5 192:22	conversations 117:7
	contact 13:7 32:20 60:11 69:16 87:24 102:5 115:9 139:4 204:15 210:25	continuance 172:1,7,13	convinced 38:10 77:16 214:11	convicted 89:9 140:23
	contacted 12:20 32:8 59:23 69:4 70:10,11,17 71:2 87:7	continuations 18:18	conviction 89:1 91:23 135:21 136:11	convicted 89:9 140:23
		continue 31:10 63:7 72:24 77:24 81:10 98:25 111:2 133:6 157:6 172:20 206:19	Conway 108:13,23	correctly 44:10 89:24 118:10
		continued 50:16 73:9 77:7 80:21 116:8 119:15,17 132:20 172:5	cooling-off 36:23	counsel 9:8 28:4 46:19 52:16 65:14 83:9 130:23 165:11 171:24 172:3 174:13,18 178:5
			copies 187:19,22	count 44:16
				counties 29:4 37:18

55:11,12 57:17 130:8 143:12 country 166:3 county 19:1 22:21 43:24 44:2 53:13 54:23 57:17 58:13,21 72:5 75:9 89:7 110:21 114:5 116:3 128:22 131:20 132:22 134:4 142:2 143:9 165:16 couple 16:23 24:4 30:24 37:9,16 38:1 42:14 58:16 59:1 71:12 74:12 79:5 124:21 130:9 139:23 176:18 court 9:24 10:5,12,13, 14,17 11:3 12:17 14:13 15:18 22:21 28:20 29:14 30:13 32:5 36:15 37:12 39:10 45:1,25 54:10,12,19 55:19,20 56:6 57:25 58:4,6,13, 25 59:20 61:19 66:11,12,18 67:8,23 68:1 69:1 71:18 72:13 74:7 75:7 76:3 78:12 84:3 85:15,20 86:25	87:4 90:21 91:6 98:25 99:1,9,13, 17,19 100:24 101:1 103:9,11 104:21 105:13 106:1,18,24 107:3,25 113:16 116:9,12 118:1, 4,5,6 120:3,12 122:8 125:16 127:14,23 128:8,18 129:17,21 130:1 131:3,10 133:3, 4,8,14,16,17 134:23 135:11, 14,15 136:8,24 137:6 138:14 141:17 142:7, 20,23 143:10,24 146:21 147:25 148:1 149:11, 19,23 150:17 154:24 155:14 157:20 162:1, 18,21 163:13, 14,17 164:6,17 165:14,15,16 167:19 169:12 170:3 171:6,10, 25 172:6,19,23 173:19 174:2, 17,20 176:6 177:23 178:14, 25 180:11,19 181:6,14,17 182:13,14,19 183:7,8,21,24, 25 186:13 187:21 188:23 189:4 191:1,2,3, 5,6,10,13,22 192:1,6,7 194:8	195:12 196:19, 21 197:10 204:11,23 205:4 206:19,20,23 207:1,12,20 209:3 213:9 216:25 218:6,7 court's 42:20 49:13 77:20 93:23 213:13 courteous 10:15 courthouse 56:20 58:13 108:20 151:12 courtroom 18:20 20:22,24 29:8,10 57:5 66:21,22 75:20 77:15 78:9 84:5, 10,13 85:10 103:6 117:2,12 118:20 122:17 170:24 197:2 courtrooms 94:20 courts 29:22 45:4 58:4 136:21 196:20 200:19 cousin 76:2 78:23 cover 188:20 coverage 64:24 covered 11:11 170:12 COVID 44:1	crack 119:18,22 cracked 119:24 cracking 120:6 cranked 141:1 Crawford 126:18 crazy 48:12 215:7 cream 151:6 create 11:19 38:6 40:14 171:22 created 39:19 40:6 76:11 171:5 176:1 creating 40:11 credit 95:19 120:15 204:1 Creech 119:6,19 crime 140:23 crimes 36:6 criminal 11:24 15:19 17:20 22:20 35:12 39:14,21 45:23 46:21 54:12 55:19 58:4 59:14 66:18 68:5,8 74:15 75:1 84:10,14 92:12	135:21 136:10 153:20 criteria 8:1 12:7,10 25:5 27:18 31:18,21 50:2 52:5 59:7, 10 62:16 65:4 80:7 82:25 86:14,18 96:2 98:2 101:8,11 112:20 114:14, 17 125:21 138:4,7 160:13 183:16 210:2,5 critic 104:20 critical 72:18 criticism 103:5 crop 151:6 cross-examined 93:14 crowd 19:17 curiosity 120:18 153:18 curious 35:23 118:17 current 100:12 130:11 curve 31:13 custody 131:11 148:14 171:12 173:4,9, 17 174:1 176:22 177:1,5,16 customary 214:3
---	---	--	---	---

cut 77:4 105:2	David 188:21	debt 134:8	defend 171:19 172:8 173:11 190:2	degree 140:8 168:25
Cynthia 161:10,15 162:15 174:14	day 14:23 75:23,24 104:5 109:8 113:21 116:7 117:17 121:10, 12,13 122:9 131:14 142:24 143:1 147:6 149:10 155:4 157:15 158:5 171:6 172:1 175:2 206:10 214:24 215:1,9	deceased 165:3,6,7,8,9	defendant 39:22 40:7,13, 15 75:10,16 77:13 137:20 165:8 171:16,21 172:12 173:23 174:13 180:16	degrees 53:5
D		decide 44:7 77:13 183:7 196:9,15	defendants 35:24	deliberations 25:10 50:8 62:22 80:12
dad 110:14	days 12:4 15:9 31:9 39:16 56:2 59:1 73:17 143:3 144:21 149:17 155:5 171:1	decided 152:21 162:22	defendant's 35:24	delivered 217:6
Daddy 123:8	De 26:5,8 27:7,9	decides 182:20	defendants 30:15 39:4 44:5 56:19 172:25	delivery 217:9
damage 137:11	deadlines 18:14	deciding 16:13 24:19 42:17	defended 72:20	Delta 189:7
damages 137:21	deal 29:1,2,5,10 30:12 44:18 74:22 92:8 93:15 201:12	decision 78:14 128:6 150:23 184:3 191:22,25 198:14 201:25	defender 29:9 30:16 34:22	demand 73:3
Darlington 130:8 142:3	dealing 18:5 46:6,10 66:19 105:4 128:9,21,22,24 145:20 188:1,2	decisions 97:7 99:16 148:13 173:17 176:9 207:9,10 208:9 219:23	defender's 30:8	demanding 132:5
dashes 189:9	deals 168:25	declarations 134:6	defenders 54:18 55:22,25	demeanor 10:17 57:7
data 8:14,17 26:17 27:6 51:7,19 63:17 64:8,11 81:19 82:10,13 97:19 112:4 125:4,7 160:23	dealt 29:12 31:12 40:4 100:17 133:19,25 156:8	declared 75:18	defense 24:17 43:6 46:19 47:14,25 54:17 55:21,23 56:5 57:1 85:13 92:12 137:16 173:24	denied 93:5,15 172:7 173:11 178:7, 17,23 196:4
date 11:17,18 12:25 32:13 41:11 60:3 69:9 87:17 102:2 115:6 120:3,4 139:1 175:6,8 210:22		declined 174:20	defenses 150:9	deny 100:15 178:22 203:7,9
dates 45:4 192:15		decorum 30:17	defining 140:14	Department 135:19 204:6
daughter 8:25 107:22		dedication 65:17 84:6	definite 43:17	depend 20:12
		Dee 68:15,18 101:6 114:12 138:2	definition 16:18	dependent 123:16
		deemed 124:2 158:25 181:7	definitive 75:2	depending 17:12 21:18
		defamation 11:14		depends 99:14
				deputy 29:4 42:12 71:25
				derive 191:9

describe 133:12 170:21	differently 122:17	7:12 26:16	108:20	34:15 51:6
describing 140:13	differing 214:5	discount 94:22	distorted 175:20	63:16 81:18
deserve 56:16 216:12	difficult 20:14 106:19	discover 36:5	district 136:8 191:3	124:21 162:11
deserved 77:25 206:11	150:12 154:7	discovery 58:9 173:12	ditch 207:2	163:2,5,9
deserving 25:9 50:7 62:21	155:7 212:4	discuss 99:22 133:14	diverse 9:25 22:18	170:12
80:11 96:7	difficulty 163:11,16 166:4	145:13 165:25	diversity 23:2 109:13	doggedness 86:22
desire 172:11	168:8	discussion 104:5 161:20	divide 134:13 135:7	dogs 116:13
desk 143:13	digging 88:25 90:4	188:13	dividing 134:8	doke 24:25
detail 11:5	diligence 204:14	discussions 188:8	DJJ 130:21 131:4	dollar 130:16
detention 89:11,12	diligent 24:12,13 95:12	dismiss 47:6 56:14	142:24 155:2	domestic 132:3
determine 170:2	Dillon 142:4	189:21	DJJ's 130:24 153:6	Donald 194:17,20
determined 94:7 166:21	dip 149:4	dismissed 168:5 178:17	docket 37:13,14,24	dose 30:17
develop 72:3	dire 128:10	181:6 192:4	42:8 46:4,7 47:3	doubled 156:12
developing 18:10	directed 100:20	205:8	49:18 54:15	doubt 91:18
development 134:4	direction 43:15 103:19	display 118:10	55:5,7,18 58:5,	downtown 149:23
devote 132:9	directly 91:4 202:15	displeasure 192:21	6,10 114:5	drafted 136:15,18,22
devoted 24:13	director 130:21 153:7	disposal 47:11	141:18,22,25	174:5 175:15
devotion 86:21	disadvantage 165:19	disposition 135:4,22 137:12	143:19,20,25	176:3,5
died 92:24 178:21	disagree 196:17 200:11	207:21	144:5 149:13	drafting 137:8 148:10
179:22 181:4	disagreed 148:21	dispute 135:5,13 181:12	154:3 215:16,24	drag 123:4
192:2,17	disappointed 43:8	disrespect 168:20	docket's 37:8	dragging 43:14
difference 99:7 127:21	disclosure	distinct 216:20	docketing 42:24 49:14	draw 208:15
		distinction 134:21	153:25	dread 121:11,12
		distinctive	dockets 29:3 42:7 48:17	dress 19:11 117:8
			119:7 154:13	
			doctrine 214:22	
			documents 7:11 26:15	

dropped 123:9 185:20	116:20 124:9 159:10	efficient 66:23	8:24	106:15 156:23
Dru 23:13	earned 24:20 34:19 79:8 95:8	efficiently 54:21 55:17 68:12	emotional 128:9	enlightening 130:25
drug 22:21 57:24	ease 81:2,4	effort 43:18 45:5 141:2,6	emotionally 149:6	ensure 85:11 107:9
drugs 44:14	easily 68:1	efforts 35:8 61:18 62:1 112:18	empathize 203:17	entered 85:10 97:15 175:21
DSS 132:22 142:25 143:1 153:2 155:3,4 204:5 214:2,10	East 207:19	eight-page 145:7	employer 90:7,8	entering 26:24 82:1
due 143:9 144:9 168:23 172:22 194:3 196:10 197:3,5 201:1, 10 204:14	easy 43:11 150:5 213:12,13	elected 130:13,19 133:8 144:12 158:14, 15 199:9	encourage 19:20 117:22	entertain 98:13
duly 7:8 26:8 50:25 63:10 81:12 97:12 112:11 124:19 160:4 161:10	eaten 55:24 56:1	election 8:8 27:25 52:13 65:11 112:18 160:20 182:5	encouragement 79:21 95:17 128:16	entire 86:11 142:1 146:13
duty 175:13 196:8	echoes 72:13	electronically 167:24 168:3	end 46:9 47:4,24 58:1,6 122:21 123:13,17 128:14 130:12 134:5 157:12 181:24 214:25	entitled 36:10,14 41:12 92:7 136:24
	economic 8:6 27:23 52:11 65:9 83:4 98:7 112:24 126:7 134:3 160:18	elements 46:22	endeavor 67:11 79:14	entrusted 203:20
	Eddie 53:9	elevation 86:25	ended 90:2 169:22 192:6 195:16	environment 105:4
	Eden 130:22	Elizabeth 130:23	endorsed 41:2	epitomized 75:7
	edification 75:21	email 103:10,15,16 157:13,19,24	endorsement 141:15	Epps 23:14
E	education 153:24	embarrass 19:16 117:11	enforced 29:2 34:20 54:20	equally 90:22 193:23 213:1 214:6
Earhart 52:23	Edwards 23:11	embarrassment 19:25	engaged 67:13 79:15	equipped 129:17
earlier 38:9 40:5 67:19 85:23 154:19 155:7,10 156:9 200:12 212:12	effective 9:23 19:16 22:17 28:19 54:9 66:10 84:2 127:16 149:9	emergencies 155:1	enjoy 48:25 106:24 156:7 207:6	equitable 131:12 133:20
earliest 78:6	effectively 118:22 156:7,12 183:5 184:4 193:24	emergency 154:1	enjoyed 34:18 116:5	era 103:24
early 18:20 20:23 21:21 98:20		Emma	enjoys	Eric 10:22
				Ernest 112:5,8,9,11
				Ernie 156:6

error 175:6	Evans 92:6 93:13	excellence 35:19	18	129:15 130:20
errors 200:25	event 159:6 219:3	excellent 15:16 30:13	exhibits 160:10 162:1	131:1 133:13,15
essentially 77:11 147:2	eventually 70:16,21 172:12	57:3,4 67:14	exist 188:9	138:9 150:8
183:6	188:16	100:2 114:2	expect 18:7 24:16	153:1,4 210:7
establish 44:15	ever-so-brief 126:10	116:5 127:23	39:22 101:1	212:2
estate 133:23 135:2,6	everybody's 29:24,25 47:17	134:21 153:14	124:8 179:13	experienced 37:25 46:18,19
ethic 84:6,16 95:13	75:21	208:22	182:18	47:24 107:12
100:9 134:21	everyone's 85:22 196:10	exception 61:23	expectation 183:11 193:24	146:7 147:20
ethical 12:11 31:22	evidence 46:25 47:9	exceptional 30:7	195:8	148:1 150:22
59:10 68:20	67:23 142:16	excerpts 188:11	expectations 15:4 20:25	208:23
86:14 101:11	147:3 171:4,9,	exchange 145:23 204:1	29:12 117:22	experts 133:20
106:14 114:17	15 172:8,18,25	excited 65:18 108:7	expecting 18:10	explain 10:23 89:10
138:7 210:5	173:16,23	123:6 155:8	expects 25:6 50:3 62:17	90:8 135:3,21
ethics 8:3 25:7 27:21	174:16,17,22	exclusive 177:5	80:7 96:3	137:12 178:25
52:8 62:18 65:6	183:15 184:2	exclusively 61:22 66:13	expeditiously 114:10	207:20
83:2 96:4 98:5	197:7,9 198:13	excuse 15:25 25:3	experience 9:22 10:14	explained 196:6
111:7 112:23	199:11,15	26:17 70:10	12:12 14:9,11	exposure 35:18
123:25 125:25	ex-wife 171:11 177:10	125:22 155:15	17:8 18:24 22:4,	express 140:3
158:23 160:16	EXAMINATIO	executive 81:4 96:22,25	10,22,25 23:2	expressed 30:19 67:15
169:5 170:11,22	N	97:1,6 219:19,	28:18,23 30:20	85:18 100:11
203:8 219:4	9:13 14:1 28:9	21,22	31:20 32:1	114:11 134:24
evaluative 7:25 12:7,10	33:11 35:6 42:2	exercise 24:14	33:13 37:1	208:25
25:5 27:18	53:20 61:3	exhibit 8:13,16,19 27:5,	38:13 42:4 54:8,	extend 155:23
31:18,21 50:2	65:24 71:9	8 51:18,21 64:7,	11 57:5,12,23	extended 148:15
52:5 59:7,10	74:10 83:15	10,13 82:9,12,	59:9,13 61:17	extensive 10:14
62:16 65:3 80:7	88:18 90:14	15 97:18,21	66:9,15 67:9,16	extent 110:2 194:23
82:24 86:14,17	98:23 102:21	112:3,6 125:3,6,	68:22 72:21	197:18
96:2 98:2 101:8,	113:12 118:16	9 160:22,25	73:25 78:8 84:1,	extenuating 36:24
11 112:19	126:25 140:10	162:14 170:17,	5,15 85:12,23	extra 151:9,10 154:24
114:14,17	146:18 152:18		86:16,21 95:15	
138:4,6 160:13	206:17 212:10		101:13 114:19	
210:2,5	213:6 215:13		117:9 127:15	
	exceeding 117:21		128:4,5,11,21	

