

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

NOV 17 2020

S.C. SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions
G. Thomas Cooper, Jr., Circuit Court Judge

Appellant Case No. 2019-001815
Lower Case No. 2019-GS-23-01146A

The State, ... Respondent,

vs.

William D. Lewis Appellant.

RECORD ON APPEAL
VOLUME I

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Attorneys for Respondent

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WITNESSES

SLED / DTB

ARREST WARRANT NUMBER

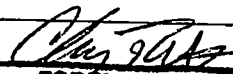
Direct Indictment

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

TRUE BILL


FOREMAN GRAND JURY

Foreperson of Petit Jury
Date:

DOCKET NO. 2018-GS-23-

002466A

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

COURT OF GENERAL SESSIONS

APRIL 17TH, TERM 2018

THE STATE

VS.

WILLIAM D. LEWIS

INDICTMENT FOR

MISCONDUCT IN OFFICE

SC Code: Common Law and § 17-25-0030
CDR Code: 0819

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

INDICTMENT

At a Court of General Sessions, convened on April 17, 2018, the Grand Jurors of Greenville County present upon their oath:

William D. Lewis did, on or about January 12, 2017 through February 13, 2018, commit the crime of Misconduct in Office. During the above listed dates, William D. Lewis was the Greenville County Sheriff. As Sheriff, William D. Lewis was a public official charged with a duty of accountability owed to the public, imposed by law, and assumed by him upon entering office. William D. Lewis willfully and dishonestly failed to properly and faithfully discharge his lawful duties as the Greenville County Sheriff through a series of improper acts. William D. Lewis committed this crime in Greenville County, South Carolina; all in violation of South Carolina Common Law and Section 17-25-0030, *Code of Laws of South Carolina* (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



KEVIN S. BRACKETT
SOLICITOR

WITNESSES

SLED / DJB

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

TRUE BILL

Chris Tab
FOREMAN GRAND JURY

Foreperson of Petit Jury
Date:

DOCKET NO. 2018-GS-23-

002467A

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

COURT OF GENERAL SESSIONS

APRIL 17TH, TERM 2018

THE STATE

VS.

WILLIAM D. LEWIS

INDICTMENT FOR

OBSTRUCTION OF JUSTICE

SC Code: Common Law and § 17-25-0030
CDR Code: 0118

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

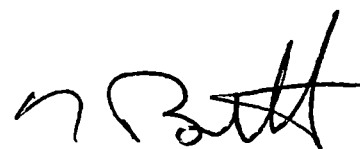
STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

INDICTMENT

At a Court of General Sessions, convened on April 17, 2018, the Grand Jurors of Greenville County present upon their oath:

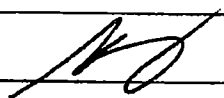
William D. Lewis did, on or about April 25, 2017 through February 13, 2018, obstruct justice in the lawful investigation by the South Carolina Law Enforcement Division (SLED) into the Greenville County Sheriff's Office. William D. Lewis purposely attempted to prevent, obstruct, impeded or hinder the administration of justice. William D. Lewis committed this crime in Greenville County, South Carolina; all in violation of South Carolina Common Law and Section 17-25-0030, *Code of Laws of South Carolina* (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



KEVIN S. BRACKETT
SOLICITOR

WITNESSES

SLED / 

ARREST WARRANT NUMBER

DOB - 7/21/76 William D. Lewis

Direct Indictment

~~ACTION OF GRAND JURY~~
~~TRUE BILL~~


FOREMAN GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

**DIRECT INDICTMENT
DOCKET NO. 2019-GS-23-**

001146A

**THE STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE**

COURT OF GENERAL SESSIONS

FEBRUARY 19TH, TERM 2019

THE STATE

VS.

WILLIAM D. LEWIS

INDICTMENT FOR

**MISCONDUCT OF A
PUBLIC OFFICER**

SC Code: Common Law and § 8-1-80 47-25-0030
CDR Code: 0819 

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

INDICTMENT

At a Court of General Sessions, convened on February 19, 2019, the Grand Jurors of Greenville County present upon their oath:

William D. Lewis did, on or about January 3, 2017 through February 13, 2018, commit the crime of Misconduct of a Public Officer. During the above listed dates, William D. Lewis was the Greenville County Sheriff who is a public officer whose authority is limited to the single election district of Greenville County, South Carolina. William D. Lewis committed the crime of misconduct of a public officer by performing acts of official misconduct, habitual negligence, corruption, fraud, or oppression. William D. Lewis committed this crime in Greenville County, South Carolina; all in violation of section 8-1-80, *Code of Laws of South Carolina* (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Deputy Solicitor Willy Thompson for K. S. B.
KEVIN S. BRACKETT
SOLICITOR

WITNESSES

SLED / 

ARREST WARRANT NUMBER

DOB 

William D. Lewis

Direct Indictment

**ACTION OF GRAND JURY
TRUE BILL**


FOREMAN GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

**DIRECT INDICTMENT
DOCKET NO. 2019-GS-23-**

001147A

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

COURT OF GENERAL SESSIONS

FEBRUARY 19TH, TERM 2019

THE STATE

VS.

WILLIAM D. LEWIS

INDICTMENT FOR

PERJURY

SC Code: 16-9-10(A)(2)
CDR Code: 1157

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

INDICTMENT

At a Court of General Sessions, convened on February 19, 2019, the Grand Jurors of Greenville County present upon their oath:

William D. Lewis did, on or about January 11, 2017, commit the crime of Perjury. William D. Lewis unlawfully and willfully gave false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State. While acting in his capacity as Greenville County Sheriff, William D. Lewis signed a sworn "AFFIDAVIT OF BACKGROUND INVESTIGATION" on a South Carolina Criminal Justice Academy "PERSONNEL CHANGE IN STATUS-HIRE FORM". In the form, William D. Lewis swore that a "complete background investigation" was performed on Derrick L. Pendergrass. In fact, William D. Lewis knew a complete background investigation was not performed as required by law. The South Carolina Criminal Justice Academy "PERSONNEL CHANGE IN STATUS-HIRE FORM" is a document, record, report, or form required by the laws of this State. William D. Lewis committed this crime in Greenville County, South Carolina; all in violation of section 16-9-10(A)(2), *Code of Laws of South Carolina* (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Deputy Solicitor Willy Thompson for K. S. B.
KEVIN S. BRACKETT
SOLICITOR

WITNESSES

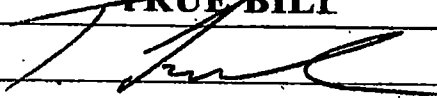
SLED / AL6

ARREST WARRANT NUMBER

DOB [REDACTED] AS

Superseding Indictment

**ACTION OF GRAND JURY
TRUE BILL**



FOREMAN GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

**SUPERSEDING INDICTMENT
DOCKET NO. 2018-GS-23- 002466A - F**

**THE STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE**

COURT OF GENERAL SESSIONS

MARCH 19TH, TERM 2019

THE STATE

VS.

WILLIAM D. LEWIS

INDICTMENT FOR

MISCONDUCT IN OFFICE

(SIX COUNTS)

SC Code: Common Law and § 17-25-0030
CDR Code: 0819

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

INDICTMENT

At a Court of General Sessions, convened on March 19, 2019, the Grand Jurors of Greenville County present upon their oath:

William D. Lewis did on or about January 3, 2017, through April 17, 2018, commit the crime of Misconduct in Office. During the above listed dates, William D. Lewis was the Greenville County Sheriff, a public official. As Sheriff, William D. Lewis willfully and dishonestly failed to properly and faithfully discharge the duties of his public office imposed on him by law. To wit:

Count One A

William D. Lewis did, from the date he took office through April 24, 2017, willfully misuse public resources and abuse the power and authority of his office for the corrupt purpose of pursuing or facilitating an adulterous relationship in breach of his duties of good faith and accountability to the public;

Count Two B

William D. Lewis, on or about January 11, 2017, willfully and falsely asserted to the South Carolina Criminal Justice Academy that a complete background investigation had been performed on Derrick L. Pendergrass in breach of his duty to uphold the law of the State as well as his duties of good faith and accountability to the public;

Count Three C

William D. Lewis throughout his term as Sheriff willfully disposed of seized assets in breach of his duty to uphold the law as well as his duties of good faith and accountability to the public;

Count Four D

William D. Lewis on or about February 2017 through November 2, 2017, willfully equipped an unqualified employee with a badge in breach of his duty to uphold the law of the State as well as his duties of good faith and accountability to the public;

Count Five E

William D. Lewis on or about March 7, 2017, through April 17, 2018, willfully abused the power and authority of his office to oppress and intimidate his employees. These employees were potential witnesses in an investigation into his conduct by the South Carolina Law Enforcement Division (SLED). This conduct was intended to prevent these potential witnesses from speaking freely during the investigation, thus obstructing the administration of justice in breach of his duty to uphold the law of the State as well as his duties of good faith and accountability to the public; and

Count Six F

William D. Lewis throughout his term as Sheriff willfully engaged in corruption by using the Office of Professional Responsibility of the Greenville Sheriff's Department to advance or oppress the careers of deputy sheriffs according to his personal bias rather than their professional performance in breach of his duties of good faith and accountability to the public.

William D. Lewis committed this crime in Greenville County, South Carolina; all in violation of South Carolina Common Law and Section 17-25-0030, *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the common law in such case made and provided.



KEVIN S. BRACKETT,
SOLICITOR

WITNESSES

SLED / *AS*

ARREST WARRANT NUMBER

DOB

AS

Superseding Indictment

**ACTION OF GRAND JURY
TRUE BILL**

[Signature]
FOREMAN GRAND JURY

**Foreperson of Grand Jury
Date:**

VERDICT

**Foreperson of Petit Jury
Date:**

**SUPERSEDING INDICTMENT
DOCKET NO. 2019-GS-23-001146A - F**

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

COURT OF GENERAL SESSIONS

MARCH 19TH, TERM 2019

THE STATE

VS.

