

ATTACHMENT 1

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**SC SUPREME COURT JUSTICES GRILL SPECIAL PROSECUTOR
IN QUINN PUBLIC CORRUPTION CASE**

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SC Supreme Court justices grill special prosecutor in Quinn public corruption case

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While maintaining his innocence, Quinn throws punches after being released on bond in a corruption probe involving Quinn's father and several SC lawmakers BY TRACY GLANTZ

COLUMBIA, S.C.

South Carolina's five Supreme Court justices fired question after question Tuesday at special prosecutor David Pascoe about why he wanted to undo the conviction and no-prison sentence of ex-Rep. Rick Quinn Jr. in a high profile State House public corruption case.

At the heart of Pascoe's argument was his claim that the judge who sentenced Quinn erred in allowing Quinn to plead guilty to what Pascoe asserted was a non-crime. The Supreme Court overturning the conviction could allow either a new trial or a guilty plea to a lawful charge, Pascoe has said in briefs on the case.

For some five years, Pascoe has been doing the questioning in his role of special prosecutor as he has rung up a string of guilty pleas in State House public corruption cases where former House Speaker Bobby Harrell, former [state Sen. John Courson, R-Richland](#), and former state Rep. Jim Merrill, R-Berkeley, have all pleaded guilty.

Pascoe also won a conviction in a jury trial last year against former Rep. Jim Harrison, R-Richland. Harrison is appealing his conviction and 18-month prison sentence he was given in that case.

But the misconduct case of ex-Rep. Rick Quinn, R-Lexington, and Quinn's no prison sentence, was the first corruption case in which Pascoe himself was in the crosshairs.

In arguments before the court Tuesday, Pascoe said state Judge Carmen Mullen allowed Quinn to avoid pleading guilty to a broad misconduct indictment and instead allowed him to plead guilty to a narrower charge Pascoe said was a non-crime.

"She (the judge) can only sentence him (Quinn) on the acts he admits to committing. Am I wrong about that?" Associate Justice John Few asked Pascoe in the opening minutes of Pascoe's argument to the high court.

"Absolutely — that is not correct, your honor," replied Pascoe, who then explained how a state grand jury had indicted Quinn on a broad pattern of misconduct in office involving millions Quinn had illegally pocketed over the years. Pascoe also said he had expected state Judge Mullen to take all those charges into consideration when she sentenced him in February 2018.

However, under a controversial last-minute plea deal Pascoe said he was "blindsided by," Mullen allowed Quinn to plead guilty to misconduct pertaining only to one narrow technical part of the grand jury's sweeping indictment, Pascoe told the justices Tuesday.

In the sentencing hearing, Mullen told Pascoe, "As far as the court is concerned, he (Rick Quinn) is presumed innocent of these" other charges.

On Tuesday, Pascoe told the justices that the narrow offense — failing to file information on a statement of economic interest — to which Quinn pleaded guilty wasn't even classified as a state crime and certainly not "misconduct in office."

Allowing Quinn to plead guilty to a non-crime is a judicial error that could allow Quinn to claim at some future time that his misconduct guilty plea was a sham, Pascoe argued.

If the high court rules against him, Pascoe said, it should at least clarify that Quinn was, in fact, guilty of misconduct in office.

"If the highest court in the state says the defendant (Quinn) is guilty of misconduct in office, then we don't have to worry about (Quinn) being on the courthouse steps saying, 'See, I told you I didn't do anything wrong.'"

'IT'S YES OR NO'

In February 2018, Mullen sentenced Quinn to 500 hours of community service, two years' probation and one year in prison, but she suspended the prison sentence.

The sentencing came over Pascoe's objections that the punishment was too lenient. That sentence was based on Quinn's pleading guilty to a what Pascoe has described as a "made up" charge.

On Tuesday, speaking after Pascoe, Quinn attorney Matthew Richardson was questioned by Associate Justice George James, who asked Richardson whether he thought Quinn was, indeed, convicted of misconduct in office.

“He did not plead guilty to the indictment,” Richardson replied.

James pressed Richardson to clarify his answer: “Did he plead guilty to misconduct in office?”

Richardson replied, “He pled guilty, as the trial court said, to misconduct in office on a failure to disclose.”

That didn’t satisfy James: “You need to be able to say yes or no.”

Associate Justice John Kittredge then jumped in: “Did he plead guilty to misconduct in office? It’s yes or no.”

Richardson replied that Quinn had pleaded guilty “on a very limited set of facts.”

Chief Justice Don Beatty then asked, “He pled guilty to misconduct in office?”

Richardson said, “That’s correct your honor.”

Beatty: “Your vacillation is causing us a little bit of concern.”

Richardson then said the confusion was caused, at least in part, because “the state is appealing its own plea agreement.”

The dispute over whether Quinn pleaded guilty to misconduct in office was an example of several complex, messy and controversial issues before the justices Tuesday. It will likely be months before justices issue an opinion.

Justices have several options. They could vacate Quinn’s conviction, send the case back to a trial court and have Quinn resentenced. Pascoe has asked the high court to pull Mullen off the case, so the justices could go along with that or keep Mullen. Or the justices could rule that Quinn’s conviction and sentence stand, at the same time making clear that he was, in fact, convicted of misconduct in office.

Justices also can comment on Pascoe and Mullen’s actions and conduct in the affair, which was far more confusing than most criminal trial outcomes.

During Tuesday’s session at one point, Chief Justice Beatty perhaps spoke for the court when he told Pascoe, “You pled him (Quinn) to something that would not carry a sentence greater than the sentence he was given. What is the harm? I’m trying to understand why we are here. ... What’s the problem, other than he did not admit to the things you wanted him to admit to?”

TRIALS PENDING

Pascoe still has two more defendants yet to try in his ongoing public corruption probe. His state grand jury has indicted former State Rep. Tracy Edge, R-Horry, on misconduct charges. And in April, the state grand jury indicted legendary political consultant Richard Quinn Sr., Rick Quinn’s father, on 11 charges of perjury and one charge of obstruction of justice.

On Tuesday, Pascoe — who in the past has complained about not having enough money to do his special prosecutor’s job sufficiently — told the justices that his corruption trial war chest now has money in it and he is ready for future trials.

“Cost is not a problem,” Pascoe told the justices.

The money — some \$352,000, Pascoe said after court — comes from payments resulting from corporate integrity agreements Pascoe made with companies like SCANA, Palmetto Health and AT&T that did business with Quinn Sr.'s consulting firm. They admitted no criminal wrongdoing, promised to better regulate their lobbying efforts in the State House and made payments to an account in Pascoe's solicitor's office.

Pascoe has pledged to use that money for prosecutions and give the remainder to the State Ethics Commission.

Attending Tuesday's was State Law Enforcement Division Chief Mark Keel and some members of Pascoe's investigative team, SLED Maj. Richard Gregory and Lt. Jeremy Smith.

Editor's note: This story has been updated. An earlier version incorrectly reported that BlueCross BlueShield was among the companies that signed a corporate integrity agreement with special prosecutor David Pascoe. The five entities that did sign corporate integrity agreements were SCANA, University of South Carolina, AT&T, the S.C. Association for Justice and Palmetto Health.