<p>206:10 216:7,9 extraordinary 75:9 extreme 176:12 extremely 85:14 106:14 109:5 117:19 eye-opening 57:22 eyeball 76:16 eyes 76:4 eyewitnesses 75:25</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fabricated 175:17,22 184:12 193:2 194:10 fabulous 122:5 facilities 130:24 153:6 fact 15:9 26:10 77:8 92:23 109:19,20 128:25 164:4 165:23 179:23 189:16,25 196:22 200:1 211:22 213:15, 23 factions 122:15 factors 17:9 facts 169:12 188:9</p>	<p>208:11 factual 11:16 184:6 factually 184:8 failing 168:22 failure 172:6 198:15, 16,18 fair 24:15 35:2,3 56:13 67:13 77:9 79:16 90:22 99:15 107:1 132:7 145:15 168:24 194:8 201:9 Fairfield 53:13 55:12 58:13 fairly 56:3,19 85:10 114:9 203:15 fairness 24:11 107:7 165:20 196:3,4, 25 197:1 faithful 158:11 fall 19:22 falls 199:24 false 175:16 fame 135:24 familiar 13:3 32:16 60:6 69:12 87:20 88:24 101:21</p>	<p>114:25 138:20 202:18 210:16 213:10 familiarize 35:9 62:1 families 29:12 207:8 family 29:15 52:25 84:19 98:25 99:1 104:21 106:17,18,23 107:25 116:9 118:1,4,6 120:12 122:8 125:16 127:13, 23 128:8,18 129:17,21 131:3,10 133:3, 4,8,14,16,17 134:23 137:6 141:17 143:24 146:20 149:19, 23 150:17 155:14 157:20 162:1 164:17 165:15,16 167:12,19 170:3 171:10 173:19 188:23 189:4 191:6,10,13 194:8 206:19, 20,23 207:1,12 208:13 213:9,13 fantastic 62:8 63:3 153:8 fantastical 80:3 fascinating 77:6 78:2 fashion 24:16</p>	<p>fate 196:15 father 10:21 52:25 173:8 209:7,10 212:21 214:20 fathers 209:1,5,7,13,14 212:13,23 214:17 fault 75:5 favor 15:13,14 96:23 171:16 209:5,14 212:16 favorable 129:2 212:20 avored 209:1 favoring 212:13 favorite 100:4 February 175:8 federal 11:3 78:12 191:2,5 192:7 204:23 205:3,4 feel 9:21 28:17 56:6 66:8,22 83:25 84:8 99:20 105:10 121:7 127:14,18 128:17 129:3,14 132:6 133:8 150:10 158:9 179:22 183:1 194:6,9 196:3,5 200:9 203:15</p>	<p>206:23 208:14 209:22,23 feeling 41:14 feelings 136:18 200:11 feels 209:21 fees 179:25 186:14 feet 43:14 149:4 fell 76:17 fellow 48:8 57:1 116:6 141:8 207:22 felony 44:24 felt 78:21 92:7 131:1,4 137:7 144:22 152:24 153:3,5 179:21 female 212:16 fewer 217:6 field 98:21 126:5 fight 35:1 37:12 47:19 187:25 fighting 116:12 122:21 figure 39:8 43:24 76:6 89:15 166:18 198:2 215:6 file 24:3 37:7,10</p>
---	---	--	---	--

58:23 103:10 128:7 137:2,21 140:19,22 145:2 168:3,4 180:18 186:14 192:10 194:14 198:5, 19,23 199:19,22 200:6 204:8	133:15,18,25 134:6 148:11 find 24:3 35:4 39:21 47:9 85:25 89:1, 5 94:6 103:9 152:15 153:21 166:15,23 171:24 182:25 186:5 193:6 199:14 204:8 211:25 finding 186:8 204:4 finds 164:6 fine 91:8 102:24 130:14 157:21 finish 55:1 finished 54:25 159:11 finishing 216:22 firm 10:21 11:6,13 12:1 16:2 149:20 first-degree 35:25 first-term 141:18 firsthand 209:10 fit 100:13 fitness 12:11 30:10 31:22 59:10 68:20 86:15 101:12 114:17	138:7 210:6 fixed 183:20 fixing 207:3 fixture 108:19 flatly 93:15 Flattery 126:22 flaw 176:12 190:8 203:11 flies 105:23 flip 20:2 floating 92:11,23 flooded 141:4 floor 98:21 Florence 58:21 72:4 flow 205:14 Floyd 78:11 fluency 188:6 flying 46:8 focus 43:16 113:21 focused 7:25 27:18 52:5 65:3 82:24 216:7	focusing 43:9 FOIA 140:22 folks 15:14 23:23 35:11,16 72:12 79:25 94:23 106:25 128:9 153:25 155:18 215:21 follow 25:6 50:3 62:17 72:14 77:20 79:4 80:8 90:16 96:3 180:23 foot 198:7 201:6 football 28:24 footnote 192:16 forceful 57:3 foreclosed 136:23 foreign 73:23 foresee 141:21 154:7 forever 148:17,18 forfeited 74:24 forfeiture 57:23,24 74:20, 23 forget 82:4 158:1 forgive 28:23 157:10 165:5 188:5	192:5,15 forgotten 157:25 form 173:24 175:17 194:2 209:20 formal 25:12 50:9 62:23 80:14 124:4 formed 209:2,17 Forsythe 121:25 fortunate 72:3 130:18 146:3 fortunately 77:2 120:14 137:22 147:17 153:7 forward 28:21 30:2 66:24 78:15 93:20 122:9 forwards 91:13 fought 91:7 found 12:9,16 31:20 32:4 44:3 45:3 59:19 68:25 71:14 86:13 87:3 90:16 92:1 101:7,10 114:13,16 116:11 119:8 138:3,13 196:20 199:16 210:1,4 214:18
---	---	--	--	---

<p>Fourth 140:6 191:2</p> <p>Fox 11:10</p> <p>frame 45:6 184:20,21, 23</p> <p>Frankie 23:13</p> <p>frankly 38:8,13 39:12 40:1,20 45:3 134:12 141:7</p> <p>free 130:16 217:12</p> <p>Freedom 137:1,2</p> <p>frequently 53:18</p> <p>Friday 132:18</p> <p>friend 36:8 48:25 49:2 118:3</p> <p>friends 55:24 58:21</p> <p>front 7:11 15:4 18:6 19:17 21:4 44:13 46:9 47:4, 24 51:6,16 63:16 64:6 81:18 84:12 91:11 110:14 147:21 162:2 163:5 174:25 188:19 189:3 205:11</p> <p>frustrating 193:22,23</p> <p>frustrations 189:20</p>	<p>fulfilling 175:13</p> <p>full 51:3 63:13 81:15 171:12 175:24</p> <p>fully 67:12 79:15 183:18</p> <p>function 33:15</p> <p>fussing 122:21</p> <p>future 12:3 145:14 153:23</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gagged 201:8</p> <p>gained 66:16</p> <p>game 122:25</p> <p>games 29:19</p> <p>Garrett 42:1,2 49:11 70:21 117:24,25 152:17,18 156:5 213:5,6</p> <p>Garrett's 87:9</p> <p>gave 91:17 120:14 185:22 193:15</p> <p>gears 18:2</p> <p>general 13:5,8 31:1 32:18,21 34:1</p>	<p>54:11 60:8,12 66:21 68:10 69:14,17 73:12 87:22,25 101:23 102:6 115:2,10 130:22 138:22 139:5 210:18 211:1</p> <p>generations 17:16</p> <p>gentleman 11:22 82:6 93:2</p> <p>George 205:24</p> <p>gesture 218:15</p> <p>gesturing 76:16</p> <p>Gibbons 26:1,2,5,8,13, 19,22,25 27:2,7, 10,11,12,14 28:5,9,13,17 30:3,7,11 31:17, 20 32:2,7 33:6, 10,11,12 35:4,6 42:2,3 49:12,24 50:13,19 55:3</p> <p>girlfriend 51:25</p> <p>girls 109:14</p> <p>give 7:21 10:2 27:1 40:15 41:25 51:14 52:18 64:2,4 65:22 74:5 75:2 101:2 122:20 127:19 130:24 146:7 147:21 151:9,10 154:23 168:22</p>	<p>182:1 185:23 187:22 195:20, 22 213:2 214:22 216:11</p> <p>giving 105:10 144:9 214:19</p> <p>glad 25:19 64:21 81:9 125:12 126:19 146:9 206:15</p> <p>gladly 199:5</p> <p>Glenn 161:10,12,15,22 162:4,15,16,24 163:9,11,17 164:11,20,24 165:4,6,9,12,15, 18 166:5,21 168:7,16 169:8, 18,23 170:6,14 174:14,21 176:15,17,20,25 177:3,6,11,18, 21,25 178:3,7, 11,15,19 179:5, 21 180:11,16,23 181:2,4,15,25 182:2,5,9,12,22 183:24 184:10, 12,17,21,23 185:6,10,13,17, 21,23 186:2,6,9, 13,17,22 187:2, 6,12,17 188:4, 15,23 189:20 190:1,9,13,16, 21 191:11,16, 20,24 192:2,8, 18,25 193:6,13, 15 194:3,9,16,</p>	<p>19,24 195:4,20, 24 196:8 197:3, 6,14 198:12,21, 25 199:3,9,14 200:2 201:22,23 202:3 203:4 218:14 219:15</p> <p>glorious 110:4</p> <p>glowing 24:9 71:19</p> <p>goal 123:5</p> <p>God 20:8 166:3</p> <p>God's 121:8</p> <p>Godspeed 111:14</p> <p>good 7:1 10:13,17 14:2,3,6 19:2,3 21:5,18 22:8 23:7,8 24:6 25:24 26:1,2 28:10 29:6,7,20 30:1 40:3 43:6 49:2 50:19 53:21,23 55:5, 14,23 57:15 63:6,8,9 71:7, 10,11 72:6 75:17 78:18 81:1,6,8 82:20 83:16,17 86:8 99:2,3,15,19 104:12 105:20, 22 108:22 111:21 113:11, 13 117:12,23 121:13 123:21 124:11,14 127:1</p>
--	---	--	---	--

130:20 134:19 137:7 150:18 158:5,9,20 166:14 173:8 211:16,17 212:11 214:8,14 217:23 goodness 216:24 gosh 15:9 govern 201:13 grab 77:1 gracious 130:23 graduated 104:7 graduating 53:3,7 grandfather 52:25 grant 26:5,8 27:7,9 30:7 78:14 granted 145:21 146:2 174:17 175:25 grasp 114:2 Gray 110:13 Gray's 109:5 great 10:12 26:3 48:24 53:15,17 59:14 64:18 67:6,10 79:11, 16,20 80:19,24 90:10 95:12,19	97:4 114:7 116:18,25 117:21 118:14 121:6 196:12 212:5 greater 109:22 greatly 61:9 Greek 216:15 Greenville 53:11 55:10 57:17 165:15 207:19 Greenwood 48:7 89:6 Greer 208:1 grew 52:22 117:18 grieved 217:25 Griffin 90:21 Griffith 55:3 91:11 94:7 grinned 56:10 ground 76:18 133:11 152:11 216:10 grown 29:18 109:10 grows 215:4 grumpy 15:1 guardian 132:21,24 172:4 173:2	guardians 173:6 guess 16:12 38:2 40:1 74:25 92:4 95:8 100:22 103:21 104:10 109:10 120:6 148:19,25 150:4 151:10 177:13 178:2 179:18 180:3 181:8 183:3 196:1,18 guest 112:14,15 guests 205:15 guidance 150:15 guidelines 13:13 33:1 60:17 69:22 88:6 102:11 115:15 139:10 211:6 guiding 158:10 guilt 173:10 guilty 40:14 77:25 78:16 gun 148:3 guy 75:22 77:1,7,25 120:12 126:23 guys 25:19 Gwen 107:2	<hr/> H <hr/>	half 28:25 29:8 34:3 57:18 125:13 171:21 hall 58:15 135:24 144:7 151:19,22 Haltiwanger 205:20 206:4,14 hammer 40:15 47:18 hand 26:7 50:24 81:11 97:11 112:1 129:4 150:22 160:2 161:9 handle 18:8,9,21 20:16 105:14 128:13 129:22 130:10 133:24 146:8 155:2 185:22 216:3 217:2 handled 11:8 16:2 133:17 134:5 135:6 137:24 205:1 handling 10:15 133:13 178:1 hands 169:20 189:17 hang 109:21 151:15 hanging 93:9	Hannah 8:24 happen 45:19 175:12 185:2 200:23 208:15 215:7 happened 93:25 94:8 131:16 185:4 194:1,7 200:15, 21,23 203:17 happening 37:24 38:10 happily 187:22 happy 8:12 9:1,7 27:4 28:3 51:17 52:15 65:13 72:10 78:7 82:7 83:8 90:5 124:9 187:19 203:22 hard 20:11 24:11 35:1 86:1 141:8 153:21 203:16 hardest 68:7 100:7 hardworking 57:9 85:6 113:18 harkening 191:7 Harrod 107:2 harsh 35:10 105:3 180:9 hate 100:5 209:22 he'll 123:18 141:1
--	---	---	----------------------	---	---