WILLIAM D. LEWIS

INDICTMENT FOR

**MISCONDUCT OF A
PUBLIC OFFICER**

(SIX COUNTS)

**SC Code: § 8-1-80
CDR Code: 0115**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

INDICTMENT

At a Court of General Sessions, convened on March 19, 2019, the Grand Jurors of Greenville County present upon their oath:

William D. Lewis did, on or about January 3, 2017, through April 17, 2018, commit the crime of Misconduct of a Public Officer. During the above listed dates, William D. Lewis was the Greenville County Sheriff who is a public officer whose authority is limited to the single election district of Greenville County, South Carolina. William D. Lewis committed the crime of misconduct of a public officer by performing acts of official misconduct, habitual negligence, corruption, fraud, or oppression. To wit:

Count One A

William D. Lewis did, from the date he took office through April 24, 2017, misuse public resources and abuse the power and authority of his office for the corrupt purpose of pursuing or facilitating an adulterous relationship;

Count Two B

William D. Lewis, on or about January 11, 2017, committed an act of fraud in violation of State law by falsely asserting to the South Carolina Criminal Justice Academy that a complete background investigation had been performed on Derrick L. Pendergrass;

Count Three C

William D. Lewis throughout his term as Sheriff engaged in official misconduct by disposing of seized assets in violation of law;

Count Four D

William D. Lewis on or about February 2017 through November 2, 2017, committed official misconduct and fraud by equipping an unqualified employee with a badge in violation of State law;

Count Five E

William D. Lewis on or about March 7, 2017, through April 17, 2018, abused the power and authority of his office to oppress and intimidate his employees. These employees were potential witnesses in an investigation into his conduct by the South Carolina Law Enforcement Division (SLED). This

conduct was intended to prevent these potential witnesses from speaking freely during the investigation, thus obstructing the administration of justice; and

Count Six F

William D. Lewis throughout his term as Sheriff committed official misconduct and engaged in corruption by using the Office of Professional Responsibility of the Greenville Sheriff's Department to advance or oppress the careers of deputy sheriffs according to his personal bias rather than their professional performance.

William D. Lewis committed this crime in Greenville County, South Carolina, all in violation of section 8-1-80, *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

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

KEVIN S. BRACKETT,
SOLICITOR

WITNESSES

SLED / *AS*

ARREST WARRANT NUMBER

DOB [REDACTED] *AS*

Superseding Indictment

**ACTION OF GRAND JURY
TRUE BILL**

[Signature]

FOREMAN GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

**SUPERSEDING INDICTMENT
DOCKET NO. 2018-GS-23- 002467A**

**THE STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE**

COURT OF GENERAL SESSIONS

MARCH 19TH, TERM 2019

THE STATE

VS.

WILLIAM D. LEWIS

INDICTMENT FOR

OBSTRUCTION OF JUSTICE

SC Code: Common Law and § 17-25-0030

CDR Code: 0118

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

INDICTMENT

At a Court of General Sessions, convened on March 19, 2019, the Grand Jurors of Greenville County present upon their oath:

William D. Lewis did on or about March 7, 2017, through April 17, 2018, obstruct justice through a series of acts intended to prevent, obstruct, impede or hinder the administration of justice by oppressing and intimidating his employees. These employees were potential witnesses in an investigation into his conduct by the South Carolina Law Enforcement Division (SLED). This conduct was intended to prevent these potential witnesses from speaking freely during the investigation, thus obstructing the administration of justice. William D. Lewis committed this crime in Greenville County, South Carolina; all in violation of South Carolina Common Law and Section 17-25-0030, *Code of Laws of South Carolina* (1976, as amended).

Against the peace and dignity of the State, and contrary to the common law in such case made and provided.



KEVIN S. BRACKETT
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
William D Lewis

AKA:

Race: W Sex: M Age: 43

DOB: 07-21-1976 SS#:

Address:

City, State, Zip:

DL#:

SID#: SC02325833*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Public / Public Official, Misconduct In

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2301146AA/W#: 2019GS2301146ADate of Offense: 1/3/2017S.C. Code § 08-01-0080CDR Code #: 0115

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 08-01-0080 of the S.C. Code of Laws, bearing CDR Code # 0115

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Kevin Braxton
 Conflict Cases

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
Proviso (Public Def/Probation)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$

TOTAL

\$

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2126Sentence Date: OCT 25 2019

Clerk of Court/ Deputy Clerk

Court Reporter: Anderson

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State,)

-vs-

)
)
) Motion to Quash Indictment
) Case Nos 2018-GS-23-2466A
)
)
)

William D. Lewis,)

Defendant.)

William D. Lewis, by and through his undersigned attorney, moves to Quash the Indictment in this matter based upon the following grounds:

1. Misconduct in Office is not an indictable offense under the Common Law of the State of South Carolina. South Carolina Courts have never recognized the Common Law crime of misconduct in office. *State v. Sellers*, 41 S.C.L. 368, 371 (1854) ("It was especially against those acts of misconduct, from which no particular individual can allege special damage to himself, that the Act of 1829 was intended to guard, by subjecting public officers to indictment."); *State v. Hess*, 279 S.C. 14, 19, 301 S.E.2d 547, 550 (1983) ('Appellant correctly notes that South Carolina has no cases applying the common law of misconduct in office.'). As the Act of 1829, now S. C. Code § 8-1-80, created a crime of misconduct in office, such enactment would have been in contravention of the Common Law, if such a Common Law crime ever existed, and therefore would have repealed any common law crime of misconduct in office.

2. The charge of Misconduct in Office as alleged in the indictment is overly broad. The State has contended that the charge can include acts or acts of omission that are simply described as "through a series of improper act." As such, Mr. Lewis is accused of an act that could not be a

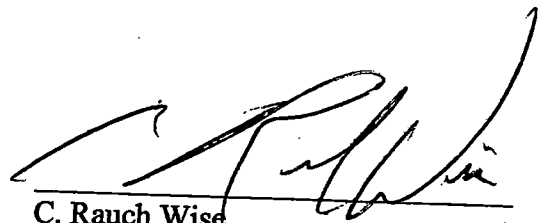
criminal act in and of itself and therefore could include the simple act of violating rules or regulations. It might include failing to follow officer procedures or a simple speeding ticket. As such this Common Law crime violates the Due Process Clause of Article I § 3 of the Constitution of the State of South Carolina and the Fourteenth Amendment to the Constitution of the United States of America. *Clayton v. Willis*, 489 So. 2d 813 (Fla. Dist. Ct. App. 1986)

3. To the extent the charges against Mr. Lewis may include the violation of regulations established by the County or any authority other than the legislature of the State of South Carolina, this Common Law Crime violates Article I, § 8 of the Constitution of the State of South Carolina. The passing of criminal statutes is a function of the legislative branch of government. In holding that the legislature could not delegate to the Motion Picture Association of America the determination as to whether a picture was obscene, the South Carolina Supreme Court said "It is well settled that the power to legislate cannot be delegated to private persons or corporations, nor to any other body." *State v. Watkins*, 259 S.C. 185, 202, 191 S.E.2d 135, 143-44 (1972), vacated on other grounds, 413 U.S. 905, 93 S. Ct. 3053, 37 L. Ed. 2d 1016 (1973)(internal citations omitted).

4. The indictment in this case fails to allege what duty imposed by the common law upon the office of the sheriff was in fact violated by the defendant. As the South Carolina Supreme Court has said "Misconduct in office occurs when duties imposed by law have not been properly and faithfully discharged. The existence of a duty owed to the public is essential, for otherwise the offending behavior becomes merely the private misconduct of one who happens to be an official." *State v. Hess*, 279 S.C. 14, 20, 301 S.E.2d 547, 550-51 (1983).

[signature on following page]

December 19, 2018



C. Rauch Wise
305 Main Street
Greenwood, SC 29646
(864) 229-5010
rauchwise@gmail.com
S. C. Bar № 06188
Attorney for William D. Lewis

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State,)

-vs-

Motion to Quash Indictment
Case Nos 2018-GS-23-2467A

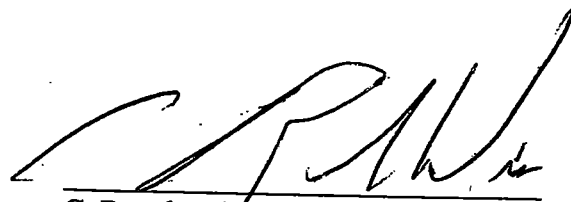
William D. Lewis,)

Defendant.)

William D. Lewis, by and through his undersigned attorney, moves to Quash the Indictment in this matter based upon the following grounds:

The Indictment contains allegations so vague that no reasonable person would be able to determine what act or acts the Defendant is alleged to have committed to be guilty of the crime of obstruction of justice. The indictment simply alleges "William D. Lewis purposely attempted to prevent, obstruct, impeded or hinder the administration of justice." The indictment contains no facts to substantiate the vague allegations. As such, the indictment is not notice to the Defendant as to what he is required to defend in violation of the due process clause of Article I, § 3 of the Constitution of the State of South Carolina and the Fourteenth Amendment to the Constitution of the United States of America.

December 19, 2018



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Attorney for William D. Lewis

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	

The State,	)	
	)	
	)	Motion to Quash Indictment
-vs-	)	Case Nos 2019-GS-23-001146A
	)	
	)	
William D. Lewis,	)	
	)	
Defendant.	)	

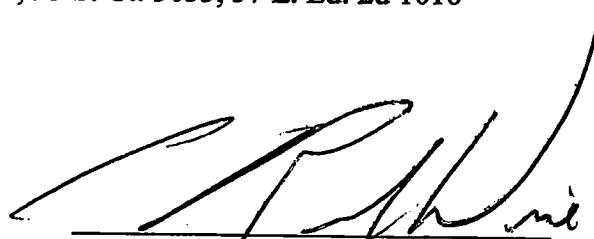
William D. Lewis, by and through his undersigned attorney, moves to Quash the Indictment in this matter based upon the following grounds:

1. The charge of Misconduct in Office as alleged in the indictment is overly broad. The State has contended that the charge can include acts or acts of omission that are simply described as "by performing acts of official misconduct, habitual negligence, corruption, fraud, or oppression." As such, Mr. Lewis is accused of an act that may not be a criminal act in and of itself and therefore could include the simple act of violating rules or regulations or negligence. It might include failing to follow officer procedures or a simple speeding ticket. The Indictment fails to inform the Defendant the act or acts he is alleged to have committed to which he must provide a defense. As such the statutory crime as alleged in the indictment violates the Due Process Clause of Article I § 3 of the Constitution of the State of South Carolina and the Fourteenth Amendment to the Constitution of the United States of America.