head 58:16 76:5 123:9 159:12	104:4 106:21 116:16 142:9 144:2 145:5,9, 11,12,17,23 148:22 149:22	heavy-handed 120:9	86:24 110:21 122:7 141:11	honesty 203:9
heading 43:15 124:11	150:20 151:4	heinous 36:6	Hill 130:23	honor 63:25 207:7
headmaster 11:12	154:9,16 169:25 170:9 171:8,10 172:5,10	held 37:16 57:19 58:14 169:13 174:19	Hinson 9:12,13,14 13:16	Honorable 7:8 8:15,18,20 97:8,12,20 112:5,7,11 160:3,24 161:1
health 12:8 31:19 59:8 68:17 86:19 101:9 114:15 138:5 210:3 212:2	173:13,15 174:6,12,17,19 175:1,7,9,10,18, 22 178:20 184:8,12,14,16, 17,18,22,24 185:6,10,11 188:17 190:16 191:19 193:2,6 194:10 195:7,22 196:14 198:4 209:18,21 216:1	helped 58:25	hired 49:4 147:1	honorably 79:19
healthy 30:17	hearings 7:3 31:11 34:8, 14 39:17 44:10 73:24 74:3 142:12 144:10, 13,17,18 145:15,20 147:19 151:3 154:1 163:6 171:4 187:7,18 193:17 194:21	helpful 34:9,13 73:5 84:11	historian 166:14	Hood 54:22
hear 9:7 17:15 28:3 41:17 45:15 52:15 65:13 83:8 110:11 150:6 159:24 161:18 165:25 168:24 169:4,17 185:6 198:9 201:4 212:6	heart 203:16	helping 42:8 130:8 186:1	historical 214:21	hooked 75:13
heard 31:7 37:10,11 40:18 48:6 57:19,20 89:12 90:24 103:21 122:7 162:2 166:25 172:14, 20 183:16 185:8 188:10 193:8 202:23 217:4	Heath 124:19 125:5,8, 10 157:25	helps 73:20	hit 76:16 133:11 216:10	hope 25:21 26:13 110:3 128:10 142:17 150:13 152:14 155:10 157:22 158:2 201:10 207:12
hearing 25:18 36:20 37:7 38:24 40:8 41:19 44:12,17 45:13 46:16 47:2,25 49:17 63:4 91:10	heavy 14:13 20:20 25:10 50:7 62:21 80:11 96:7	Henderson 141:11	Hocker 54:25	hoping 33:19 152:1
		Hendrick 130:22	hold 135:8 168:22 206:7	horror 130:9
		Henry 78:11	holding 18:13	Horry 144:12
		hey 131:15 149:2	holds 106:13	hospital 77:5
		He's 36:14	holiday 50:19	Houghston 49:2
		hidden 31:8 199:16,18	home 25:21 31:3 50:18 71:14 80:23 96:18 134:10 162:7	hour 34:1,2 154:5 159:23
		high 15:3 52:23 106:5,14 137:19	hometown 106:4	hours 39:16,24 45:14 132:17 148:9 151:23
		higher 56:16 171:25	homework 123:24	house 62:14 118:7 207:23,25
		highest 114:4	honest 34:10,11 57:8	
		Highland 120:19	honestly 35:15 91:9 164:24	
		highly 10:11 24:10		

housekeeping 12:13 59:15 68:23 87:1 101:15 114:20 138:10 210:9	112:3,6 125:3,6, 9 160:22,25 162:14	imposing 149:8	83:20 127:9 136:14 137:5	individually 20:17
housework 123:24	ill 118:19	impossibility 39:19	146:16 162:12 163:8 168:14 183:17 191:4 192:19	individuals 37:4 100:19
human 200:17	ills 150:11	impossible 39:20 171:23	includes 98:2 112:20 125:22 160:13 164:4	indulgence 158:18
humbling 212:6	immediately 37:6 89:7	impressed 14:18 108:2	including 7:19 13:3 32:16 51:12 60:7 63:24 69:12 87:20 101:21 107:21 114:25 138:20 161:25 162:9 171:13 210:16	inextricably 191:5 204:25
humor 156:2	immersed 132:11,13	impression 11:19	improvement 114:6	information 71:17 137:1,3 148:11 161:25 163:4,7,8 182:12,16 190:22 192:11
hundreds 30:15	impactful 14:20	impressive 114:6	improprieties 25:8	informed 171:20 175:2
hurting 35:16	impatient 158:6	impropriety 50:6 62:20 80:10 96:6 111:6 158:25	improvement 74:6	initial 38:24 40:21 174:14 204:3
husband 9:5 82:18 96:17 156:22 173:6,7, 8 176:23 177:15 178:4 181:4 192:2,9,16 205:24	implied 175:6	impropriety 50:6 62:20 80:10 96:6 111:6 158:25	incorporated 13:19 33:6 60:22 70:3 88:13 102:16 115:21 139:16 211:11	initiate 167:20
husband's 171:11 205:25	imply 175:20	improve 74:6	increasingly 131:21	ink 176:6
hypothetically 36:4	importance 68:9 84:20 109:12 153:22 203:19 209:7,15	in-the-news 11:7	innate 206:23	innocent 40:13
I	important 14:16 23:1 41:13 54:15 79:6 80:1 84:14, 19 94:19,21,23 109:14,15 128:18 129:9 131:5 140:2 144:5 148:13 150:21 153:4,23 179:20 199:12 205:21 209:10 213:1,14 215:25	inaccuracies 175:3	innately 131:21	input 46:2 49:14
idea 76:6 105:8,14 145:3 147:6 152:8	importantly 8:23 106:25 128:4 175:1 207:3	inappropriate 185:16 194:1	increasingly 131:21	inquiry 7:25 27:17 52:4 65:3 82:24
ideas 54:25 146:8	impose 151:11	incarcerated 36:2	incredible 100:8 109:9	inside 164:17
identification 8:13,16,19 27:5, 8 51:18,21 64:7, 10,13 82:9,12, 15 97:18,21		incentive 134:4	incumbent 144:19	insisted 173:19
		incident 75:25	indefinite 18:18	inspirational 109:24
		inclined 103:5 104:2	index 189:5	instance 15:21 16:25 45:12 195:6
		include 141:9	indicating 76:17 85:19	
		included 8:1 9:17 27:19 28:12 37:18 52:6 54:1 65:4 66:3 82:25	indication 117:10	
			individual 20:12 24:17,19	

instances 37:3 103:7	interests 113:20	183:5 211:10	item 164:4	48:2 54:14 56:6, 12 106:6 113:18
instilled 84:20	intern 106:7	invite 120:24	It's 40:3 75:5	114:4 117:21
instruction 73:18 104:3	interpleader 135:13	involve 107:13	I'll 28:5 41:25	121:5,6 122:10
instructions 77:20 172:16	interpreted 105:3	involved 15:21 73:20 93:1 116:10	I'm 21:5 73:22	153:8 169:19
instructive 61:15	interrupt 38:16	135:5 136:6,12 137:17 153:2		196:12 213:12
insurance 137:15,16	intervene 13:10 32:23 60:14 69:18	171:15 179:12, 15 218:4	J	214:9
integrity 57:7	88:2,4 102:8 115:12 139:7	involves 97:25	jail 43:9,10,17 56:7, 9 118:8	jobs 152:8
intellect 153:17	211:3	involving 133:20	jails 48:17	Johnny 122:20,24 123:2
intelligent 95:10	interview 61:5	irreplaceable 217:14	James 149:21	Johnson 51:4
intent 12:19,23 32:8, 11 59:23 60:1 69:4,7 87:6,16 101:18,25 114:22 115:4 138:16,24 210:12,20	intimate 85:16	irrespective 189:23	Jane 81:12,16 82:11, 14,16 85:6 95:13	join 9:4
intention 182:10	intrigued 152:20	isolated 38:19	Janitorial 14:18	joined 8:11 27:3 51:16 64:5
intercepted 76:21	introduce 8:10 27:3 51:17 64:5,17 82:6 112:15 125:1 160:21 161:6 205:15	issuance 193:14	Jarrett 111:21,25 112:5,8,9,11,16 113:9,12,14 114:2,5,13,21 115:18 116:2,8, 22 117:10,19 118:15,16 119:14 120:24, 25 121:5,18,20 123:22 124:5,7, 11,14 156:6,12	joining 64:21
interest 8:7 16:7 27:24 52:11 65:10 83:4 98:8 112:25 126:7 160:19 202:22	introduced 124:23	issue 22:25 40:4 77:11 101:3 136:25 149:13 174:2 187:25 188:12 204:25	Joshua 7:4,8 8:15,18,21	Jordan 71:5,6,7,9 96:21 139:20,21
interested 42:5 92:17	inundated 155:6	issued 136:7 142:10 164:19 172:15	Joseph 112:5,8,11	Jose 112:16,17
interesting 31:6 43:22 74:21 117:4 120:16	investigate 182:24,25 183:1	issues 18:22 59:16 68:23 72:16 87:1 99:21 101:16 114:20 134:7 138:10 145:4 178:13 191:6	Josette 112:16,17	Josh 10:13 24:12,16
	investigated 7:24 27:16 52:3 65:2 82:23		Joshua 7:4,8 8:15,18,21	judge 7:4,6,14,17,20 8:22 9:5,10,13, 18,21,24 10:6, 11,12,13,14,18, 19 12:5,6,14 13:24 14:1,2,5 18:4 21:4,9,11 23:8,12,22 24:1, 10,15,24 25:16, 22 28:20,22
	investigation 13:17 33:5 60:21 70:2 88:12 102:15 115:20 139:15		Jim 157:16,17	
			JMSC 160:11	
			job 15:13,16 22:8	

30:14 39:10 44:13 45:11,25 46:3,6,20 48:21 53:9 54:10,22, 24,25 55:2,3,4 57:16 66:11 67:10,14 71:24 73:6,7,12 75:6, 7,18,23 76:19, 20,22,25 77:12, 17 78:9,11,12 79:16 84:3 85:20 90:21 91:11 94:4,6,7 97:2,3,10,17,24 98:17,23,24 99:1,11,23 100:1,2,4,6 101:5,7,10,16, 17 102:16,21 103:14 105:21, 22 106:3,7,13 108:1,2,10,11, 16 109:6,11 110:6,7,12 111:1,12,17,20, 21,25 112:9,10, 16,17 113:9,12, 14 114:2,4,13, 21 115:18 116:1,8,13,15, 22,25 117:9,16, 19 118:1,15,16 119:4,6,16,19 120:21,24 121:5,16,18,20 122:19 123:11, 22,23 124:5,7, 11,14 127:14, 16,25 128:2,18 129:8,18,22 131:3 136:8 140:21 141:11,	17 147:5 149:21 150:2,17 156:5, 12 157:13,16 158:10,16 159:19,21 160:8,10 161:3, 7,21 162:2 164:21 165:20 166:9,13,24 167:3,14,18,22 168:2,17 169:13 170:2,10,21 172:3 176:10 181:19 182:16 184:5 189:19 190:5 191:9,10 194:10 195:6,7, 9 197:2 202:4,6, 8,10,13,17,18, 20,25 203:1,3, 24 204:10,19 205:2,17,18,19 206:17,18,20 207:17 208:6, 18,22,24 210:1, 9 211:17 212:6, 10 213:6,24 214:19 215:13, 14 216:4 217:19 218:20 judge's 168:25 judges 18:14 29:6,7 44:17 47:1 48:3, 19 54:19 55:4, 14 68:4,6 74:14 100:3,4,6,8 103:22,25 107:23,24 108:1 117:7 121:20 122:8 127:24 133:9,10 143:24	144:19 145:1 146:7 147:18,20 150:1 151:5 152:24 153:1 155:16 158:3 169:19 196:10 200:17 213:9 judgeship 42:4 judgment 49:6,7,8 58:8 134:19 judicial 7:22 10:1,16 12:13,15,16 23:16 27:15 30:9 31:23 32:2, 3 43:23 52:2 59:12,17,18 62:13 64:25 66:23 68:22,24, 25 82:21 86:16 87:2,3 96:16 100:12 101:13 114:7,19 127:6 138:9,11,12 169:6 172:16 175:5 176:7 182:19 190:5 202:19 210:7 212:2 judiciary 35:16 79:11 jumped 75:16 jumping 42:19 June 130:2,6 junior 47:17	jurisdiction 189:15 jurist 116:6 jurists 109:15 jurors 35:14 76:4,24 77:10,18 jury 58:17 74:20 84:9 118:8 justice 39:21 85:11 107:15 142:10 150:16 154:4 Justice's 144:15 justification 149:11 juvenile 130:1 152:22 juveniles 99:8 <hr/> K <hr/> karma 137:14 keeping 42:19 144:5 Keller 8:24 Kenny 137:10 Kermit 216:21,22 217:3,12,18 kid 108:18 kids 29:18 155:3	kind 14:22 15:17 17:5 18:17,24 19:9,23 20:8,22 28:24 41:14,23 42:14,20,24 43:14 45:22 46:8 48:22,23 56:9 76:10 78:8 89:9 95:13 105:7,8 119:18, 22 122:22 123:10 130:3,6 131:17 132:2 133:18 140:9 144:22,25 145:21 146:2 147:25 149:10 150:11 151:4 153:9 157:1,11 179:11 190:25 191:7 213:18 kinds 35:23 40:19 King 216:21,22 217:4,13,18 Kingstree 119:9 124:11 Kiser 135:18 knew 70:15 89:19 117:19 205:7 know-how 67:10 knowing 70:19 132:8 174:9 182:14 199:10 knowledge 79:18 108:2
--	--	---	--	---

166:24 167:9 175:24 180:7 202:12 204:9,10	laughed 173:18	83:3 96:4 111:7 123:25 125:25	161:17	138:25 210:21
knowledgeable 57:8	launched 76:20	lawsuit 10:20,24 11:3, 11,20,23 135:4, 17,22 137:10,13 173:25 207:21	learn 29:7 55:13 103:24 129:11 133:6,7	legislature 87:11
kudos 24:21 120:19,22 216:14	launching 76:18	lawsuits 11:25 134:25 141:5	learned 28:25 29:1,2,5, 10 91:22 104:1 130:1 173:1 217:11,12	legitimate 147:12
<hr/> L <hr/>	Laurens 43:23	lawyer 20:7 23:9,15 30:14 47:25 71:15 75:10,13, 17 76:15,17 78:2,7 95:14 118:11 127:17 137:23 145:8,21 146:1 147:1 148:8 177:20 180:15 202:23 211:24	learner 120:18	lend 109:4
	law 10:1 11:6,13,25 14:14,25 16:1, 25 22:19 29:1 34:20 39:14 45:14 46:21 47:11 48:4,5 50:4 53:7,8 54:20 57:24 59:3 61:6 66:12 73:15,19 76:23 77:16,21 80:9 84:4,17,18 85:17 94:21 98:5 103:1 104:9 108:6,17 110:23 114:8 116:2 121:21,24 122:4,13 124:1 129:20 132:15 149:20 158:2,3, 7,23 160:16 179:10 180:7 196:23 199:19 202:24 205:5 216:22 217:1 219:4,5	lawyering 90:10	learning 31:13	lends 55:7 66:23 67:25 68:11 109:23
lack 15:17 17:8 30:19 144:23 153:1 188:5	lady 8:11 27:3 64:5 107:15 109:14 153:9	lawyers 14:19 15:4 17:24 23:19 33:22,23 34:4 47:24 49:5 54:18 55:21,23 56:3,5,19 57:1 84:11 104:6 106:23 107:21 116:18 117:8, 11,12,18 119:23 144:6,20 145:6, 13 179:17	leave 123:10,19 190:24 207:11, 12	lengthy 31:8
lacking 59:13	laid 21:11,15	lead 15:22	leaves 122:16	lets 48:21
lady 8:11 27:3 64:5 107:15 109:14 153:9	land 126:5	leader 30:7,8 120:20	led 129:16 132:1	letter 12:19,23 23:20 25:7 32:7,11 50:4 59:22 60:1 62:17 69:3,7 70:16 71:20 72:8,10 80:8 87:6,10,15 94:17 96:3 101:17,25 114:21 115:4 124:1 138:16,24 158:23 210:12, 20 219:5
laid 21:11,15	land 126:5	lean	Lee 135:1	letters 23:11,18 34:18 61:12 70:12,19, 22 94:14,16 105:24 107:5 120:17 141:9
land 126:5	Landis 119:4,19		left 42:23 208:3,5	level 100:19 114:4 139:24
Landis 119:4,19	landscape 16:17		legal 9:21 28:17 30:15 54:7 66:8 79:20 83:25 86:22 96:23 108:13 114:3 127:14 128:4,11 133:2 180:10 184:5 201:13 202:22	level-headed 137:8
Lane 94:16	lap 185:20 199:24		legally 180:5 200:6	liability 40:11
large 15:10 24:23	larger 143:12		legislator 12:24 32:12 60:2 69:8 87:17 102:1 115:5	
larger 143:12	late 71:24 151:8,9 154:6 196:13 216:5,6,21			
laughed 173:18	law 10:1 11:6,13,25 14:14,25 16:1, 25 22:19 29:1 34:20 39:14 45:14 46:21 47:11 48:4,5 50:4 53:7,8 54:20 57:24 59:3 61:6 66:12 73:15,19 76:23 77:16,21 80:9 84:4,17,18 85:17 94:21 98:5 103:1 104:9 108:6,17 110:23 114:8 116:2 121:21,24 122:4,13 124:1 129:20 132:15 149:20 158:2,3, 7,23 160:16 179:10 180:7 196:23 199:19 202:24 205:5 216:22 217:1 219:4,5			
launched 76:20	lawmakers 39:19 40:6			
launching 76:18	Lawrence 44:2			
Laurens 43:23	laws 8:3 25:8 27:21 52:8 62:18 65:7			
law 10:1 11:6,13,25 14:14,25 16:1, 25 22:19 29:1 34:20 39:14 45:14 46:21 47:11 48:4,5 50:4 53:7,8 54:20 57:24 59:3 61:6 66:12 73:15,19 76:23 77:16,21 80:9 84:4,17,18 85:17 94:21 98:5 103:1 104:9 108:6,17 110:23 114:8 116:2 121:21,24 122:4,13 124:1 129:20 132:15 149:20 158:2,3, 7,23 160:16 179:10 180:7 196:23 199:19 202:24 205:5 216:22 217:1 219:4,5				

life 29:14,18,20 78:1 128:5,11 207:7	list 41:5 46:7	207:22,24	lot 11:4 16:5,9,12 17:21,24 19:3 20:12 22:6,14 28:22 30:23 34:10 42:4 43:10 44:4 46:2, 11 47:14,16 52:24 53:2 55:22 58:2,7,14 67:21 71:23 73:13,25 74:2 78:5 94:17 106:1 108:21 110:22 127:20 131:13 134:7,13 137:18 142:20 151:2,18 153:1, 25 171:8 181:9 184:10	made 7:16 15:14 26:21 63:21 77:7 79:1 81:21, 22 89:18 91:19 92:15 97:7 110:15,17 119:23 128:5,7 142:1 148:13 155:18 162:6 171:12,23 173:4,11 177:9 178:19 181:21 184:5 190:2 194:11 201:25 207:9 219:24
lifelong 120:18	listen 16:12 72:9 123:18 128:18 129:10	locate 189:4	love 40:25 84:4 121:10	Maggie 8:25
lifted 181:12,15	listened 128:20,25	located 19:1	lovely 27:3	magistrate 58:4 208:1
lifting 181:11	listening 33:19 129:6 143:15	long 18:23 23:21 34:1,3 36:2 57:15 73:5 144:24 152:5 154:9,15 167:7 190:13,16 192:12 201:19, 23 212:3	lucky 133:7 143:3	Magistrate's 135:11
light 49:2 77:9 120:21 126:23, 24 128:14	litem 132:21,24 172:4	long-term 148:24	Lucy 109:4 110:13	magnitude 203:19
lightly 128:7 203:22	litens 173:3	long-time 108:19	lunch 55:24 56:1	mail 17:5
likewise 140:21	literally 39:20 44:13 76:15 77:22	longer 16:17 22:14 37:15 106:1 107:4 162:16	lying 151:20	Main 108:14
limit 150:21 216:13	litigant 135:24 158:4 169:11 191:14 203:15 209:17, 20	look-at-me 95:13	major 33:24 100:17	maintain 20:5 91:8 180:11,12
limitations 13:4 32:17 60:7 69:13 87:21 101:22 115:1 138:21 210:17	litigants 10:15 22:22 100:10 111:3 144:6 167:16 209:2 214:7	looked 123:7 140:11,18 185:17	majority 179:16 211:25	make 10:11,13,17 20:19 25:20 30:13 33:20 41:13 48:2 52:14 58:25 67:13 70:18,25
limited 16:22 54:11 142:13 144:2, 16,21 145:6 147:4,8 195:11	litigation 17:3 62:2 73:8 122:22 149:7 177:8 196:5	loose 119:20	M	
limits 201:2	litigator 57:4 167:13	lose 186:14	mad 155:18	
Lincoln 75:13 78:2	live 107:18	loss 217:13,14	Madden 217:19,20	
lines 16:24 35:22	lives 127:22 176:8	lost 49:1 173:8	Maddox 21:4,9	
link 11:14	living 104:25 107:14			
linked 11:15				
Lisenby 135:18				

79:10,16 82:5 84:7,25 85:24 98:11,14 99:7 101:14 110:8 113:5,6,9,21 120:1,4,7,11,25 121:4 122:12 126:10 127:21 144:24 149:9 150:23 152:5 153:16 157:21 170:19 174:2,4 176:19 184:2 186:14,23 189:1 193:21 198:13 200:18 203:5 207:11 209:11 212:15 213:2 215:7	management 54:15 141:19,23 149:13 215:16 managing 29:11 mandatory 56:17 manner 56:13 133:25 135:16 141:3 164:14 172:9 March 143:7 marital 134:10 mark 59:15 160:9 marked 8:13,16,19 27:5, 8 51:18,21 64:7, 10,13 82:9,12, 15 97:18,21 112:3,6 124:25 125:3,6,9 160:22,25 162:14 Marlboro 142:3 marshal 208:2 masterful 217:9 materially 197:25 materials 8:2 27:20 52:7 65:5 83:1 98:4 112:21 125:24 160:15 matter 10:22 15:24 39:16 47:5	55:19 58:1 162:1 168:12 173:21 179:23 189:6 202:11,14 213:23 214:25 matters 11:8 57:19 73:14,25 75:1 99:22 133:14,19 134:1 144:10 172:20 188:10 202:15 215:17 218:10 Maura 161:20 Maxwell 50:25 51:4,5,10, 13,20,23,24 52:18,22 53:20, 22,23 54:2,6 56:21 57:10 59:6,17,22 61:2, 3,4 62:10 ma'am 201:17 Mccabe 9:1 Mccaskey 204:2 Mcclain 23:13 Mceachin 127:25 Mcgee 157:16,17 158:11 Mcintosh 14:5 18:4 21:11 Mciver 105:19,20,23 110:13	meaningful 129:25 means 22:12 197:11 198:6 meant 110:22 212:22 meantime 76:25 135:10 media 27:22 52:9 65:7 medical 31:1,4 meet 8:12 18:7 27:4 51:17 54:16 82:8 141:7 meeting 54:22 148:9,10 meets 9:18 28:14 54:2 66:4 83:21 127:10 Meetze 63:8,9,10,14,19, 22,25 64:9,12, 15,16,17,23 65:16,24 66:4,8 67:1,7,14 68:14, 16,19,23 69:3 70:6,9 71:9,10 74:10,11 79:5, 17 80:18,22,24 member 53:17 71:3 79:24 106:17 116:6 193:18 201:18 205:11 members 12:20 13:4,8,23 15:15 23:25 32:8,17,21 33:9	38:4 59:23 60:8, 12 61:1 62:9 65:25 69:4,13, 17 70:10 79:7 87:7,21,25 88:15 94:11 98:13 99:19 101:18,22 102:6,19 114:22 115:1,10,23 126:12,15 138:17,21 139:5,19 159:16 163:5 170:8 176:15 201:17 210:13,17 211:1,14 membership 140:7 memories 78:7 memory 49:19 mental 12:9 31:19 59:8 68:18 86:19 101:9 114:15 138:5 210:3 212:2 mentality 143:18 mention 117:5 mentioned 17:19 mentor 84:24 mentored 107:21 Merit 7:23 27:15 52:2 82:22 176:7
--	--	---	---	---

190:5	midstream	75:18 78:15	mother	171:14
merits	192:22	misunderstandi	8:23 84:18	murders
104:23	Mike	ng	209:9 212:18	76:2
Merrill	9:1	183:11	mothers	
81:8,12,16,17,	Military	misunderstood	212:24	N
22 82:2,11,14,	11:2,13	213:3	motion	
17,18 83:11,15,	mind	mock	31:11 34:14	nail
16,17,21,25	14:23 129:5,9	84:23	37:7 77:7 96:20	76:11,14
85:2 86:12 87:1	166:17 168:6	model	172:4,6,13	named
88:17,18,19	mine	18:4 106:8	173:12,14	70:17 134:25
90:14 94:13	58:22 121:24	mom	174:5,7,14,18,	136:12 204:23
95:3,22 96:13,	146:13	214:23	19,23 175:9,10,	names
19	minimize	moment	21,22,23 176:2	120:17 162:10
Merrill's	39:8	8:10 42:6	178:21 192:3	164:11
83:19 85:12	minimum	162:20	219:16,17	narrow
86:20	56:17	moments	motions	183:13
Merrit	minor	20:8	34:8 37:13,14,	narrowing
65:1	11:1,24 164:8,	money	23 58:8,9,18,23	144:16
mess	12	34:12 120:1,5,7,	mouth	native
217:6	minors'	11 135:14	153:11 198:10	8:25
messed	162:10	month	move	nature
200:20	minute	41:9,18,21	29:21 36:23	10:23 18:18
met	106:3 206:12	130:25 142:8	37:6 43:18,19	135:3,21 137:12
21:1 103:8	minutes	154:17 162:18	46:11 54:21	207:20
Methodist	81:2 143:22	163:21	55:17 78:15	navigate
120:20	144:3 148:3,9,	months	114:9 120:4	179:15
mic	12 150:21	37:9 38:7 41:18	122:23 143:19	necessarily
146:15 161:17	172:10 188:3	moot	207:25 216:10	64:20 92:24
Micah	216:3	178:23 181:7	moved	129:12 144:11
204:2	misapprehensio	186:17 192:4	42:25 108:24	180:4 200:10
Michelle	n	moral	207:23	201:13 209:14
121:25 122:1	165:23	30:10	moves	218:10
microphone	missed	morning	16:19 146:13	needed
43:2 53:16	76:15	7:1 13:25 14:2,3	moving	19:23 57:3
72:18	misspeak	23:7,8 25:24	19:6 93:20	107:23 145:25
middle	91:12	26:1,2 27:4	104:21 119:25	198:13
48:23 205:22,23	mistaken	28:10 53:21,23	120:1	needing
206:10	164:4	63:6,8,9 71:7,	multiple	38:12
Midland	mistakes	10,11 76:3 81:1,	200:16	negative
31:16 59:5	184:6 200:18	10 90:25	murder	21:2 85:8 86:10
Midlands	mistrial	105:20,21 154:2	36:9,14 40:17	100:23 106:9
31:24 53:12		219:25	48:8,9 75:22	134:7 156:9,11,