2. To the extent the charges against Mr. Lewis may include the violation of regulations established by the County or any authority other than the legislature of the State of South Carolina, this statutory crime violates Article I, § 8 of the Constitution of the State of South

Carolina. The passing of criminal statutes is a function of the legislative branch of government. In holding that the legislature could not delegate to the Motion Picture Association of America the determination as to whether a picture was obscene, the South Carolina Supreme Court said "It is well settled that the power to legislate cannot be delegated to private persons or corporations, nor to any other body." *State v. Watkins*, 259 S.C. 185, 202, 191 S.E.2d 135, 143-44 (1972), vacated on other grounds, 413 U.S. 905, 93 S. Ct. 3053, 37 L. Ed. 2d 1016 (1973)(internal citations omitted).

February 22, 2019



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Attorney for William D. Lewis

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State,)

-vs-)

William D. Lewis,)

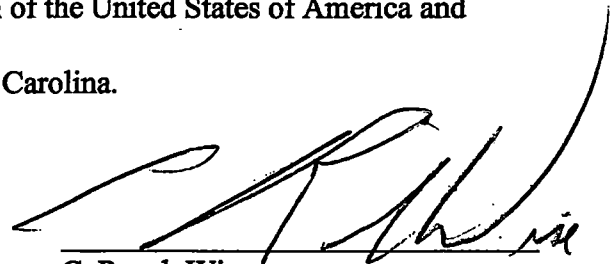
Defendant.)

Motion to Quash Indictment
Case Nos 2019-GS-23-001147A

William D. Lewis, by and through his undersigned attorney, moves to Quash the Indictment in this matter based upon the following grounds:

The charge of Perjury as alleged in the indictment is also included in the Indictment for Misconduct of a Public Officer set forth in Indictment № 2019-GS-23-001146A. As such, to permit a conviction on both indictments would violate the principles of double jeopardy as established in the Fifth Amendment to the Constitution of the United States of America and Article I, § 12 of the Constitution of the State of South Carolina.

February 22, 2019



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Attorney for William D. Lewis

7
STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State,)

-vs-)

William D. Lewis,)

Defendant.)

Motion to Quash Indictment
Case Nos 2018-GS-23-2466A-F

William D. Lewis, by and through his undersigned attorney, moves to Quash the Indictment in this matter based upon the following grounds:

W
1
1. Misconduct in Office is not an indictable offense under the Common Law of the State of South Carolina. South Carolina Courts have never recognized the Common Law crime of misconduct in office. *State v. Sellers*, 41 S.C.L. 368, 371 (1854) ("It was especially against those acts of misconduct, from which no particular individual can allege special damage to himself, that the Act of 1829 was intended to guard, by subjecting public officers to indictment."); *State v. Hess*, 279 S.C. 14, 19, 301 S.E.2d 547, 550 (1983) ("Appellant correctly notes that South Carolina has no cases applying the common law of misconduct in office."). As the Act of 1829, now S. C. Code § 8-1-80, created a crime of misconduct in office, such enactment would have been in contravention of the common law, if such a common law crime ever existed, and therefore would have repealed any common law crime of misconduct in office. In fact, the State by implication has recognized this by, in a separate indictment, indicting this Defendant for a violation of S. C. Code § 8-1-80

2. The charge of Misconduct in Office as alleged in Count One is overly broad. This

Court alleges Mr. Lewis committed Misconduct in Office by "misuse public resources and abuse the power and authority of his office for the corrupt purpose of pursuing or facilitating an adulterous relationship in breach of his duties of good faith and accountability to the public." The indictment fails to allege in what manner "public resources" were used to facilitate an adulterous affair. The Count also is vague as to whether the violation of the common law crime of Misconduct in Office is the "misuse of public resources," the "adulterous affair" or the combination of the two. The indictment further fails to allege how such an affair establishes the failure of Mr. Lewis to "properly and faithfully discharge the of his public office imposed on him by law." To the extent the indictment alleges an act of moral failing, and no underlying common law crime, such act is not sufficient to prosecute for the common law offense of Misconduct in Office.

3. The charge of Misconduct in Office as to Count 2 fails to allege what common law obligation Mr. Lewis is to have violated in allegedly failing to properly complete a background check on Derrick Pendergrass. To the extent that the indictment alleges a violation of state law, the indictment fails to allege what state law Mr. Lewis violated in allegedly failing to complete a background check on Derrick Pendergrass. The indictment fails to alleged how this alleged act did in fact violate a duty of good faith and accountability to the public.

4. The charge of Misconduct in Office as to Count 3 fails to allege what assets Mr. Lewis is alleged to have willfully disposed nor in what manner they were improperly disposed of. Nor does the Count allege how such actions violated a duty of good faith and accountability to the public in violation of any common law duty imposed upon him.

5. The charge of Misconduct in Office as to Count 4 fails to allege which employee was unqualified nor does it allege how such an action breached his duty to uphold any law of the

State of South Carolina nor what law was not upheld. The Count further fails to allege how such actions violated his duty of good faith and accountability to the public.

6. The charge of Misconduct in Office as to Count 5 fails to allege the specific acts, statements, dates and times in which Mr. Lewis "willfully abused the power and authority of his office to oppress and intimidate his employees."

7. The charge of Misconduct in Office as to Count 6 fails to allege a violation of any common law duty as in South Carolina a deputy sheriff serves at the sole pleasure of the sheriff. S.C. Code § 23-13-10. Thus, assuming the allegations in the indictment to be true, the count seeks to make criminal that which the South Carolina Code gave Mr. Lewis the right to do.

8. The Indictment for the common law charge of Misconduct in Office should be quashed as the common law crime is overly vague and without the specificity required by the Due Process Clause of Article I, § 3 of the Constitution of the State of South Carolina and the Fourteenth Amendment to the Constitution of the United States of America. The vagueness of this common law crime is illustrated by the numerous counts in this indictment all of which the indictment contends would constitute misconduct in office, but the majority of which would not and could constitute an independent crime.

9. This Indictment should be quashed on the further ground that South Carolina Code § 8-1-80 supercedes and replaces the common law crime of Misconduct in Office even if such crime exists in South Carolina. As the code section is the more specific crime, under the principles of lenity, the only charges that could be placed against Mr. Lewis is South Carolina Code § 8-1-80. Under the principle of the Double Jeopardy clause of Article I, § 12 of the Constitution of the State of South Carolina and the Fifth Amendment of the Constitution of the United States of America as applied to the States through the Fourteenth Amendment, Mr. Lewis

could not be convicted of both the Common Law crime of Misconduct in Office and the
Statutory crime of S.C. Code § 8-1-80.

April 25, 2019



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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State,)

-vs-)

William D. Lewis,)

Defendant.)

Motion to Quash Indictment
Case Nos 2019-GS-23-2467A

William D. Lewis, through his undersigned attorney, hereby moves that this indictment be quashed on the ground that the allegations contained herein are the same allegations contained in Counts 5 of Indictment Nos 2018-GS-23-002466E and 2019-GS-23-001146E. A conviction on the charges in this indictment and Count E of either indictment mentioned above, would violate the Double Jeopardy provision of Article I, § 12 of the Constitution of the State of South Carolina and the Fifth Amendment of the Constitution of the United States of America as applied to the States through the Fourteenth Amendment.

April 25, 2019



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Attorney for William D. Lewis

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE) IN THE COURT OF GENERAL SESSIONS

The State,)
)
)
-vs-) Motion to Quash Indictment
) Case Nos 2019-GS-23-001146A-F
)
)
William D. Lewis,)
)
)
Defendant.)

William D. Lewis, by and through his undersigned attorney, moves to Quash the Indictment in this matter based upon the following grounds:

1. The charge of Misconduct of a Public Officer as alleged in Count One the indictment is overly broad. This Court alleges Mr. Lewis committed Misconduct of a Public Officer by "misuse public resources and abuse the power and authority of his office for the corrupt purpose of pursuing or facilitating an adulterous relationship in breach of his duties of good faith and accountability to the public." The indictment fails to allege in what manner "public resources" were used to facilitate an adulterous affair. The Count further is vague as to whether the violation of the Misconduct of a Public Officer is the "misuse of public resources," the "adulterous affair" or the combination of the two. The indictment further fails to allege how such an affair establishes how Mr. Lewis performed "act of official misconduct, habitual negligence, corruption, fraud , or oppression."

3. The charge of a Public Officer as to Count 2 fails to allege what act of fraud Mr. Lewis is to have committed in allegedly failing complete a background check on Derrick Pendergrass. The indictment alleges a violation of state law, but the indictment fails to allege

what state law Mr. Lewis violated in allegedly failing to complete a background check on Derrick Pendergrass.

4. The charge of Misconduct of a Public Officer as to Count 3 fails to allege what assets Mr. Lewis is alleged to have willfully disposed of nor in what manner they were improperly disposed of.

5. The charge of Misconduct of a Public Officer as to Count 4 fails to allege which employee was unqualified nor does it allege how such an action breached his duty to uphold any law of the State of South Carolina. The Count further fails to allege how such actions violated his duty of good faith and accountability to the public.

6. The charge of Misconduct in Office as to Count 5 fails to allege the specific acts, dates and times in which Mr. Lewis "willfully abused the power and authority of his office to oppress and intimidate his employees."

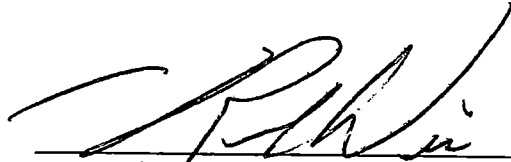
7. The charge of Misconduct in Office as to Count 6 fails to allege a violation of any duty as in South Carolina a deputy sheriff serves at the sole pleasure of the sheriff. S.C. Code § 23-13-10. Thus, assuming the allegations in the indictment to be true, the count seeks to make criminal that which the South Carolina Code gave Mr. Lewis the right to do.