14	nominee 157:18	notice 41:12 167:22 169:3 171:17	<hr/> O <hr/>	offense 44:14
negatives 150:9	Non-biased 172:23	noticed 103:3 105:24 108:12 112:14 140:12	O'HARA 72:1,2	offensive 28:25
neglect 132:22 142:25	non-compete 57:21	notified 166:8 172:3	oath 49:16 202:7	offer 9:6 24:5 28:2 30:21 46:13 57:13 67:17 83:7 89:14
negotiations 89:2,13	non-evaluative 125:21	notify 40:16	obey 77:21	offered 72:6,9 110:8 132:10 135:8 157:9 217:22
Neighborhood 108:13	non-jury 57:19 58:2,7,18	notion 38:15 104:20	objected 171:5	offering 42:3 49:9 50:16 62:13 74:12 80:20 94:3 96:16 155:9
neighboring 127:25	nonetheless 49:22 156:20	notions 129:10	objection 7:19 26:24 51:11 63:23 82:1,2 124:24 189:14	office 14:12 17:18 30:8 42:23 61:13 74:25 91:2 99:22 106:6 108:22 125:21 141:4 154:18
Newberry 53:4	nonexistent 176:2	November 157:16	objections 97:16	officers 29:2 34:20 76:21
newly 130:12	normal 93:25	nowadays 104:1	obligation 16:6 180:14	officers' 77:2
Newman 75:23 76:19,20, 25	Norton 136:8	number 8:13,16,19 17:9 27:5,8 34:6,7 48:4 51:18,21 64:7,10,13 74:23 82:9,12, 15 97:18,21 105:6 112:3,6 117:6 125:3,6,9 133:2 136:11 143:10 156:24 160:22,25 162:14 164:5 215:14 218:9	obligations 17:2	oftentimes 94:20 154:3 193:23 207:9
news 11:9,11	note 9:15 12:5 13:16 23:1 25:10 28:10 31:16 33:4,20 50:8 53:24 59:5 60:20 61:4 62:22 66:1 69:25 80:13 83:18 86:12 88:10 94:13 96:8 98:18 101:6 102:14 114:12 115:18 127:7 138:2 139:14 140:2 206:9 209:25 211:9	numbers 134:7 211:19	observe 34:7 58:7,17,18 61:19	Okie 24:25
newspaper 8:4 52:9 65:7 98:5 112:23 125:25 160:17	noticed 9:15 12:5 13:16 23:1 25:10 28:10 31:16 33:4,20 50:8 53:24 59:5 60:20 61:4 62:22 66:1 69:25 80:13 83:18 86:12 88:10 94:13 96:8 98:18 101:6 102:14 114:12 115:18 127:7 138:2 139:14 140:2 206:9 209:25 211:9	numerous 30:25	observed 16:25 42:22	
nice 72:4 219:15	noted 15:7 34:17 59:13 86:20 204:12	nurturing 104:14	occasionally 15:1	
nigh 159:11	notes 142:1	nuts 34:1	occur 159:7 184:13,22	
night 78:3			occurred 75:25 89:4 163:21 171:8 174:12 175:19 184:14,15,24	
nimble 98:20			odd 156:13	
nine-day 123:12			ode 95:7	
Nobody's 199:18			offends 53:18	
nolle 47:5				
nominated 157:17,20				

<p>older 22:11</p> <p>one-week 142:23</p> <p>online 73:3</p> <p>open 25:11 50:9 62:23 80:13 96:9 129:5,9 130:2 158:22 166:3 172:17 174:15,25 175:24 187:21 190:3,14,17,24 198:20 199:25 201:19,24</p> <p>opening 9:6,10 16:2 28:2 52:14 65:13 83:8 98:11,17 113:5,9 126:10</p> <p>operating 117:15</p> <p>operation 199:19</p> <p>opinion 43:19 45:24 54:14 78:13 85:22 86:3 90:20,23 190:10 209:20</p> <p>opinions 191:4 204:24 209:2,17</p> <p>opportune 198:2</p> <p>opportunities 15:18 16:4 17:2 34:7</p> <p>opportunity 24:2 25:4 28:22</p>	<p>29:6 50:1 62:15 64:4 65:19,22 66:25 67:12 79:14 80:5 82:5 93:5 96:1 98:10 108:4 110:8 121:3,9,14 125:1 126:9 146:1 155:23 164:15 179:2 183:23 198:12 199:21 209:12 218:20</p> <p>opposed 22:2 104:23</p> <p>opposing 145:24 147:24 165:2 172:3</p> <p>opposition 8:8 27:25 52:12 65:11 83:5 98:9 113:3 126:8 160:20</p> <p>oral 216:25</p> <p>order 37:6,23 41:6,10 49:13 129:21 136:7,15,18,22 137:8 140:12,14 142:11 143:22 144:16 163:14, 17,21 164:2,17, 19 166:16 167:5,15,19,25 168:11 169:2,8, 10,23 171:5,22 172:15,17,21 174:5,8,13,24, 25 175:3,16,17, 25 176:3 184:13 187:5,6 189:23 190:3,22 193:8,</p>	<p>14,15 215:3</p> <p>ordered 140:13</p> <p>orders 170:15 172:24 174:11 194:11</p> <p>organically 131:16 132:2</p> <p>organized 29:3 217:5</p> <p>original 89:22 175:25 191:8</p> <p>originally 194:16,17</p> <p>out-of-the-norm 144:1</p> <p>out-putted 64:24</p> <p>outclass 64:20</p> <p>outcome 12:25 32:13 60:3 69:9 87:18 102:2 115:6 139:1 210:22</p> <p>outlets 11:11</p> <p>outrageous 171:13</p> <p>outset 110:8 157:9</p> <p>outstanding 79:17 153:9</p> <p>overturned 89:23</p> <p>owe 151:24</p>	<hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m. 220:2</p> <p>package 134:4</p> <p>pages 8:14,20 27:6,9 51:19,22 64:8, 11,14 82:10,13, 16 97:19,22 112:4,7 125:4,7, 10 144:17 147:4 160:23 161:1 162:15 170:15, 16,18,19 186:25 187:3,4 216:2</p> <p>paid 55:16 130:5 135:14</p> <p>pain 35:7</p> <p>pale 33:17</p> <p>paperwork 208:2</p> <p>paralegal 119:14</p> <p>parent 215:2</p> <p>parents 122:25 213:25 214:15,16</p> <p>Park 120:19</p> <p>Parker 135:18</p> <p>parking 58:14 137:18</p> <p>part 15:3 54:13</p>	<p>73:18 76:13 77:22,23 111:15 123:12 153:18 162:6,17 163:9, 25 176:6 183:8 194:22 200:8,25 206:2 207:5</p> <p>participate 94:24 171:4 172:11</p> <p>participated 33:21</p> <p>participating 194:23</p> <p>participation 42:6 94:17</p> <p>parties 13:7 32:20 54:16 60:11 69:16 87:24 102:5 107:8 115:9 139:4 145:3 162:10 164:5,7,10 167:16,22 172:14 210:25</p> <p>partner 11:14 16:1</p> <p>parts 44:20</p> <p>party 136:16 165:2 167:20 170:25 171:2,19 173:10 177:8 192:22 195:6 199:3 214:11</p> <p>party's 145:25 147:24</p> <p>passed 186:18 197:17 209:8 217:14</p>
---	---	---	---	--

past 38:1 55:25 117:8 121:22 160:18 183:4 199:4	people 17:1,4,15 19:17 20:23 23:15 43:10,13 46:14 48:11 56:3,7,9, 18,19 66:20 99:3,4,8,15 100:25 101:3 103:3,12,18 104:1,15 106:12,16 108:21 118:21 120:5 128:13, 16,19,24 132:4 134:20 149:10 150:6 151:18 152:7,10 153:19 159:25 179:18 183:14,17 200:17,20 206:24 211:25	perjury 173:21	pertaining 172:20	plaintiff's 136:20
path 84:8 206:25	people's 127:22	permission 140:24 162:8	Pete 123:17	plaintiffs 24:18
patient 79:12 208:24	perceived 200:14	permit 147:18	Phil 152:2	planning 199:13
pattern 10:19	percent 68:5	perseverance 92:1	phone 89:17 153:10	plans 79:1
Patterson 48:24	percentage 156:6	person 19:20,22 23:12 29:13,14 45:17 71:16 79:17 95:13 125:1 145:16 147:11 202:22 217:1	physical 12:8 31:19 59:8 68:17 86:19 101:9 114:15 138:5 210:3 212:2	play 141:24
pay 131:18 179:24	perfect 181:3 200:18	person's 86:3 202:23	pick 36:7 41:17	played 29:17 52:24 53:5
PDF 187:8,9	perfectly 217:5	persona 116:21,23	picked 42:14	player 123:3
PDQ 9:16 10:20 28:12 54:1 66:3 81:23 83:19 88:20 97:14 111:22 124:22 127:9 160:6	perform 114:3	personal 7:11 8:14,17 26:16,17 27:6 51:7,19 63:16 64:8,11 81:19 82:10,13 97:19 112:4 125:4,7 160:23	Pickens 53:10 213:20	playing 122:24
peace 122:16 207:13	performed 35:14	personality 57:2	picking 56:15 149:1	plea 89:1,13
peacefully 208:4,5	period 14:5 36:23 37:2 38:7 39:9,15 44:25 148:16 199:8 215:18	personally 38:2 134:22 147:20 176:4	Piedmont 86:13	plead 78:16 93:7
Pee 68:15,18 101:6 114:12 138:2		personnel 66:22 113:16 151:12	pitch 130:15	pleas 55:20 57:25 58:1,2,5,6 68:13 73:12,13
peers 79:24 156:23		persons 39:9 109:15,16	place 21:12 39:17 43:4 129:16 148:15 179:7 181:7 189:2 197:18 198:24 213:13	pleasant 30:12
pending 12:25 32:13 60:3 69:9 87:18 102:2 115:6 139:1 167:8 210:22		perspective 10:2 29:16 86:8 188:7 209:6	places 40:7 68:9 120:13	pleasure 140:3 151:1 213:22 216:21
pension 133:20		perspectives 55:6 61:14	plain 200:7	pled 42:16 77:25
			plaintiff 10:22 135:23 136:6 165:9,10 173:25	pledge 12:24 32:12 60:2 69:8 87:16 102:1 115:5 138:25 210:21
				pledging 13:13 33:1 60:17 69:22 88:7 102:11 115:15 139:10

211:6	95:24 111:4	power	preconceived	presided
plenty	121:2 157:4	118:5,10	129:10	15:11
133:6 171:15	190:18 197:21	182:18,21 190:7	predecessors	presiding
point	position	198:19	149:20	73:7
11:22 12:2	9:19 22:20,21	powerful	prelim	presume
17:23 92:16	28:15 30:1,11	107:11	47:17	64:19
93:8,14,22	40:7 54:4 66:6	practical	preliminary	presumed
98:15 105:2	83:23 127:11	180:5	44:10,12,17	173:9 180:7
106:3 131:3,19	144:14	practice	46:16 47:2,25	pretrial
132:2,15 145:13	positions	9:20,25 10:2	premium	46:5
147:14 154:4,22	10:1	16:17 20:4	141:22	pretty
156:4 161:4	positive	22:19 28:16	preparation	21:21 33:17
168:23 177:2,7,	10:10 30:6	34:2 39:14 54:5	129:21,23	55:14 56:11
13,19 179:4	34:20 56:25	57:21 66:7	prepare	75:17 99:15
180:3 181:1,8	67:5 85:5,7	83:24 84:21	204:15	214:23
185:9,12 195:16	100:1 114:1	99:12 106:23	prepared	previous
196:18,24	127:21 134:17	107:18 113:15	17:24 30:13	8:6 27:23 52:10
203:24 214:12	139:25 208:21	119:25 121:14	48:1 73:1 85:15	65:8 83:3 98:7
pointed	positively	127:12 131:11,	99:16 103:8	113:1 120:10
91:25 151:17	24:23	16 133:24	106:12 110:16,	126:2
195:14	positives	134:1,2 141:16	17,18	primarily
poke	156:11	142:22 143:23	preparing	106:23
58:15	possesses	158:1 205:3,4	199:7	primary
Police	57:7 100:2	217:3	presence	11:22 14:10
171:14	post	practice-wise	19:14 109:22	99:10 145:19
political	163:6 168:13	21:22	present	prime
196:22	post-conviction	practiced	8:9 28:1 46:24	156:24
pontificate	73:24	106:18 116:2	52:13 65:12	principle
146:23	post-trial	205:5 208:7	72:21 148:5	158:10
poorly	175:15 193:8	practicing	171:4 172:7,18	principles
190:6	posted	16:22 17:13	173:16 174:10,	114:3
population	11:11	66:12 158:3,7	16,21 175:11	prior
141:25 142:1	potential	practitioner	187:20	12:25 19:23
population-wise	90:6,8	86:23	presentation	32:13 60:3 69:9
143:9	potentially	practitioners	203:6 217:10	87:9,17 91:24
populations	25:9 50:6 62:20	142:21,22 143:5	presented	102:2 115:6
142:6 143:12	80:11 96:6	praised	72:15 194:22	139:1 160:11
populous	180:2 197:23	215:22	preserve	170:8 172:24
142:2	Poulos	prayer	136:20	175:21 209:2,
portion	72:1	19:10	preside	18,20 210:22
25:2 49:25	pounded	preceded	67:25	prison
62:11 80:4	75:17	110:5		140:25

private 10:2 22:19 84:21 119:25 121:13 131:10, 11 141:25 142:20,21 143:4 155:4	process 13:10 25:3 26:1 32:23 38:6 39:2 49:15,25 50:23 60:14 62:11 65:18 69:19 80:5 88:2 95:25 97:25 102:8 104:11 115:12 125:19 128:2 139:7,23 157:4 168:23 172:22 179:16 183:19 194:8 196:5,10, 19,21,23 197:3, 5 198:1 200:15, 24 201:1 203:4 205:6 211:3	progress 170:25 progression 216:20 217:16 prohibit 45:5 project 107:23 promise 143:15 157:25 proper 10:16 properly 172:2 property 74:24 133:19,21 137:11 pros 21:8 prosecuted 53:13 72:16,19 prosecuting 54:12 75:24 prosecution 61:24 prosecutor 40:24,25 42:10 46:19 47:17 56:7,13 85:12 prosecutors 24:17 57:1 pross 47:5 protect 141:4 163:1 164:7 167:11 protection 162:25 proud 64:16 107:18 108:6 109:5	117:19 prove 89:15 171:9 proved 151:7 proven 40:13 provide 163:22 183:14 196:25 provided 66:15 161:25 163:19 166:6 171:8 177:15 providing 113:24 175:16 provisions 44:23 prudent 77:17 public 19:23 24:14 29:9 30:8,16 34:22 50:15 53:1 54:18 55:22,24 66:21 80:21 84:6 138:14 162:12, 17 163:10 164:1 168:12 169:7 189:5 196:8 201:18 publication 11:9 publishes 11:6,8 pull 161:17 pulling 207:1 punctuality 98:19	punitive 141:2,6 purpose 44:11 168:18 169:25 181:13 183:12 195:12 purposes 8:14,17,20 27:6, 9 51:19,22 64:8, 11,14 82:10,13, 16 97:19,22 112:4,7 125:4,7, 10 160:23 161:1 162:15 165:20 166:11 167:7 168:9 169:14 181:23 pursuant 25:4 50:2 62:15 80:6 96:1 158:22 pursue 182:11 204:22 push 36:18 43:1 48:19 put 43:2 48:3 56:7,9 58:5,23 103:19 107:7 111:23 118:8 137:3 142:14 145:6 148:7 160:6,10 184:13 203:17 Putnam 126:18 puts 107:13 putting 38:23 140:4 206:24
privately 19:13,18 privilege 151:2 pro 10:15 22:22 107:8 121:12 135:12 178:10 180:12,13 proactive 43:5 problem 37:8 44:8 103:10 142:18 156:3 182:13 183:25 198:18 206:24 207:6 problems 38:10 129:2 143:11 183:20 procedural 85:17 procedurally 184:7 procedures 73:21 172:23 proceed 50:22 97:7 98:15 161:21 166:19 169:14 proceeding 202:22 220:1 proceedings 49:21	proessional 191:1 produce 173:23 profession 24:23 79:25 86:21 117:13 127:19 professional 9:22 12:11 28:18 31:22 54:7 59:11 66:9 68:21 84:1 86:15 95:20 99:5 101:12 106:14 114:18 127:15 138:7 210:6 211:21 professionally 79:23 95:18 134:22 program 108:14 132:21, 24			

<hr/> <p>Q</p> <hr/> <p>quadros 133:21</p> <p>qualification 7:3 124:4</p> <p>qualifications 7:24 12:8 25:13 27:17 31:19 50:10 52:4 59:8 62:24 65:2 68:17 80:14 82:23 86:18 96:10 101:9 111:11 114:15 125:20 138:5 159:2 169:1 170:1 175:14 210:3 219:10</p> <p>qualified 9:23 12:7,10 28:19 31:17,21 54:8 59:6,9 66:10 68:16,20 84:2 85:14 86:14,17 101:7, 11 114:13,16 138:3,6 170:3 196:10 210:1,5 211:20</p> <p>qualify 127:15 169:19</p> <p>qualities 61:12</p> <p>quash 173:12,14 174:6 175:9,22</p> <p>query 77:18</p> <p>question 22:5 28:21</p>	<p>34:23 58:24 59:15 70:9 71:16 74:13,18 96:22 99:2 103:14 129:14 132:25 141:15 143:14 148:19, 25 150:18 177:22 179:18 183:3 184:20 190:13 191:8,11 194:14 196:1 197:4,6 204:5 206:21</p> <p>questioning 13:19 33:7 60:23 70:3 88:13 93:20 102:17 115:21 139:17 196:12 211:12 219:7</p> <p>questionnaire 7:12 8:14,18 26:17 27:6 51:7, 19 52:20 63:17 64:8,12 81:19 82:10,14 97:19 112:4 125:4,8 160:23</p> <p>questions 9:9 12:14 13:21, 24 23:5 24:1 25:1 28:4 33:8, 10 35:22 49:11, 12,23 52:17 60:24 61:1,5,17 62:8 65:15 70:5, 6 79:4 80:3 83:10 86:4 88:14,16 95:24 98:12,13,21 99:21 102:18,19 113:4 115:22,23</p>	<p>126:12,20 132:16 139:18, 19 143:16 146:10 155:22 157:3 161:19 173:13 176:14 187:13 201:11, 16 203:23 205:11 210:10 211:13 213:5 216:5 218:19</p> <p>quick 8:10 108:11</p> <p>quickly 35:21 40:8 104:22</p> <p>quit 116:9</p> <p>quo 195:16</p> <p>quote 16:13 49:18</p> <p>quote-unquote 11:7</p> <p>quoting 204:24</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>rabbit 122:6</p> <p>rack 34:12</p> <p>raise 26:6 50:23 81:11 97:11 112:1 160:1 161:8</p> <p>raised 13:17 33:5 57:11 60:21 70:1 88:11</p>	<p>102:15 115:19 139:15 144:10 156:5 209:9 211:10</p> <p>ran 29:3,8 72:7 123:6</p> <p>range 61:14</p> <p>RANKIN 97:2,4,11,14,24 98:18 102:19 105:19 108:11, 17 109:2 110:7 111:1,14,20,22 112:1,10,13,17 113:11 115:23 117:24 118:16 121:2,16,19 123:21,23 124:6,8,13,16, 21,25 125:15,19 126:5,21 139:19 140:10 152:17 155:22 156:4,18 157:2,9 158:14, 20 159:5,9,15, 19,22 160:5,9 161:4,8,13,16 163:11 164:2, 19,22 165:2,5,7, 10,13,18 166:12,23 167:11,15,20,23 168:6,19 169:11,22,24 176:14 186:20 190:9,15,18,23 191:12,17,21,25 192:5,14,19 193:3,10,14,18 201:16,20,25 202:4,7,9</p>	<p>203:24 204:14, 21 205:10,18 206:2,5,12,15 211:14 212:9 213:5 215:13 219:22</p> <p>raptly 143:15</p> <p>razor 76:12</p> <p>re-elected 170:3</p> <p>re-election 98:1 112:19 141:18</p> <p>re-litigate 170:4 193:25</p> <p>re-litigated 194:4</p> <p>re-sentencing 89:25</p> <p>reach 146:4</p> <p>reaching 218:12</p> <p>reaction 90:25</p> <p>read 46:14 91:5 120:17 195:23</p> <p>readily 145:10</p> <p>reading 34:14 90:20 146:11</p> <p>ready 22:1 97:15 111:23 113:10 124:23 156:24 160:6</p> <p>real 108:11 133:23</p>
---	--	---	--	--

135:2,6 154:6 213:25	receive 96:23	recommending 173:3	10,22	reinforcement 24:6
realistic 39:25	received 8:7 10:7 12:24 27:24 30:3	reconsider 174:7 175:21	record's 121:1	reiterate 67:18 173:8
realities 35:10 39:20 180:9	32:12,25 52:12 56:21 60:2	record 7:2,19 9:15,17 13:16 25:11,23, 25 26:4,24 28:10,13 33:4 50:9,20,22 51:12 53:24 54:1 60:20 62:23 63:5,13, 24 66:1,3 70:1 80:13 81:5 82:1 83:18,20 88:11 89:16 96:8 97:5, 16 98:19 102:14 107:7 108:4 109:19 111:9, 10,19,24 115:19 121:3 124:3,4, 15,17,23 127:4, 7,10 139:14 146:11 155:25 158:21 159:1,2, 18,20 160:6,10 161:13 162:6,7, 9,13,17,22 163:10 164:1,5, 7,23 165:14,23 166:2,16 167:1, 21,23 168:1,12, 14 169:7 170:14 172:17 173:7 174:15,21 175:24 176:7 189:4 190:24 192:14,19 195:7,10,11 201:19,23 204:12 211:9 218:21 219:2,9,	recordings 89:21	rejected 92:6
reality 104:25	65:10 67:2 69:8 70:22 83:5 85:2 87:16 99:23 102:1 113:23 115:5 134:14 138:25 208:18 210:21	records 163:14,15,22 183:2 189:22	redacted 162:7 164:11	relate 64:25
realize 129:6 142:21 153:25	recent 33:17 54:22	reelection 143:17	reducing 56:15	related 140:23 173:14 188:15
realized 116:20	recently 11:23 104:8 140:25	refer 34:21	reelection 143:17	relates 42:23 181:11 202:21
Realizing 35:17	receptive 147:6	referee 29:16	reference 23:11 34:18 61:11 94:14 105:24 141:9	relation 44:25
realtors 135:6,7,11	recitals 29:19	reference 23:11 34:18 61:11 94:14 105:24 141:9	references 94:17 162:8	relationship 72:4 74:6 99:19 106:15 212:23, 25 215:2
Realty 135:1	reckless 176:9 203:10	referring 37:17	refinance 133:23	relationships 209:12
reason 94:14 99:6 103:18 136:13 147:12 150:19 181:6 194:6 196:15,16 201:12	recognition 20:5 151:18	refinance 133:23	reflects 24:22	release 25:12 50:10 62:24 80:14 96:9 124:4 219:9
reasonable 16:13,18 18:16 36:18 37:2 38:7 95:11	recognize 9:8 26:19 28:4 48:3 52:16 65:14 80:2 83:9 150:8 153:22 172:6 179:12 180:5,9 189:13	refrain 215:14	refresh 49:19	released 111:11 140:25 159:2,3 205:6
reasoning 18:13	recognized 29:13 71:8 72:15	refresh 49:19	refute 174:16	reliable 95:16
reasons 44:4 91:16 95:7 99:10 109:21 132:25 196:7	recognizing 215:17	regard 156:7,22	regular 154:3,12	relief 73:24 204:22
recall 49:13,15 89:24 91:14 93:19 164:24 181:25 197:24	recollection 167:3			reluctance 17:11
				rely 145:5
				remain 25:11 50:9 62:23 80:13 96:8 167:16

172:17 174:15, 24 175:24 190:14,17	replaced 119:4	95:8 99:12 101:13 106:24 107:7,17 113:14 114:19 116:5 134:22 138:8 158:12 208:6 210:7 212:1	resided 53:12	response 23:4 30:21 57:12 67:16 85:20 86:6 93:17 129:3 148:6 157:23 165:21 185:1 209:3 212:15
remains 158:21 165:23, 24 187:21	reply 175:4	reputations 79:7	residence 9:20 28:16 54:4 66:6 83:23 127:12	responses 56:22 61:10
remarks 98:11 113:7	report 25:12 31:25 50:10 61:22 62:24 80:15 90:5 96:10 111:10 159:1 207:17	request 137:1 162:5 176:3 181:3 199:3 216:3	resident 55:4	responsibility 118:9 174:4 183:13 199:21
remedy 150:11 185:15	reported 12:6 31:17 59:6 61:21 68:15,19 196:23	requested 174:15 181:22 198:21	resistant 103:13	responsible 24:16
remember 91:10 108:18 110:25 116:15 136:11 149:22 151:3 164:20 165:13 175:14 192:2	represent 77:7 117:13 148:24 171:18	requesting 175:23	resolve 122:23 189:14	respect 10:11 14:12 24:10 61:6,17, 20 85:22 86:2 109:9 140:6,7 194:3 201:1,10 203:6
remembers 110:24	representation 164:25 165:1	requests 137:3 140:22	resolved 135:15 137:25	rest 65:20
remind 25:4 50:1 62:15 80:6 96:1	representative 71:9 96:21 139:20 185:15 186:20 204:4	require 167:15,18 216:1	respect 10:11 14:12 24:10 61:6,17, 20 85:22 86:2 109:9 140:6,7 194:3 201:1,10 203:6	restate 181:18
reminded 141:16 173:17	represented 11:1 30:15 37:3 110:18 164:22 165:10 171:7 177:15 178:5,11	required 110:10 179:11	respected 56:25 79:12 110:21	result 36:7,8 105:9 117:18 122:17 135:12 136:13 170:6 191:21
reminds 203:18	representing 137:15,20 180:6 184:19 193:4,11 195:1	requirements 9:19 28:15 54:3 66:5 83:22 127:11	respectful 95:11 101:2	resume 7:3 14:7
remiss 61:20 109:4 126:16 205:14	reprimand 19:24	requiring 142:14 174:24	respectfully 22:6 162:5 190:9 195:25 203:3,7,9	retain 171:24
render 99:16	reproach 57:8	resealed 162:23 167:8 168:5 169:10	respecting 118:24	retired 23:12 53:10 119:5
rendered 54:8	reputation 12:12 18:10 24:11,20 31:23 34:20 59:12 68:22 86:5,9,16	research 39:13	respond 100:14 197:5 201:8 202:15	retiring 130:12
renders 9:22 28:18 66:9 84:1		researched 77:11	respondent 192:3	reveal 91:16
reopen 174:21,23		Reserved 57:2	respondents 156:11	reverse 31:5
repair 175:4		reside 127:5	responding 147:23	review 52:7 84:17 103:9 170:1
repeating 76:8				reviewed 13:12,15 60:16

69:21 88:5 102:10 115:14 139:9 170:8 211:5 revision 131:12 133:21 revisit 61:16 rewarding 133:1 Richland 54:23 55:10 rid 43:25 riddance 78:18 rights 39:3,4 40:10 107:10 171:2,19 172:23 180:12 196:11 197:3 204:21 Riley 50:25 51:4,20, 22 52:22 54:2 57:4 road 159:24 robe 14:13 20:20 120:21 Rochelle 160:3,24 161:2 170:21 175:14 176:10 rocks 40:25 role 74:17 106:8 120:19 122:10 160:12	roll 76:4 rolling 144:9 Romeo 188:21 189:7 room 53:19 82:7 rostered 144:3 roughly 182:4 roundup 61:23 route 186:12 row 51:16 64:6 Ruffner 124:17,18,19,24 125:5,8,11,12, 14,15,18 126:4, 14,25 127:2,10, 13 129:19 133:12 134:14, 25 135:1,17,18 137:9,10 138:1, 3,11 139:13,21 140:9,10 146:18 152:18 155:22 156:3,17 157:1, 3,5,11 158:15 159:4,8,14,16 ruined 176:9 ruled 12:16 15:13 32:4 45:12 48:16 59:19 67:9 68:25 87:3 138:13 142:11, 16 147:18	207:18 215:25 ruled 183:18 rules 12:17 32:5 36:12 59:20 67:23 69:1 87:4 112:23 132:14 138:14 179:10 180:20,23 199:14,17 201:13 rulings 107:10 174:4 run 20:4 29:24 41:5 72:9 104:3 143:25 157:6 216:5,6 run-the-train 143:18 rundown 136:4 running 23:9 29:19 37:13,23 125:16 133:11 144:5 157:6 182:5 216:10 runs 103:6 rushing 105:11 Ruth 48:21 <hr/> <p style="text-align: center;">S</p> <hr/> S.C. 13:13 Sabb 35:3,4,6 74:9,10	96:21 108:12 109:2,3 110:19 115:24,25 120:11 safe 50:18 111:15 safeguard 20:19 safely 25:21 80:23 96:18 Safran 13:25 14:1 36:5 90:13,14 102:20,21 106:11 110:23 143:13 146:9, 16,17,18 153:24 176:16,17,21 177:1,4,7,13,19, 22 178:1,5,9,12, 16 179:2,9 180:1,13,17,24 181:3,5,24 182:1,3,7,10,17 183:3 184:4,11, 16,19,22,25 185:8,11,14,20, 22,25 186:4,7, 11,16,19 193:4, 19,20 194:5,12, 17,20,25 195:5, 23,25 196:17 197:4,12,16 198:17,22 199:2,6,12,18 200:4 219:18 Safran's 154:4,22 191:8 sample 136:5 samples	136:3,16 137:6 sanctions 140:13 sat 122:25 123:1 Saturdays 149:19,24 sauce 118:12 saved 90:4 157:24 SCDC 89:8 scenario 21:18 40:6 148:6 scene 75:16 schedule 46:12 143:3,7 scheduled 132:18 145:11 171:25 173:15 schedules 145:9 scheduling 37:14 56:5 143:5 154:12 213:17 school 12:1 52:24 53:1, 2,7,8 73:15 84:17,18 103:1 104:6,9 106:5 108:6,17 110:23 120:22 133:9 137:19 205:22, 23 206:2,10 216:22 217:2 scores 212:5
---	---	---	---	---