8. The Indictment for the common law charge of Misconduct in Office should be quashed as the common law crime is overly vague and without the specificity required by the Due Process Clause of Article I, § 3 of the Constitution of the State of South Carolina and the Fourteenth Amendment to the Constitution of the United States of America. The vagueness of this common law crime is illustrated the numerous counts in this indictment all of which the State contends would constitute misconduct in office, but the majority of which would not and could constitute an independent crime. The vagueness is further illustrated by the terms used in

the statute such as "official misconduct, habitual negligence, corruption, fraud or oppression."

As these terms are not defined, a public officer is left to speculate as to which of his act would be a violation of the statute.

April 25, 2019



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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

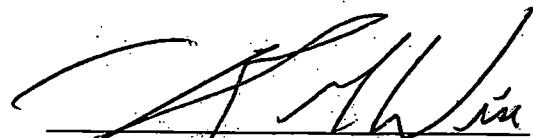
IN THE COURT OF GENERAL SESSIONS

The State,)
)
)
-vs-)
)
William D. Lewis,)
)
Defendant.)

Motion to Quash Indictment
Case Nos 2018-GS-23-2467A

William D. Lewis, through his undersigned attorney, hereby moves that this indictment be quashed on the ground that the allegations contained herein are the same allegations contained in Counts 5 of Indictment Nos 2018-GS-23-002466E and 2019-GS-23-001146E. A conviction on the charges in this indictment and Count E of either indictment mentioned above, would violate the Double Jeopardy provision of Article I, § 12 of the Constitution of the State of South Carolina and the Fifth Amendment of the Constitution of the United States of America as applied to the States through the Fourteenth Amendment.

April 25, 2019



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STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State,)

-vs-)

William D. Lewis)

Defendant.)

Brief in Support of
Motion to Quash Indictment
Case Nos 2018-GS-23-02466A and
2018-GS-23-02467A

Misconduct in Office Indictment

The indictment in this matter alleges that William D. Lewis committed the crime of misconduct in office in that he “failed to properly and faithfully discharge his lawful duties as the Greenville County Sheriff through a series of improper acts.” The indictment does not allege any specific acts. The South Carolina Supreme Court has held “The indictment is a notice document.” *State v. Gentry*, 363 S.C. 93, 102, 610 S.E.2d 494, 500 (2005). As such, the indictment does not provide Mr. Lewis with any notice when the indictment says Mr. Lewis did “improper acts.” The indictment does not even allege Mr. Lewis did an unlawful act, but just an improper one. What act Mr. Lewis is alleged to have done is not known. Under such a vague indictment, the grand jury may have one improper act in mind when they indicted Mr. Lewis, but the jury trying the case may think another act proven at trial was improper. Thus, Mr. Lewis could be convicted upon an act the grand jury did not consider.

As the United States Supreme Court has said concerning a vague indictment “A cryptic form of indictment in cases of this kind requires the defendant to go to trial with the chief issue undefined. It enables his conviction to rest on one point and the affirmance of the conviction to rest on another. It gives the prosecution free hand on appeal to fill in the gaps of proof by surmise

or conjecture.” *Russell v. United States*, 369 U.S. 749, 766 (1962). The Court noted that a requirement that the indictment be specific is for the benefit of the court. The Court said the purpose of an indictment is, “[T]o inform the court of the facts alleged, so that it may decide whether they are sufficient in law to support a conviction, if one should be had.” *United States v. Cruikshank*, 92 U.S. 542, 558 (1875). Under the vague indictment in this case, virtually anything the prosecutor deems to be improper would be admissible. Mr. Lewis has no basis for knowing what allegations to meet and what witnesses to prepare in his defense.

The principles established by the United States Supreme Court have been cited with approval in many states. See, *People v. Tucker*, 631 P.2d 162 (Co. 1981); *State v. Davis*, 1 Or.App. 285, 462 P.2d 448 (1969); *Harris v. State*, 37 Ga.App. 113, 131 S.E. 99 (1927); *Haughn v. State*, 159 Ind. 413, 65 N.E. 287 (1902). The Oregon Court of Appeals in reversing a case because the indictment was not sufficient said “The quoted language above is taken from ORS 419.476(1)(e) relating to children within the jurisdiction of the juvenile court. It furnishes no guidelines as to what conduct on the part of a mother is necessary for the physical, the mental or the emotional well-being of her child.” *Davis* at 289, 462 P.2d at 450. The court in *Davis* reaffirmed the long established principle in Oregon that a generic term in an indictment is not sufficient. In *State v. Smith*, 182 Or. 497, 188 P.2d 998 (1948) the court had held “It is not sufficient . . . that the indictment undertake to describe the crime by the use of mere generic terms; it must ‘descend to particulars’” *Smith* at 502, 188 P.2d at 1000. Here, “improper conduct” would not even qualify as a generic term.

The reason for such a rule is simple. When a generic term, such as “fraud,” “misconduct” or “obstruction” is used, the state must put the defendant on notice of what was done by the defendant to make the act criminal. On the civil side, this theory is embraced in Rule 9(b) of the

South Carolina Rules of Civil Procedure. The rule provides "In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity." The indictment in the present case would be subject to a motion to dismiss in civil court. A requirement similar to the civil rule should be imposed in a criminal case for terms such as "improper acts" and "obstruction."

The South Carolina Supreme Court has also recognized the need for particularity in pleadings in an indictment. In *State v. Johnston*, 149 S.C. 195, 146 S.E. 657 (1929) the court first recognized that "It is quite true that many of the formalities and technicalities required in indictments under the common law have been abrogated under the provisions of section 89 of the Code of Criminal Procedure, vol. 1, Code of 1922" *Id.* at ___, 146 S.E. at 659-660. Even under the more relaxed standard for reviewing an indictment, the Court reversed the case stating "The serious objection to the indictment was the second, which challenged the instrument for failure to allege to whom the false statements were made. This should have been done, in our opinion." *Id.* at ___, 146 S.E. at 660. What "improper conduct" did Mr. Lewis do that was illegal? What did he do to obstruct justice? Neither indictment answers that simple question. Portions of the indictment in *Johnston* were held to be adequate. A comparison of the fraud allegations which were held to be constitutional in *Johnston* to the allegations in this case establish that the allegations in this case are lacking. As to the other fraud allegations the court in said:

It is also our opinion that the indictment met the first objection of the appellant, as it distinctly stated the nature of the statements alleged to have been made by the defendants, and further alleged to have been falsely made. The second specification averred that the defendants had made statements that the bank had on deposit a sum of money greatly in excess of the actual deposits. The third specification averred that the statement made failed to show a

certain liability of the bank by way of mortgage to the extent of \$100,000. These specifications sufficiently advised the defendants as to the false statements charged against them." *Johnston* at ___, 146 S.E. at 660.¹

Misconduct in office, being at best a generic term, can be committed in numerous ways.

What method was used in this case is not alleged. The same is true for obstruction of justice.

The court in *Johnston* further noted that right of the defendant in the present constitutional provision "to be fully informed of the nature and cause of the accusation" is equally strong as the former provision that said "No person shall be held to answer for any crime or offense until the same is fully, fairly, plainly, substantially and formally described to him." *See, Johnston*, at ___, 146 S.E. at 660. *See, also, State v. Jeffcoat*, 54 S.C. 196, 32 S.E. 298 (1899). The indictment in the present case simply does not "fully, fairly, plainly, substantially and formally" advise Mr. Lewis of the charges against him.

In *Tucker* the Court said, "As stated in *Zupancic, supra* and *Donachy, supra*, the indictment must answer the questions of "who, what, where, and how." The question of who (the defendant), what (the amount of money embezzled), and where (the county from which the money was allegedly embezzled), were properly answered by the respective counts of the indictment. But, the question of how the embezzlement was accomplished is not sufficiently stated. It would be fundamentally unfair to require the defendant in this case to defend against twelve counts of the indictment as they are presently framed." *Tucker*, at 163.² In this case there

¹ Today the rule concerning an indictment is contained in S. C. Code § 17-19-20. This statute is identical to the rule cited in *State v. Johnston*, 149 S.C. 195, 146 S.E. 657 (1929).

² The indictment in *Tucker* provided " Frank G. E. Tucker, then being a public servant of the State of Colorado, the District Attorney for the Ninth Judicial District, did unlawfully and through false representations obtain possession of public monies of the County of Garfield, a political subdivision of the State of Colorado, in the sum of \$155.16, and converted same to his

are more problems. The questions of "who" and "where" are sufficiently answered in the present indictment. The questions of "how" and "when" are not other than an overly broad time frame.

The misconduct in office indictment is further infirm due to the fact that it does not allege what law, if any, Mr. Lewis violated to be charged with misconduct in office. As noted above, the indictment only alleges improper acts. Our Supreme Court has said "Misconduct in office occurs when duties imposed by law have not been properly and faithfully discharged." *State v. Hess*, 279 S.C. 14, 20, 301 S.E.2d 547, 550 (1983). In deciding *Hess*, our Supreme Court relied heavily upon New Jersey cases in determining the meaning of misconduct in office. Our Court said "New Jersey normally requires that a criminal indictment for official misconduct recite the duty that has been breached." *Id.* at 20, 301 S.E.2d at 551. The New Jersey Supreme Court has held "In those instances where the duties are prescribed by some special or private law, the indictment must show the source of the duties, but where the duties are imposed by a general statute or arise out of the very nature of the office, the source of the duty need not be alleged in the indictment for the courts will take judicial notice of such duties." *State v. Weleck*, 10 N.J. 355, ___, 91 A.2d 751, 756-757 (1952). The New Jersey Court later said "The reason for the rule is found in the requirement that the indictment charge a crime, and where the duty rests in common law or on a general statute, a *statement of the facts* constituting a breach of that duty is sufficient to make the offense judicially apparent, which is

own use and to uses other than the authorized public use, committing a felony in violation of C.R.S. 1973, 18-8-407, Embezzlement of Public Property, and against the peace and dignity of the People of the State of Colorado." *Id.* at 163

the fundamental purpose towards which the form of the indictment is directed.” *State v. Cohen*, 32 N.J. 1, 7, 158 A.2d 497, 500 (1960)(emphasis added). As the indictment does not establish any alleged breach of duty imposed upon Mr. Lewis nor does it allege any facts from which a duty may be inferred, the indictment simply fails to allege a crime and certainly does not put Mr. Lewis on notice of what he is to defend. An “improper act” hardly is a crime at Common Law and certainly does not recite any duty imposed by statute.