screaming 41:21	198:6,19,23,25 199:20,22 200:6	seldom 118:1	sense 20:15 22:20 91:1 129:16 134:19 156:2	Services 204:6
screen 112:18	203:25 204:13, 17	Select 30:11	sensitive 103:6 104:15,22	serving 84:20 95:1 98:24,25 122:10 155:20 206:18, 19
screened 116:14 117:20 126:2 156:5	sealing 164:6	selected 133:7	sensitivity 100:19	session 81:4 96:22,25 97:1,6 219:19, 21,23
screening 13:1,5 25:2,3 26:1 32:14,18 40:21 49:25 50:7,22 60:4,9 62:11,21 69:10, 14 80:4,12 81:10 87:18,22 95:25 101:23 102:3 111:4 115:2,7 128:1 138:22 139:2 157:4,14 207:18 210:18,23	search 8:4 27:21 46:23 52:8 65:7 98:5 112:23 125:25 160:16 204:6	selection 7:23 27:16 52:2 65:1 82:22 135:25 176:8 190:5	sentencing 68:7	sessions 54:12 68:10 73:12
screenings 8:6 27:23 38:9 52:10 63:7 65:9 83:3 96:7 98:7 113:1 126:2 160:11,18	seasoning 22:2	self-evident 95:7	separate 173:2	set 18:20 20:22 36:11,15,22 45:6 77:19 195:13 208:11
scroll 71:17	seat 84:12 125:17 128:7 130:1 132:10 146:9, 12,13 157:18,20 161:5 166:17 168:6	sell 134:9	September 87:10 142:11 170:22	sets 46:3 148:22 214:5
seal 162:11 190:7 195:7 202:11,14	seated 87:12	selling 134:3	sequentially 187:16	setting 42:6,7 45:18,23 154:7 207:3
sealed 162:3,9,16,19, 24 163:2,24,25 164:6 165:16,24 166:6,22 167:5, 10 168:3,4 169:21 188:13, 16 189:6,13,16, 22 194:15,16,17 195:17,21,22	seconded 96:21 219:18	seminar 33:25	series 75:12 186:24	settle 120:2
	section 11:7 13:3 32:16 33:2 60:6,18 69:12 87:20 88:7 101:21 102:12 114:25 115:16 138:20 139:11 210:16 211:7	Senate 70:15 153:7	seriousness 101:1	settled 10:23 11:4,21 214:13
	seek 179:3,5	Senator 35:3,4 40:22 42:1 47:13 49:11 70:21 74:9,10 78:6 87:9 96:21 108:12 109:2 110:19 115:24 117:24,25 120:11 152:17, 18 156:4 213:5, 6	serve 28:22 79:19 111:2,3 121:9, 15 127:13,18 129:17,21 132:20 134:20 169:1 207:8 213:7 215:10	shalt 140:15
	seeking 140:20,24 141:17 171:11 204:22	send 44:18 47:16 70:12,18 87:10 126:11 131:4	served 84:17 90:1 171:17 205:2,7, 9 217:20	shanks 76:11
	seemingly 147:6	sending 131:6	service 24:14 50:15,17 62:12,13 66:24 80:21 84:6,22 96:16 108:22 131:20 205:6	shape 119:3 194:2
		senior 22:7 23:19		share 24:2 75:20 79:5, 21 95:5,16 109:25 121:25 157:7 158:18 189:9

shared 24:4 38:3,14 100:11 109:19 156:9 171:12 177:1	123:1 149:15,16 153:2 217:3	94:2,5,9 96:13 97:10,17 101:20,24 102:4,9,13 103:1 108:16,24 111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	197:23 198:5 201:14	soften 126:22
Sheriff's 135:19	sideline 123:7	101:20,24 102:4,9,13 103:1 108:16,24 111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	situations 21:14,16 128:10,12,17 133:22	sole 57:10
shifted 43:12	Sigma 135:1	103:1 108:16,24 111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	six-day 15:10	solely 181:12
ship 45:21,24 89:8	signed 106:20 176:5	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	six-month 36:22	solicitation 11:24
shocked 90:22	signify 96:23	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	skills 153:20	solicitor 23:14 29:4 34:21 42:9 45:24 46:2 49:16 93:17 106:8 128:23 130:3,4,11,13
shocking 45:3 90:17	similar 30:19 62:6 100:12 156:7 195:24	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	SLED 171:14 207:17	solicitor's 17:18 42:23 91:1 106:6
shoe 198:7 201:5	simple 200:8	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	Sleuth 204:1	solicitors 44:7 49:13 109:7 130:17
shoes 189:19 203:18	simply 11:15 109:10 116:10 172:24 175:6	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	slightly 71:19 166:1 218:5	solid 95:15 130:20
short 39:15 105:3	Sinclair's 152:3	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	slipping 213:22	solution 129:7,8 208:11
shortly 70:13 160:21 190:19	single 187:22 209:9	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	small 131:17 142:5	solve 206:24 207:6
show 119:12 128:13 163:14 176:12 189:22	sir 7:4,17,21 10:25 13:22 15:6 21:24 23:5 25:17 26:6 28:7 33:8 36:4,16 37:21,25 38:20 39:7 40:23 41:3, 20,22 42:1 49:10 50:15,23 63:8,15,19,22, 25 65:23 70:8 71:4 75:11 88:23 90:5,23 91:23 92:3,14, 22 93:10,12	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	smaller 42:15 55:12 89:7 143:8,9	somebody's 40:9
showed 177:20	single 187:22 209:9	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	smart 57:8 67:5 95:12 179:14 208:24	son 137:18 207:23
shown 214:24	Sinclair's 152:3	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	smiling 118:23 156:1	son's 207:22 209:7
shows 153:17 174:8 189:5,12 195:18	single 187:22 209:9	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	soapbox 40:2	sort 41:8 61:25 76:8
shy 109:18	Sinclair's 152:3	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	soccer 122:24,25 123:2	sorts 46:22
side 20:2 28:25 29:9 30:23 62:13 67:22 70:15 72:6 84:13	Sinclair's 152:3	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	Social 204:6	sought 12:24 32:12 60:2 69:8 87:16 102:1 115:5 138:25 210:21
	Sinclair's 152:3	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8	softball 29:19	
	Sinclair's 152:3	111:12,25 118:14,15 124:5,7,18,24 125:18 126:4,14 127:3,17 129:24 133:17 135:23 137:14 138:15, 19,23 139:3,8, 12 141:12,20 146:25 150:3 152:16,23 154:21 155:21 159:4,8,14 160:8 161:12 164:20 165:12 167:14 168:16 177:3,25 181:2 182:9 187:2 202:3,6,8 213:19,21 215:11 219:8		

sound 187:1,10 188:22	37:17 49:15 133:14 170:10	138:6 207:13 210:4	38:18 51:3 52:8 57:18 62:12,18	statewide 19:5
sounded 76:8	spectrum 134:5	stack 142:14 187:20	63:12 65:6 73:15 79:20	stating 163:14 169:10
sounds 91:6	speculated 78:20	stacking 16:7	81:15 83:2 88:21 92:25	status 43:20 46:5,12 141:18 166:25 195:16
source 204:7,13	speed 31:15 35:21 72:25	staff 7:22 11:2 13:18 14:12,13,18 27:1 33:6 51:14 60:21 64:2 70:2 83:9 88:12 99:13,17,20 126:17 168:22	95:16 98:5 111:3,7 112:22 125:25 127:4, 19,24 158:13,23 160:16 161:13 174:11 177:24 191:1 192:6	statute 38:22 45:8 197:16,22
south 12:17 32:4 33:1 47:4 52:22 53:7 59:19 60:6,17 62:7 69:1,22 78:25 84:24 87:4 88:7 102:11 115:15 134:20 138:13 139:10 162:17 211:6	spend 132:6	stage 29:17 47:2	state's 96:4	statutes 57:24
space 145:6	spent 28:24 29:9 73:10 108:3	stairs 78:10	stated 10:12 31:25 55:20 155:10 172:17 173:6	statutory 9:19 28:14 45:10 54:3 66:5 83:22 127:11
spare 28:5	spices 118:13	stand 81:2,4 166:12 197:8	statement 7:12 8:20 9:6 26:18 27:9 28:2 51:8,22 63:17 64:14 65:13 81:20 82:16 83:8 90:22 97:15,22 98:14, 17 110:9 111:23 112:7 113:6 121:4 124:22 125:10 126:10 153:16 160:7 161:1 164:4 169:8 170:20 184:9 214:17 218:11	stay 43:7 72:6 133:3 151:8,9 181:11, 12 201:19
spared 35:7	spirit 25:7 50:4 62:18 80:9 96:4 124:1 158:23 219:5	standard 18:7,19 20:22 106:14 169:13 172:23 205:14	stays 201:23	Stellar 24:11
speak 19:5 38:2 61:12, 25 72:17 164:10	spite 77:19	standpoint 36:1 74:1 92:25 117:6 185:4,5	steps 22:3 29:21 152:7 189:18	Stephanie 9:1
speaking 118:19 167:25 195:1	spoken 130:13 144:19 218:18	stands 49:21 76:4	stepping 149:2	Stern 51:24
speaks 23:2 24:20 34:24 218:16	spoon-feed 144:23	Starnes 83:14,15,16,18	sticking 215:24	sticklers 123:25
spear 143:17	sports 52:24	start 54:23 119:10 216:4	sticking 215:24	sticks 49:22 151:4
specific 169:5 183:16 187:13 203:22 208:13	spouse 133:23	started 14:22 89:16 144:22 154:2,6 176:21	statements 52:15 101:15 111:22 118:2 160:5	Stimson
specifically 17:10 36:1	Spruill 149:21	state 17:12 25:7 26:4 27:21 29:22	states 174:13	
	Square 108:20			
	stability 12:9 31:20 59:9 68:18 86:19 101:10 114:16			

28:8,9,10 31:16 98:12,21,23 101:6 102:14	85:10 215:6 strives 114:9 Strom 23:6,7,9 88:17, 18 90:12,16 91:25 211:15, 16,18 212:8 strong 209:12 215:1 strongly 131:2 153:6 struck 79:9 struggle 122:8 struggled 123:2 student 206:12 studies 214:24 study 8:2,5 27:20,22 52:6,10 65:5,8 82:25 83:3 98:3, 6 112:21,25 125:23 126:1 160:14,18 studying 132:13,14 stuff 31:6 44:12 122:22 style 21:5 styles 21:7 sub-item 202:19 subject	188:9 submission 164:3 submit 81:23 164:13 170:15 172:25 173:24 176:7 178:24 submitted 33:16 136:3 164:13 168:12 170:7 176:6 182:12 186:24 187:15 200:2 submitting 12:19,23 32:7, 11 59:22 60:1 69:3,7 87:6,15 101:17,25 114:21 115:4 138:16,24 162:25 178:19 210:12,20 subsection 202:19 211:7 subsequently 11:3 192:17 substantial 49:14 substantially 148:23 substantive 61:6 85:16 success 215:20 succinctly 61:8 sudden 214:15 suddenly 171:20	sued 11:13 sufficient 89:20 suggest 150:25 165:18 suggested 173:24 suggesting 150:5 suit 79:13 suited 84:7,25 85:24 134:23 suits 136:10 140:20 summaries 33:16 summary 58:4,8 61:8 142:16 207:20 Sumter 106:4,16 107:3, 17,20 108:8 Sunday 120:22 super 130:22 183:7, 21,24 200:13 support 143:1 148:14 supports 38:14 suppose 34:22 supposed 39:17 42:20 45:13 46:2 183:21 196:9 Supreme	49:13 90:20 136:8 178:25 180:19 supremely 79:10 surprised 90:19 survey 8:1 10:9 24:5 27:19 30:5 52:6 56:22,24 65:4 67:4 79:9 83:1 85:4 86:10 98:3 99:25 112:20 113:25 125:23 134:16 160:14 208:20 surveys 10:7 30:4 67:2 85:3 99:24 113:24 134:15 208:19 survive 104:11 suspect 11:23 suspicion 38:20 89:4 switch 18:2 swore 26:11 sworn 7:9,12 8:20 26:8,18 27:9 50:25 51:8,22 63:10,17 64:14 81:12,19 82:16 97:12,14,22 111:23 112:7,12 124:19,22 125:10 160:4,7
--	---	--	---	---

161:1,10 218:11	talking	teammates	103:6 118:19	Thankfully
sympathetic	20:13 91:6	123:5	142:7 143:10,23	172:9
200:9	143:4 178:13	teams	147:9 156:22	that's
synopsis	183:4 186:24	29:20	158:21 166:24,	44:12 89:17
217:6	198:17 199:18	technicalities	25 190:12 191:3	then-16-year-old
system	201:7	14:15	192:20 196:4	137:18
23:16 33:15	talks	technology	199:25 204:24	thing
38:6 39:22	197:22	30:9	215:15 218:11	17:23 21:21
40:12 42:18	task	telling	terrible	23:10,13 39:25
43:13 44:20	150:13 155:7	14:24 103:7	119:3	40:19 42:24
53:2 79:20	taste	141:15 151:20	Terrific	49:4 56:14
106:1 107:3	146:20	183:6	208:23	57:10 61:16
114:7 119:23	tasted	temperament	test	68:7 70:7 74:21
141:23 150:12	147:15	12:13 31:24	25:2	76:10 77:17
151:25 153:5	taught	59:12 67:6	testament	92:23 100:9,22
180:10,12	35:5 73:14	68:22 79:13,18	216:19	105:7,13 117:5
182:19 189:10,	104:17 217:1	85:25 86:17	testified	118:18 121:18
13,16	Taylor	100:13,16	75:25 201:22	126:14 129:12,
systems	8:22 9:3 25:19	101:14 114:3,19	testifies	13 131:19
152:9	97:3,9,10,12,17,	129:14 134:18	7:9 26:8 50:25	144:15 150:25
	20,23 98:17,23,	138:9 210:8	63:11 81:12	152:6 157:7
	24 99:11,23	212:3	97:13 112:12	179:13 183:5
T	100:2,4,6 101:7,	temporary	124:19 160:4	194:12 196:2
	10,17 102:16,21	106:21 142:8	161:10	200:11 201:5
tack	105:21,22	144:2,10,13	testify	213:18 214:21
205:14	106:4,7,13	145:4,20 147:19	8:9 28:1 49:16	things
takes	108:1,2,10,16,	148:22 150:20	52:13 65:12	14:4,10,17,20
107:9	24 109:6 110:6,	154:9,14 215:25	78:23,24 83:7	16:5,23 18:18
taking	12 111:12,17	ten	170:10 171:3	19:17 24:6 31:2
44:9 55:7	teach	100:10 213:10	testifying	34:8 35:23 38:1
106:20 120:20	49:6 120:21	tend	78:25	39:11 40:19
talent	teacher	132:3 158:5	testimony	42:19 44:1,6
79:18	205:22 206:13,	tender	9:15 28:11	46:22 55:15
talented	14	214:20,22	53:25 66:2	56:12 68:2,3
79:10 86:22	teachers	term	83:19 127:8	72:20,22,23,24
talk	53:1	37:11 45:1	172:8,18,21	73:21 77:14,21
94:20 122:8	teaching	130:10 142:19,	173:1,2,16,20	78:13 79:6,22
134:8 168:10	73:19 205:23	23 191:4	174:10,16,22	89:10 100:21
169:6 182:23	206:10	terms	175:11,16	105:14 119:20
talked	team	15:20 24:7 37:1	218:12	131:23 146:3
31:6 33:13	22:22 84:23	38:4 45:10 58:2	thankful	151:20 156:24
196:13 213:17		74:14,16 77:25	74:22 116:25	176:18 179:19
				181:10 183:7,22

184:7 193:25 196:4 198:4 200:23 201:7 207:11 216:13 thinking 89:16 92:16 third-party 174:13 thou 140:15 thought 15:12,15 39:2 78:3,22 129:7, 11 154:19 166:21 185:15 193:25 198:9 thoughtful 67:13 79:15 107:1 thoughts 29:25 109:25 152:13 threats 171:14 three-year 197:22 throwing 40:24 152:2 tied 45:10 169:20 189:17 Tim 217:19 time 9:4 15:8 16:22 18:16 23:19,20 25:14 29:20 34:21 36:1,18 38:7 39:15 44:9, 25 45:6 48:6 49:5 50:11 57:15 58:19	62:25 70:19,23 72:15 73:6,7,13 78:8 83:12 87:13 90:1,2 91:1 92:18,21 93:9 94:15 96:15 100:16 102:25 103:22 104:6,22 105:16,23 106:19,20 107:9 108:3,18 111:18 120:20 121:24 123:18 126:4 130:19 131:22, 24 132:5,6,9 133:9 140:2 143:2,21 145:18,24 146:13 147:8,22 148:8,16 149:18 150:3 151:10,23 154:7,23,24 156:13,24 159:10,12 161:19 162:6 164:21,22 166:8 168:16 175:10 178:24 179:7 182:11 184:20, 21,23 188:2 190:24 191:18 192:12,23 193:3,5,16,17 194:19 200:2,24 203:2,14 207:24 214:18 215:18 216:8 217:8,24 time-line 175:20 timely 99:17 164:14	times 17:21 44:4 46:11,16 56:4 71:13 72:7 73:4 85:11 110:15 130:9 136:22 139:23 158:4 164:25 195:2 200:16 timing 110:3 tips 74:5 Title 132:13,14 today 7:3 8:12 9:2 13:19 33:7 36:9 38:14 60:23 70:4 88:14 90:15 94:15 102:17 105:17, 24 108:5 115:21 139:17 160:19 163:12 164:9 169:21 170:21 181:20 182:6 184:3 186:22 187:20 197:7 198:14 199:5,8, 13 203:5 206:1 211:12 218:15 219:15,17 today's 166:11 169:25 181:22 token 154:24 told 47:1 68:4,6 72:23 100:20 104:13 116:14	119:13 123:13 147:2 151:7,21 158:15 168:21 170:24 185:2 186:4 193:4 200:2 204:19 Tommy 23:11 49:2 tomorrow 128:1 157:14 206:4 219:24 tone 148:23 tools 47:10 top 147:10 top-flight 126:17 torts 31:1 62:6 toss 44:12 47:2 totaling 186:25 totally 46:25 70:25 86:1 touch 106:2 touched 103:2 146:23 touching 14:22 tough 39:5 94:15 106:21,25 122:12,13 148:6 158:4 tougher 21:17 110:15 134:12	tour 130:24 153:12 touring 153:6 town 131:17 207:23 Tracy 205:20 trade 57:21 traffic 159:12,24 trafficking 44:14 trails 124:9 train 144:8 transactional 134:2 transcript 91:13 163:23 166:5,7 174:8 175:12 177:11 186:25 187:10, 15,23 188:11 195:20 transcripts 170:15 173:1 187:17 188:18 194:21 translate 57:6 travel 25:21 29:22 80:22 96:18 traveled 119:9 travels 50:18 111:15 treat
--	---	---	---	---

56:3,18 72:12 85:9 100:23 118:20 treated 14:12 20:6,7 118:24 203:15 treatment 104:14 treats 107:10 tremendous 153:17 155:9 trial 15:10,12,16 17:25 29:3 31:5, 8 33:22,23 34:4 42:8 45:8 58:20 59:2 66:13 68:1, 2,11 74:20 75:22 77:8,9,15, 22,23 84:23 89:6 91:11 93:3, 11 123:15 143:6 174:17 175:18 trials 15:18,21 16:8,9 17:8 31:3 34:7, 13 58:17 84:9 120:2,4 tribunal 200:13 troubled 40:20 troubling 94:7 146:22 truck 30:25 33:24,25 trucking 15:11 true 149:10 196:7	trust 135:9 203:21 truthful 71:1 truths 174:4 tunnel 128:14 Turbeville 116:13,15 117:1,16 turn 47:6 108:12 113:4 161:19 169:15 206:6 turned 123:9 turning 215:17 tussling 76:22 TV 11:10,15 two-day 143:6 type 24:16,18 57:21 104:3,14 105:12 149:6 types 132:7 133:21 <hr/> <p style="text-align:center">U</p> <hr/> ugly 123:20 Uh-huh 18:3 ultimately 11:21 46:3 49:20 77:3,16, 24 177:20,23	178:16,17 181:6 unable 179:3 unanimously 135:25 uncles 53:1 undergrad 107:22 understand 13:12 20:23,25 25:15 30:22 32:25 47:21 48:18 50:12 60:16 61:18 63:1 69:21 80:16 88:6,9 96:12 102:10 107:9 111:5,12 115:14 122:14 124:3 125:19 129:1 139:9 149:17 159:1,5 168:10 169:1, 16,18 179:9 180:1,2 186:23 188:6,19 189:2, 19 191:11 193:21 194:5 197:21 198:22 200:9 201:11 209:15 211:5 212:14,22 218:6,7 219:2 understanding 35:24 36:10 85:16 92:4,9 134:19 162:21 172:22 176:19 202:10 understands 17:13 46:21	67:8 understood 11:20 212:14 undoubtedly 85:9 unethical 56:11 176:12 203:10 unexpectedly 181:4 unfair 40:12 196:6 unfortunate 85:8 unhappy 203:14 uniformity 38:5 uniformly 151:5 unique 10:2 29:15 84:8 209:6 uniquely 85:13 universally 56:25 unlike 147:25 unmatched 86:23 unnecessarily 145:18 unnoticed 79:23 unopposed 122:7 125:16 132:11,12 unpleasant 141:7	unprecedented 107:8 unqualified 211:22 unseal 167:17,18,19 189:15 195:10 unsealed 162:18 163:15, 18,22 164:9,18, 23 165:14 166:10 167:1,6, 7 168:1,18 169:3,9 181:20, 22 189:24 195:11 199:4 204:8 unsealing 166:16 167:21 183:2 untimely 178:8 untruth 176:1 untruths 173:18 176:5 unusual 118:18 upcoming 62:7 update 197:24 updated 59:3 updates 59:3 upset 211:24 Upstate 12:5 209:25 urge 77:12
---	--	--	---	---

USC 108:5	Vic 67:7,12 79:15, 16	80:9 86:24 96:5 104:24	waive 9:10 28:5 98:17	weaknesses 21:20
usher 76:22,24	Vice 7:1,7,10,15,18, 21 9:3,12 13:22 23:6,25 24:25 25:17,24 26:3,6, 10,14,20,23 27:1,13,15 28:7 33:9,11 35:3 42:1 43:2 49:10 50:14,21 51:2,5, 11,14 52:1 53:15 60:25 61:3 63:6,12,15, 20,23 64:2,18, 25 65:23 71:4,7, 8 74:9 79:3 80:19 81:1,6,9, 14,17,25 82:3, 20 83:14 88:15 94:11 95:4,23 96:14,20 186:21 187:3,8,14,24 188:5,18,25 206:8	viewed 128:2	wake 121:5,6	wealth 57:5 66:15
utmost 14:11 16:6	Vickery 63:10,14 64:9, 12,15	viewpoints 10:3	walked 14:8,10	weapon 77:2
<hr/> V <hr/>	victim 41:11	violating 40:9	Walpole 65:23,24,25 68:15 69:25 70:8 71:5	wear 14:13 20:20 120:21
vacate 207:18	victim's 41:7	violation 96:5 111:7 124:1 158:24 219:4	wandering 61:10	Webex 31:11
valuable 61:15	victims 12:1 29:1 39:4 40:16 128:24	violations 50:5 62:19 80:10	wanted 20:6 35:21 55:21 95:1 106:3 107:6 109:25 128:3 144:24 154:8 157:7,11 190:2 199:23 213:2 214:16	website 11:6,7,12,15,17 163:7
valuations 133:20	view 25:8 50:5 62:19	visit 89:8	warrant 46:23,24	weeding 104:10
vast 22:22 179:16 211:25	Vickery 63:10,14 64:9, 12,15	voice 109:4 172:11	warrants 218:16	week 41:8 56:2 73:17 119:9 122:1,2 144:14
venue 16:11 17:11 73:1	vickery 63:10,14 64:9, 12,15	volition 152:20 153:22	warring 122:15	weeks 37:16 38:2,8 117:8 142:10 154:18
verbal 111:9	victim 41:11	volunteer 130:5	watch 29:6 31:12 58:7	weigh 192:21
verbally 174:9 218:15	victim's 41:7	volunteered 141:14	watched 31:3,7 42:15 49:16 216:25	weight 25:10 50:7 62:21 80:11 96:7
verification 8:3 27:20 65:6 83:2 98:4 112:22 125:24	victims 12:1 29:1 39:4 40:16 128:24	voodoo 76:9	watcher 75:13	well-oiled 141:22
verse 49:19	view 25:8 50:5 62:19	votes 97:6 219:23	watching 31:2 34:13,14 146:12	well-placed 206:22
version 166:15		<hr/> W <hr/>	waters 179:15	well-prepared 107:1
vet 56:8 166:1		wagon 207:1	ways 19:20 95:1 198:11	well-qualified 211:20 212:1
veteran 30:14		wait 151:22 155:13, 16 197:20 206:12		well-rounded 95:9,12 153:21 215:4
vetting 97:25 160:12		waiting 144:7 151:19 178:20 182:7		
vexatious 135:24				

well-suited 10:4 206:22	wince 93:18	work 19:19 21:5	40:10	
Welmaker 53:9 57:16	winded 143:20	42:18 44:20,21	worrisome 59:14	<hr/> Y <hr/>
wet 176:6	WIS 11:10,15	46:9,13 55:10, 21 67:12 79:15	worry 39:11 40:1,5	y'all 65:21,22 78:22 219:15
we're 168:13	wisdom 128:16	84:5,16,22	worse 38:22	y'all's 78:21
we've 200:16	wishes 50:17	92:12 95:12	wouldn't 26:13	Yarborough 160:3,24 161:2
wheel 207:3	withdraw 47:6 178:22	107:19 113:16	Wow 118:2	year 35:5 43:10
wheels 215:16	withdrawn 92:5	117:23 118:14	wreck 58:22	52:21 53:6 55:1
wherewithal 67:10	witnessed 76:1 77:10,19	119:16,23	wrecks 31:1 57:21	58:19 73:7,10
whichever 84:13	witnesses 16:2 28:1 52:13	121:7,9,10,11	writ 24:23 178:24	82:19 84:24
White 23:13	58:24 65:11	129:25 133:1, 16,22 134:21	write 23:20 71:19	119:2,21 120:8
who've 103:22	83:6 148:10	152:22 155:6	72:10 155:23	121:22 123:19
widespread 38:12,15	171:3 172:8	198:11 213:14	156:14 174:8	130:7,12,20
wife 8:23 27:11	173:23	216:17	writing 136:3,5,15	137:11 143:7
64:17 75:12	witnessing 38:8	worked 53:2 73:9 84:16	137:6 140:13	169:22 191:14
78:3 112:16	woke 131:14 214:16	108:13 214:13, 18 217:11,17	written 30:18 46:23	years 9:20 11:5 20:3
118:6 125:13	won 179:23	worker 24:12	67:15 85:17	21:25 22:10
156:22 176:22	wonderful 10:10 15:12	working 15:23 30:24	100:10 101:15	27:11 28:16,23
177:10	23:24 24:10,12	54:17,18,19,20	114:10 134:24	29:4 30:24 31:7
Wilkins 217:19,23	wondering 137:5 190:21	57:15 73:11	172:24 208:25	43:11 53:5 54:4
William 63:8,10,14 64:9, 12,14	word 19:10 89:19	84:23 90:5,9	wrong 16:9 116:17	55:25 56:8 66:6, 13,19 67:20
Williamsburg 75:8 110:21	144:23 198:10	100:7 106:6	184:6 194:2	68:4,6 71:24
116:2	words 44:11 128:15	130:7	197:24	73:2,3,16 74:24
willingness 111:2 215:10	157:1 192:1	works 190:10 197:18	wrongs 200:14	83:23 89:24
	217:6,22	198:1	23:18 31:25	90:3,4 92:7 93:4
		world 35:10 71:18	107:4	95:15 98:24
		111:16 149:5		100:18 104:19
		159:25 206:3		105:6 108:17
		world-renowned 110:20		109:7,10 110:2, 4,14 116:3,4
		worried 119:1,21 145:22		119:5 120:10
		worries		125:13 127:12, 17 129:24
				131:10,13,21
				132:3,20,23
				137:16 149:21

155:12,17
157:15,24
158:17 182:3
197:8,10,14,20
199:8 203:12
205:23 206:9,18
207:5,15 209:8
213:10 214:20,
22
young
8:11 16:21 64:5
99:3,8 104:7,13
109:14 137:23
younger
127:23
You've
71:8