In quashing an indictment for misconduct in office the District Court of Appeals for the Fifth District of Florida said “No specific rule or order is identified anywhere in the indictment. It is clear the failure of a judge to comply with a procedural rule or administrative order, whether at the county court level or supreme court level, is not a statutory crime in Florida.” *Clayton v. Willis*, 489 So.813, 815 (1986). The indictment in this case by alleging “improper conduct” likewise alleges no violation of any legal duty imposed by the law upon Mr. Lewis. *Sullivan v. Leatherman*, 48 So. 2d 836, 838 (Fla. 1950) (“So it follows that if the State relies on an indictment charging official misconduct or failure of official conduct in any respect, whether common law or statutory, the offense must be charged in direct and specific terms and that it was wilfully or corruptly done or omitted. Count one, in fact none of the counts meets the simple academic requirements of precise pleading, neither do they charge that petitioner wilfully or corruptly failed to perform any duty imposed on him by law or that he acted corruptly in the performance of any duty imposed on him.”)

This indictment should also be quashed on the ground that South Carolina does not recognize the Common Law crime of misconduct in office. First, the Court in *Hess* said “We note that the adequacy of the indictment is not attacked on this appeal.” *Id.* at 21, 301 S.E.2d at 551. Here, Mr. Lewis is attacking the adequacy of the indictment. The Court then

noted "Appellant correctly notes that South Carolina has no cases applying the common law of misconduct in office. Indeed this was the basis of the indictments rather than statutory offenses such as violations of Section 8-1-80, 1976 Code of Laws (general misconduct statute) or Code Section 8-13-440, (prohibition on disclosure of confidential information for financial gain)."³ *Id.* at 20, 301 S.E.2d at 551.

Regardless of whether the Common Law crime of misconduct in office exists in our state, the Act of 1829 effectively repealed the Common Law crime. As the Act of 1829 lessened the punishment from 10 years to one year, it effectively repealed the Common Law crime of misconduct in office. In a case raising the issue of whether Common Law crime of larceny of a pig has been repealed by the statute making it unlawful to steal cattle and hogs, our Court said "And the act having altered the punishment, not by way of accumulation of the penalty, but to one less harsh and shameful, it ought to be construed as a repeal of the common law as to the punishment, and consequently as to the sort of indictment to be used." *State v. McLain*, 4 S.C.L. 443, 444 (S.C. Const. App. 1810). No case in South Carolina involving the alleged crime of misconduct in office has ever specifically addressed the issue of whether the Act of 1829 is the only misconduct in office offense existing in our state. In *State v. Sellers*, 41 S.C.L. 368, 371 (1854) our Court said "It was especially against those acts of misconduct, from which no particular individual can allege special damage to himself, that the Act of 1829 was intended to guard, by subjecting public officers to indictment."

Another basis for Quashing the Common Law misconduct in office indictment is the Act of 1829 provides a more specific fact statute than the Common Law. S. C. Code § 8-1-80

³ S. Code § 8-13-440 apparently has been repealed. The closest law today is S. C. Code § 8-13-725.

provides “Any public officer whose authority is limited to a single election or judicial district who is guilty of any official misconduct, habitual negligence, habitual drunkenness, corruption, fraud, or oppression shall be liable to indictment and, upon conviction thereof, shall be fined not more than one thousand dollars and imprisoned not more than one year.” An elected sheriff is limited to a single election and a judicial district. In this case it is Greenville County. This statute specifically applies to public officials who are elected or judicial officials who are appointed for a limited judicial district.

In the State of Washington, the Court was faced with a general statute and a specific statute involving the taking of an automobile. In holding only the specific statute applies, the Court said “It is a well established rule of statutory construction that “[W]here a special statute punishes the same conduct which is punished under a general statute, the special statute applies and the accused can be charged only under that statute.” *State v. Shriner*, 576 Wash.2d 576, 580, 681 P.2d 237, 240 (1984).

The Georgia Courts deal with two overlapping statutes under the rule of lenity. In *McNain v. State*, 326 Ga. App. 516, 518, 757 S.E.2d 141, 143 (2014) the Court said “[T]he rule of lenity ensures that if and when an ambiguity exists in one or more statutes, such that the law exacts varying degrees of punishment for the same offense, ‘the ambiguity will be resolved in favor of a defendant, who will then receive the lesser punishment.’” (internal citations omitted) As the Common Law offense of misconduct in office overlaps with S. C. Code § 8-1-80, this Court should quash the indictment in this matter.

A further ground for Quashing the Common Law offense of misconduct in office is that the Common Law crime of misconduct in office is so vague that it does inform a defendant what

conduct they are prohibited from doing that makes their act a crime. This issue was specifically addressed in *Clayton* cited above. In declaring the Common Law crime unconstitutionally vague in violation of the Due Process clause of the 14th Amendment of the Constitution of the United States of America, the Court held, "The common-law crime of misconduct in office suffers the same infirmities as the statutory provisions of section 839.25 heretofore invalidated by the Florida Supreme Court, and therefore the common law offense must also be in violation of the due process clause of the fourteenth amendment and Article I, Section 9 of the Florida Constitution." *Clayton*, 818. Interestingly, the *Clayton* case attached the indictments as an appendix to the opinion. A reading of those indictments which were quashed reveal more detail and facts than is set forth in the indictment in this case. This Court should join the State of Florida and declare the Common Law crime of misconduct in office to be unconstitutional.

Obstruction of Justice

The obstruction of justice indictment does not fair much better. While the indictment does give a hint as to what Mr. Lewis did when it alleges "obstruct justice by the South Carolina Law Enforcement Division (SLED) into the Greenville County Sheriff's Office," it does not allege any other facts as a basis for the charge. Obstruction of justice can be committed in a various ways. A person may threatened another person. They may actually hide evidence themselves. They may suggest to others to hide evidence. They may lie to investigators. They may tell others to lie. They may threaten others into lying. They may create false documents. The only limit is one's imagination. If the State is contending that Mr. Lewis used force or threats against others then the Common Law crime is not the proper vehicle to bring these charges. S.C. Code § 16-9-340 would be the appropriate charge as it covers obstruction by threats or force. *State v. Lyles-Gray*, 328 S.C. 458, 464, 492 S.E.2d 802, 805 (Ct. App. 1997)

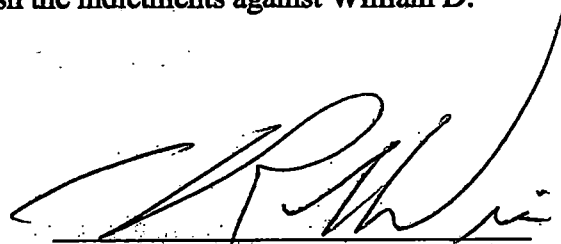
- (“Moreover, section 16-9-340 principally applies to those acts that use threat or force against court officials and members of administrative agencies.”)

As noted above the obstruction of justice indictment is required to inform Mr. Lewis of exactly what he did to obstruct justice and when he did such an act. Neither is answered in the indictment.

CONCLUSION

For the foregoing reasons this Court should quash the indictments against William D. Lewis and dismiss the charges.

February 4, 2019



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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

State of South Carolina

vs.

William D. Lewis,
Defendant.

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

STATE'S COMBINED RESPONSE TO
MOTIONS TO QUASH INDICTMENTS

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

19 JUN 4 AM 9:24
Paul Wickens@ccr.ccl.sc

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

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

Kevin S. Brackett, Solicitor
Sixteenth Circuit Solicitor’s Office
1675-1A York Highway
York, SC 29745
(803) 628-3020

Date: 5/30/19

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

CDR 0819 (Misconduct in Office, Common Law)

South Carolina Judicial Department
General Sessions Dispositions by all Offenses

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

Code	Offense	Disp During Period	Gilty Plea	Trial Gilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
2460	Minor/Purchase or possession of liquors	15	1	0	1	0	12	0	1	12	1	0	0	0	1
				0.0%		0.0%		0.0%				0.0%	0.0%	0.0%	
1257	Minor/Purchase, poss-beer/wine by minor	6	0	0	0	0	6	0	0	6	0	0	0	0	0
			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2443	Minor/Use minor to commit certain crimes	1	0	0	0	0	1	0	0	1	0	0	0	0	0
			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
3628	Miscellaneous / General Sessions Misdemeanor Offense (Use only)	1	1	0	1	0	0	0	0	0	0	0	0	0	0
				0.0%		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
3554	Miscellaneous / General Sessions Misdemeanor Offense where no	6	1	0	1	1	4	0	0	5	0	0	0	0	0
				0.0%			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2990	Miscellaneous/ General Sessions Offense repealed and not	3	0	0	0	0	3	0	0	3	0	0	0	0	0
			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2991	Miscellaneous/ General Sessions Offense repealed and not	4	0	0	0	0	3	0	0	3	0	0	1	0	1
			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2521	Miscellaneous/Criminal offenses	54	3	1	4	0	48	0	0	48	2	0	0	0	2
						0.0%		0.0%	0.0%			0.0%	0.0%	0.0%	
2520	Miscellaneous/Traffic offenses	6	0	0	0	0	5	0	0	5	1	0	0	0	1
			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
819	Misconduct/Malefeasance, etc in office	44	16	0	16	0	28	0	0	28	0	0	0	0	0
				0.0%		0.0%		0.0%	0.0%		0.0%	0.0%	0.0%	0.0%	0.0%
781	Misprision/Felony (neg in report crime)	35	10	0	10	0	21	0	0	21	1	2	1	0	4
				0.0%		0.0%		0.0%	0.0%					0.0%	
2139	Motorcycle/Fail to use headlight	1	0	0	0	0	1	0	0	1	0	0	0	0	0
			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
9004	Municipal/Open	12	0	0	0	0	9	0	0	9	2	0	1	0	3
			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%		0.0%	
9000	Municipal/Viol of City Ordinance	28	2	0	2	0	21	0	0	21	1	0	4	0	5
				0.0%		0.0%		0.0%	0.0%			0.0%		0.0%	
9001	Municipal/Viol of City Traf Ordin	1	0	0	0	0	1	0	0	1	0	0	0	0	0
			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Exhibit A
2 of 19

**South Carolina Judicial Department
General Sessions Dispositions by all Offenses**

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

Code	Offense	Disp. During Period	Gilty Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Committ	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
2991	Miscellaneous/ General Sessions Offense repeated and not	10	0 0.0%	0 0.0%	0 0.0%	0 0.0%	10	0 0.0%	0 0.0%	10	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2521	Miscellaneous/Criminal offenses	67	2 0.0%	0 0.0%	2 0.0%	0 0.0%	50	0 0.0%	0 0.0%	50	13 0.0%	1 0.0%	1 0.0%	0 0.0%	15 0.0%
2520	Miscellaneous/Traffic offenses	7	1 0.0%	0 0.0%	1 0.0%	0 0.0%	6	0 0.0%	0 0.0%	6	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
819	Misconduct/Maleficance, etc in office	21	6 0.0%	2 0.0%	8 0.0%	0 0.0%	13	0 0.0%	0 0.0%	13	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
781	Misprison/Felony (neg in report crime)	32	13 0.0%	0 0.0%	13 0.0%	0 0.0%	16	0 0.0%	0 0.0%	16	0 0.0%	1 0.0%	2 0.0%	0 0.0%	3 0.0%
9003	Municipal/Open	3	1 0.0%	0 0.0%	1 0.0%	0 0.0%	2	0 0.0%	0 0.0%	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9004	Municipal/Open	12	1 0.0%	0 0.0%	1 0.0%	0 0.0%	11	0 0.0%	0 0.0%	11	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9007	Municipal/Open	1	1 0.0%	0 0.0%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9000	Municipal/Viol of City Ordinance	44	4 0.0%	0 0.0%	4 0.0%	0 0.0%	35	0 0.0%	0 0.0%	35	5 0.0%	0 0.0%	0 0.0%	0 0.0%	5 0.0%
9001	Municipal/Viol of City Traf Ordin	3	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1	0 0.0%	0 0.0%	1	2 0.0%	0 0.0%	0 0.0%	0 0.0%	2 0.0%
3410	Murder / Attempted Murder	1,631	600 0.0%	25 0.0%	625 0.0%	35 0.0%	893	0 0.0%	10 0.0%	928	10 0.0%	43 0.0%	15 0.0%	0 0.0%	68 0.0%
2356	Murder/Homicide by child abuse	20	6 0.0%	3 0.0%	9 0.0%	2 0.0%	9	0 0.0%	0 0.0%	11	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2357	Murder/Homicide-Child abuse, aid & abet	4	3 0.0%	1 0.0%	4 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
116	Murder/Murder	356	188 0.0%	50 0.0%	238 0.0%	11 0.0%	95	0 0.0%	6 0.0%	107	0 0.0%	2 0.0%	1 0.0%	2 0.0%	5 0.0%
2656	Neglect/Neglect of vulnerable adult	18	6 0.0%	0 0.0%	6 0.0%	0 0.0%	11	0 0.0%	0 0.0%	11	0 0.0%	0 0.0%	1 0.0%	0 0.0%	1 0.0%

Exhibit A

South Carolina Judicial Department
General Sessions Dispositions by all Offenses

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

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

Exhibit A
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9/18/2016

South Carolina Judicial Department
General Sessions Dispositions by all Offenses

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

Code-Offense	Disp During Period	Gully Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fail To Appear	Other	Total Other
2991 Miscellaneous/ General Sessions Offense repeated and not	17	0 0.0%	0 0.0%	0 0.0%	0 0.0%	11	0 0.0%	1	11	1	2	2	0 0.0%	5
2521 Miscellaneous/Criminal offenses	69	10 0.0%	0 0.0%	10 0.0%	0 0.0%	44	0 0.0%	0 0.0%	44	15	0 0.0%	0 0.0%	0 0.0%	15
2520 Miscellaneous/Traffic offenses	10	1 0.0%	0 0.0%	1 0.0%	0 0.0%	6	0 0.0%	0 0.0%	6	2	0 0.0%	0 0.0%	1 0.0%	3
819 Misconduct/Malefascanc e, etc./In office	34	11 0.0%	2 0.0%	13 0.0%	0 0.0%	18	0 0.0%	0 0.0%	18	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0
781 Misprision/Felony (neg in report crime)	36	13 0.0%	0 0.0%	13 0.0%	0 0.0%	22	0 0.0%	0 0.0%	22	0 0.0%	1 0.0%	0 0.0%	0 0.0%	1
9003 Municipal/Open	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1	0 0.0%	0 0.0%	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0
9004 Municipal/Open	3	1 0.0%	0 0.0%	1 0.0%	0 0.0%	2	0 0.0%	0 0.0%	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0
9000 Municipal/Viol of City Ordinance	35	5 0.0%	0 0.0%	5 0.0%	0 0.0%	20	0 0.0%	0 0.0%	20	10	0 0.0%	0 0.0%	0 0.0%	10
3410 Murder / Attempted Murder	1,471	508 0.0%	49 0.0%	557 0.0%	12 0.0%	838	0 0.0%	6	850	8	35	14	1	58
2356 Murder/Homicide by child abuse	15	6 0.0%	3 0.0%	9 0.0%	1 0.0%	5	0 0.0%	0 0.0%	6	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0
2357 Murder/Homicide-Child abuse, aid & abet	1	0 0.0%	0 0.0%	0 0.0%	1 0.0%	0	0 0.0%	0 0.0%	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0
116 Murder/Murder	333	161 0.0%	55 0.0%	218 0.0%	14 0.0%	96	0 0.0%	4	110	1	2	0 0.0%	0 0.0%	3
2656 Neglect/Neglect of vulnerable adult	40	21 0.0%	0 0.0%	21 0.0%	0 0.0%	19	0 0.0%	0 0.0%	19	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0
869 Nuisance/Nuisance, common	1	1 0.0%	0 0.0%	1 0.0%	0 0.0%	0	0 0.0%	0 0.0%	0	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0
3131 Obscene / Disseminating obscene material to a minor 12 Y	8	1 0.0%	0 0.0%	1 0.0%	0 0.0%	7	0 0.0%	0 0.0%	7	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0

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South Carolina Judicial Department
General Sessions Dispositions by all Offenses

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

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

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South Carolina Judicial Department
General Sessions Dispositions by all Offenses

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

Code	Offense	Disp During Period	Guilty Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim No Bill	Fail To Appear	Other	Total Other
1481	Metals/Precious, viol by dealers-1st off	9	1	0	1	0	8	0	0	8	0	0	0	0	0
			0.0%	0.0%		0.0%		0.0%	0.0%		0.0%	0.0%	0.0%	0.0%	0.0%
866	Metals/Precious, viol by dealers-2nd off	1	0	0	0	0	1	0	0	1	0	0	0	0	0
			0.0%	0.0%	0.0%	0.0%		0.0%	0.0%		0.0%	0.0%	0.0%	0.0%	0.0%
783	Military/Unauthorized, wear insignia	1	0	0	0	0	1	0	0	1	0	0	0	0	0
			0.0%	0.0%	0.0%	0.0%		0.0%	0.0%		0.0%	0.0%	0.0%	0.0%	0.0%
3054	Minor/ Criminal Solicitation of a minor	2	2	0	2	0	0	0	0	0	0	0	0	0	0
			0.0%			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2999	Minor/ criminal solicitation of a minor	138	58	3	59	2	77	0	0	79	0	0	0	0	0
								0.0%	0.0%		0.0%	0.0%	0.0%	0.0%	0.0%
48	Minor/Contributing to delinquency of minor	663	187	3	190	1	431	0	2	432	4	25	8	2	39
								0.0%							
2460	Minor/Purchase or possession of liquors	10	1	0	1	0	9	0	0	9	0	0	0	0	0
			0.0%	0.0%		0.0%		0.0%	0.0%		0.0%	0.0%	0.0%	0.0%	0.0%
1257	Minor/Purchase, poss-beer/wine by minor	19	0	0	0	0	19	0	0	19	0	0	0	0	0
			0.0%	0.0%	0.0%	0.0%		0.0%	0.0%		0.0%	0.0%	0.0%	0.0%	0.0%
2443	Minor/Use minor to commit certain crimes	1	0	0	0	0	1	0	0	1	0	0	0	0	0
			0.0%	0.0%	0.0%	0.0%		0.0%	0.0%		0.0%	0.0%	0.0%	0.0%	0.0%
3554	Miscellaneous/ General Sessions Misdemeanor Offense where no	4	2	0	2	0	1	0	0	1	0	1	0	0	1
				0.0%		0.0%		0.0%	0.0%		0.0%		0.0%	0.0%	
2990	Miscellaneous/ General Sessions Offense repeated and not	4	2	0	2	0	1	0	0	1	1	0	0	0	1
				0.0%		0.0%		0.0%	0.0%			0.0%	0.0%	0.0%	
2991	Miscellaneous/ General Sessions Offense repeated and not	22	1	0	1	0	18	1	1	18	1	0	0	0	1
				0.0%		0.0%						0.0%	0.0%	0.0%	
2521	Miscellaneous/Criminal offenses	178	71	0	71	0	69	0	0	69	9	17	9	3	38
				0.0%		0.0%		0.0%	0.0%						
2520	Miscellaneous/Traffic offenses	28	12	0	12	0	15	0	0	15	0	0	1	0	1
				0.0%		0.0%		0.0%	0.0%		0.0%	0.0%		0.0%	
819	Misconduct/Maleficanc e, etc in office	29	6	0	6	0	19	0	0	19	2	0	0	2	4
				0.0%		0.0%		0.0%	0.0%			0.0%	0.0%		

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South Carolina Judicial Department
General Sessions Dispositions by all Offenses
For Period 7/1/2011 Thru 6/30/2012 - Run Date 8/20/2012 - Program-ID CRM115

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

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South Carolina Judicial Department
General Sessions Dispositions by all Offenses
For Period 7/10/2010 Thru 06/30/2011 - Run Date 10/10/2016 - Program-ID CRM115

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

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South Carolina Court Administration
General Sessions Dispositions by all Offenses
For Period 7/1/2009 Thru 6/30/2010 - Run Date 8/17/2010 - Program-ID CRM115

Code	Offense	Disp. During Period	Guilt Plea	Trial Guilty	Total Convict	Trial Not Guilty	Pros Ended Not Pros	JUD Commit	JUD Dism	Non Convict	Remand	Disp at Prelim/ No Bill	Fall To Appear	Other	Total Other
2520	Miscellaneous/Traffic offenses	17	2 12%	0 0.0%	2 12%	0 0.0%	15 88%	0 0.0%	0 0.0%	15 88%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
819	Misconduct/Malefeasance, etc in office	27	13 48%	0 0.0%	13 48%	0 0.0%	14 52%	0 0.0%	0 0.0%	14 52%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
781	Misprision/Felony (neg. in report crime)	62	27 44%	0 0.0%	27 44%	0 0.0%	32 52%	0 0.0%	1 2%	32 52%	0 0.0%	2 3%	0 0.0%	0 0.0%	2 3%
9004	Municipal/Open	1	1 100%	0 0.0%	1 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
1069	Municipal/Use water system, unauth manner	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 50%	0 0.0%	0 0.0%	1 50%	0 0.0%	0 0.0%	1 50%	0 0.0%	1 50%
9000	Municipal/Viol of City Ordinance	16	8 50%	0 0.0%	8 50%	0 0.0%	7 44%	0 0.0%	0 0.0%	7 44%	1 6%	0 0.0%	0 0.0%	0 0.0%	1 6%
2356	Murder/Homicide by child abuse	28	10 36%	5 18%	15 54%	1 4%	12 43%	0 0.0%	0 0.0%	13 46%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	13 46%
2357	Murder/Homicide-Chl abuse, aid & abet	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 100%	0 0.0%	0 0.0%	2 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
116	Murder/Murder	346	159 46%	64 18%	223 64%	16 5%	98 28%	1 0%	2 1%	114 33%	0 0.0%	6 2%	0 0.0%	0 0.0%	6 2%
2656	Neglect/Neglect of vulnerable adult	17	1 6%	0 0.0%	1 6%	0 0.0%	14 82%	0 0.0%	0 0.0%	14 82%	0 0.0%	2 12%	0 0.0%	0 0.0%	2 12%
1306	Notary/False certification by notary	3	0 0.0%	0 0.0%	0 0.0%	0 0.0%	3 100%	0 0.0%	0 0.0%	3 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
869	Nuisance/Nuisance, common	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100%	0 0.0%	0 0.0%	1 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
106	Nuisance/Use of building for	4	3 75%	0 0.0%	3 75%	0 0.0%	1 25%	0 0.0%	0 0.0%	1 25%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
1460	Nurse/Unlicensed, registered/pract nurse	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100%	0 0.0%	0 0.0%	1 100%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
3131	Obscene./Disseminating obscene material to	10	2 20%	0 0.0%	2 20%	0 0.0%	7 70%	0 0.0%	1 10%	7 70%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%

South Carolina Court Administration
General Sessions Dispositions by all Offenses
For Period 7/1/2008 Thru 6/30/2009 - Run Date 8/14/2009 - Program-ID CRM115

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

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PROGRAM-ID: CRM115
 FOR PERIOD 07/01/2007 THRU 05/30/2008
 RUN DATE 09/15/2008

SOUTH CAROLINA COURT ADMINISTRATION
 GENERAL SESSIONS DISPOSITIONS
 BY ALL OFFENSES

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CODE	OFFENSE	DISP INDIT PERIOD	GUILTY PLEA	TRIAL GUILTY	TOTAL CONVICT	TRIAL NOT GUILTY	PROS ENDED/ NOL PROS	PTI/ JUD COMMIT	JUD DISM	TOTAL NON- CONVICT	REMAND	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	TOTAL OTHER
2991	Miscellaneous/ General Sessions Offense	9	0 0.0%	0 0.0%	0 0.0%	0 0.0%	4 44.4%	0 0.0%	2 22.2%	6 66.7%	2 0.0%	0 0.0%	1 11.1%	0 0.0%	3 33.3%
2521	Miscellaneous/Criminal offenses	39	4 10.3%	0 0.0%	4 10.3%	0 0.0%	32 82.1%	0 0.0%	0 0.0%	32 82.1%	3 0.0%	0 0.0%	0 0.0%	0 0.0%	3 7.7%
2520	Miscellaneous/Traffic offenses	84	0 0.0%	0 0.0%	0 0.0%	0 0.0%	69 82.1%	0 0.0%	0 0.0%	69 82.1%	12 0.0%	0 0.0%	3 3.6%	0 0.0%	15 17.9%
0819	Misconduct/Malefactions, etc in office	32	17 53.1%	0 0.0%	17 53.1%	0 0.0%	15 46.9%	0 0.0%	0 0.0%	15 46.9%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0781	Misprision/Pelony (in eg in report crime)	73	29 39.7%	0 0.0%	29 39.7%	0 0.0%	40 54.8%	0 0.0%	0 0.0%	40 54.8%	1 0.0%	0 0.0%	2 2.7%	1 1.4%	4 5.5%
2139	Motorcycle/Fail to use headlight	4	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 25.0%	0 0.0%	0 0.0%	1 25.0%	3 0.0%	0 0.0%	0 0.0%	0 0.0%	3 75.0%
9000	Municipal/Viol of City Ordinance	5	0 0.0%	0 0.0%	0 0.0%	0 0.0%	5 100.0%	0 0.0%	0 0.0%	5 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9001	Municipal/Viol of City Traf Ordin	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0308	Murder/Explosive use w/death	1	1 100.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2356	Murder/Homicide by child abuse	15	8 53.3%	2 13.3%	10 66.7%	0 0.0%	5 33.3%	0 0.0%	0 0.0%	5 33.3%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2357	Murder/Homicide-Child abuse, aid & abet	4	2 50.0%	0 0.0%	2 50.0%	0 0.0%	2 50.0%	0 0.0%	0 0.0%	2 50.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0312	Murder/Lynching-1st deg	6	0 0.0%	0 0.0%	0 0.0%	0 0.0%	3 50.0%	0 0.0%	0 0.0%	3 50.0%	2 0.0%	1 16.7%	0 0.0%	0 0.0%	3 50.0%
0116	Murder/Murder	258	60 23.3%	73 28.3%	133 51.6%	11 4.3%	107 41.5%	0 0.0%	0 0.0%	118 45.7%	1 0.0%	4 1.6%	2 0.8%	0 0.0%	7 2.7%
0747	Names/Imitate organization name, emblem, etc	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2656	Neglect/Neglect of vulnerable adult	13	5 38.5%	0 0.0%	5 38.5%	0 0.0%	7 53.8%	0 0.0%	0 0.0%	7 53.8%	0 0.0%	0 0.0%	1 7.7%	0 0.0%	1 7.7%
0869	Nuisance/Nuisance, common	1	1 100.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
1460	Nurse/Unlicensed, registered/pract nurse	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
3129	Obscene / Criminal solicitation of a minor	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%

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PROGRAM ID: CRM115
FOR PERIOD: 07/01/2008 THRU 06/30/2007
RUN DATE: 08/27/2007

SOUTH CAROLINA COURT ADMINISTRATION
GENERAL SESSIONS DISPOSITIONS
BY ALL OFFENSES

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CODE	OFFENSE	DISP INDIT. PERIOD	GUilty PLEA	TRIAL GUilty	TOTAL CONVICT	TRIAL NOT GUilty	PHOS ENDED/ NOT PHOS	PTI/ JUD COMMIT	JUD DISM	TOTAL NON- CONVICT	REMAND	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	TOTAL OTHER
0048	Minor/Contributing to delinquency of min	847	227 26.8%	3 0.4%	230 27.2%	1 0.1%	553 65.3%	0 0.0%	0 0.0%	554 65.4%	22 0.0%	27 3.2%	14 1.7%	0 0.0%	63 7.4%
1259	Minor/False representa t age, obtain liquor	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2460	Minor/Purchase or po session of liquors	5	0 0.0%	0 0.0%	0 0.0%	0 0.0%	80.0%	0 0.0%	0 0.0%	4 80.0%	0 0.0%	0 0.0%	1 20.0%	0 0.0%	1 20.0%
1257	Minor/Purchase, poss -beer/wine by minor	21	3 14.3%	0 0.0%	3 14.3%	0 0.0%	16 76.2%	0 0.0%	0 0.0%	16 76.2%	0 0.0%	0 0.0%	2 9.5%	0 0.0%	2 9.5%
2443	Minor/Use minor to c ommit certain crimes	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2991	Miscellaneous/Gener al Sessions Offense	8	1 12.5%	0 0.0%	1 12.5%	0 0.0%	7 87.5%	0 0.0%	0 0.0%	7 87.5%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2521	Miscellaneous/Crimin al offenses	59	3 5.1%	0 0.0%	3 5.1%	0 0.0%	45 76.3%	0 0.0%	0 0.0%	45 76.3%	9 0.0%	1 1.7%	1 1.7%	0 0.0%	11 18.6%
2320	Miscellaneous/Traffi c offenses	91	0 0.0%	0 0.0%	0 0.0%	0 0.0%	71 78.0%	0 0.0%	0 0.0%	71 78.0%	17 0.0%	2 2.2%	1 1.1%	0 0.0%	20 22.0%
0819	Misconduct/Malefeasan ce, etc in office	53	39 73.6%	2 3.8%	41 77.4%	1 1.9%	10 18.9%	0 0.0%	0 0.0%	11 20.8%	0 0.0%	1 1.9%	0 0.0%	0 0.0%	1 1.9%
0781	Misprision/Felony (n eg in report crime)	81	42 51.9%	0 0.0%	42 51.9%	0 0.0%	31 38.3%	0 0.0%	0 0.0%	31 38.3%	1 0.0%	4 4.9%	3 3.7%	0 0.0%	8 9.9%
2318	Moped/Labeling viola tions	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9000	Municipal/Viol of Ci ty Ordinance	12	0 0.0%	0 0.0%	0 0.0%	0 0.0%	11 91.7%	0 0.0%	0 0.0%	11 91.7%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	1 8.3%
9001	Municipal/Viol of Ci ty Traf Ordin	2	1 50.0%	0 0.0%	1 50.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 50.0%
2356	Murder/Homicide by c hild abuse	19	4 21.1%	1 5.3%	5 26.3%	0 0.0%	12 63.2%	0 0.0%	2 10.5%	14 73.7%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2357	Murder/Homicide-Child abuse, aid & abet	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0313	Murder/Lynching-1st deg	20	1 5.0%	0 0.0%	1 5.0%	0 0.0%	17 85.0%	0 0.0%	0 0.0%	17 85.0%	1 0.0%	1 5.0%	0 0.0%	0 0.0%	2 10.0%
0116	Murder/Murder	194	55 28.4%	45 23.2%	100 51.5%	14 7.2%	72 37.1%	0 0.0%	1 0.5%	87 44.8%	0 0.0%	7 3.6%	0 0.0%	0 0.0%	7 3.6%
0859	Naturopathy/Violatio n of Chapter	1	1 100.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%

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

SOUTH CAROLINA COURT ADMINISTRATION
 GENERAL SESSIONS DISPOSITIONS
 BY ALL OFFENSES

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CODE	OFFENSE	DISP INDIT.	GUILTY PERIOD	TRIAL GUILTY	TOTAL CONVICT	TRIAL NOT GUILTY	PROS ENDED/ NOL. PROS.	PTI/ JUD. COMMIT	JUD. DISM.	TOTAL NON- CONVICT	REMAND.	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	TOTAL OTHER
0048	Minor/Contributing to delinquency of min	863	210 24.3%	1 0.1%	211 24.4%	1 0.1%	597 69.2%	0 0.0%	1 0.1%	599 69.4%	14 0.0%	26 3.0%	13 1.5%	0 0.0%	53 6.1%
1255	Minor/Playing in billiards room	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2460	Minor/Purchase or possession of liquors	8	1 12.5%	0 0.0%	1 12.5%	0 0.0%	1 12.5%	0 0.0%	0 0.0%	1 12.5%	6 0.0%	0 0.0%	0 0.0%	0 0.0%	6 75.0%
1257	Minor/Purchase, possession of beer/wine by minor	21	4 19.0%	0 0.0%	4 19.0%	0 0.0%	13 61.9%	0 0.0%	0 0.0%	13 61.9%	4 0.0%	0 0.0%	0 0.0%	0 0.0%	4 19.0%
2990	Miscellaneous/General Sessions Offense	1	1 100.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2991	Miscellaneous/General Sessions Offense	3	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 66.7%	0 0.0%	0 0.0%	2 66.7%	1 0.0%	0 0.0%	0 0.0%	0 0.0%	1 33.3%
2521	Miscellaneous/Criminal offenses	95	0 0.0%	0 0.0%	0 0.0%	0 0.0%	83 87.4%	0 0.0%	0 0.0%	83 87.4%	12 0.0%	0 0.0%	0 0.0%	0 0.0%	12 12.6%
2520	Miscellaneous/Traffic offenses	106	0 0.0%	1 0.9%	1 0.9%	0 0.0%	55 51.9%	0 0.0%	0 0.0%	55 51.9%	49 0.0%	0 0.0%	1 0.9%	0 0.0%	50 47.2%
0819	Misconduct/Malefeasance, etc in office	22	14 63.6%	0 0.0%	14 63.6%	0 0.0%	7 31.8%	0 0.0%	0 0.0%	7 31.8%	0 0.0%	0 0.0%	1 4.5%	0 0.0%	1 4.5%
0781	Misprision/Felony (neg in report crime)	82	39 47.6%	0 0.0%	39 47.6%	0 0.0%	40 48.8%	0 0.0%	0 0.0%	40 48.8%	0 0.0%	2 2.4%	1 1.2%	0 0.0%	3 3.7%
2113	Motorcycle/Goggle or face shield violat	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2112	Motorcycle/Helmet violation, <21 yrs	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
1068	Municipal/Interfere w/sewers, etc	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2000	Municipal/viol of city Ordinance	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 100.0%	0 0.0%	0 0.0%	2 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2356	Murder/Homicide by child abuse	14	3 21.4%	3 21.4%	6 42.9%	0 0.0%	8 57.1%	0 0.0%	0 0.0%	8 57.1%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2357	Murder/Homicide-Child abuse, aid & abet	2	2 100.0%	0 0.0%	2 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0045	Murder/Killing by stabbing/thrusting	2	0 0.0%	0 0.0%	0 0.0%	1 50.0%	0 0.0%	0 0.0%	0 0.0%	1 50.0%	0 0.0%	0 0.0%	1 50.0%	0 0.0%	1 50.0%
0312	Murder/Lynching-1st deg	17	4 23.5%	0 0.0%	4 23.5%	0 0.0%	13 76.5%	0 0.0%	0 0.0%	13 76.5%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%

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0218	Manslaughter/Involun tary manslaughter	37	25 67.6%	3 8.1%	28 75.7%	0	8 21.6%	0	0	8 21.6%	0	1 2.7%	0	0	1
0096	Manslaughter/Involun tary traffic relate	4	2 50.0%	1 25.0%	3 75.0%	0	1 25.0%	0	0	1 25.0%	0	0	0	0	0
0217	Manslaughter/Volunta ry manslaughter	89	78 87.6%	5 5.6%	83 93.3%	0	5 5.6%	0	0	5 5.6%	0	1 1.1%	0	0	1
0317	Masks/Wearing masks & like	5	1 20.0%	0 0.0%	1 20.0%	0	3 60.0%	0	0	3 60.0%	1	0	0	0	1
0864	Medicine/Unlawfully practice	1	1 100.0%	0 0.0%	1 100.0%	0	0 0.0%	0	0	0 0.0%	0	0	0	0	0
1553	Mental/SC Mental Ret ardation Act-1st off	1	1 100.0%	0 0.0%	1 100.0%	0	0 0.0%	0	0	0 0.0%	0	0	0	0	0
0883	Mental/Take person f rom facility w/o per	2	1 50.0%	0 0.0%	1 50.0%	0	0 0.0%	0	0	0 0.0%	0	0	1 50.0%	0	1
1481	Metals/Precious, vio l by dealers-1st off	1	0 0.0%	0 0.0%	0 0.0%	0	1 100.0%	0	0	1 100.0%	0	0	0	0	0
2999	Minor/ criminal soli citation of a minor	4	4 100.0%	0 0.0%	4 100.0%	0	0 0.0%	0	0	0 0.0%	0	0	0	0	0
2444	Minor/Conspire to u se to commit crimes	3	0 0.0%	0 0.0%	0 0.0%	0	3 100.0%	0	0	3 100.0%	0	0	0	0	0
0048	Minor/Contributing t o delinquency of min	740	222 30.0%	5 0.7%	227 30.7%	0	387 52.3%	68 9.2%	1 0.1%	456 61.6%	20 2.7%	17 2.3%	20 2.7%	0	57 7.7%
2460	Minor/Purchase or po session of liquors	8	2 25.0%	0 0.0%	2 25.0%	0	3 37.5%	1 12.5%	0	4 50.0%	0	0	0	0	2
1257	Minor/Purchase, poss -beer/wine by minor	33	3 9.1%	0 0.0%	3 9.1%	0	14 42.4%	11 33.3%	0	25 75.8%	0	0	0	0	5
2991	Miscellaneous/Gener al Sessions Offense	1	0 0.0%	0 0.0%	0 0.0%	0	1 100.0%	0	0	1 100.0%	0	0	0	0	0
2521	Miscellaneous/Crimin al offenses	77	3 3.9%	0 0.0%	3 3.9%	0	49 63.6%	8 10.4%	0	57 74.0%	15	0	2 2.6%	0	17
2520	Miscellaneous/Traffi c offenses	232	3 1.3%	0 0.0%	3 1.3%	0	137 59.1%	0	0	137 59.1%	78	2 0.9%	12 5.2%	0	92
0819	Misconduct/Malfasan ce, etc in office	13	5 38.5%	0 0.0%	5 38.5%	0	5 38.5%	3 23.1%	0	8 61.5%	0	0	0	0	0
0781	Misprision/Revolun (n eg in report crime)	69	34 49.3%	0 0.0%	34 49.3%	0	25 36.2%	2 2.9%	0	27 39.1%	2	5 7.2%	1 1.4%	0	8

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2922	Medicaid/ Unauthorized use of patient fu	1	1	0	1	0	0	0	0	0	0	0	0	0	0
2348	Mental/Take child fr om facility	2	0	0	0	0	0	1	0	1	0	0	0	0	0
0883	Mental/Take person f rom facility w/o per	1	1	0	1	0	0	0	0	0	0	0	50.0%	0	50.0%
0048	Minor/Contributing t o delinquency of min	748	224	3	227	1	364	96	0	461	23	19	0	0	0
2460	Minor/Purchase or po session of liquors	8	22.9%	0.4%	30.3%	0.1%	48.7%	12.8%	0.0%	61.5%	0.0%	2.5%	18	0	60
1257	Minor/Purchase, poss -beer/wine by minor	22	12.5%	0.0%	12.5%	0.0%	25.0%	62.5%	0.0%	87.5%	0	0	0	0	0
2443	Minor/Use Minor to c ommit certain crimes	2	13.6%	0.0%	13.6%	0.0%	31.8%	40.9%	0.0%	72.7%	3	0	0	0	3
2521	Miscellaneous/Crimin al offenses	70	0	0	0	0	2	0	0	2	0	0	0	0	0
2520	Miscellaneous/Traffi c offenses	120	10.0%	0.0%	10.0%	0.0%	67.1%	8.6%	0.0%	75.7%	5	1	3	1	10
0819	Misconduct/Malfseasan ce, etc in office	23	0	0	0	0	93	6	0	99	14	2	5	0	21
0781	Misprision/Felony in eg in report crime	72	56.5%	8.7%	65.2%	4.3%	26.1%	4.3%	0.0%	34.8%	0	0	0	0	0
2112	Motorcycle/Helmet vi olation, <21 yrs	1	52.8%	1.4%	54.2%	0.0%	36.1%	2.8%	0.0%	38.9%	1	3	1	0	5
1069	Municipal/Use water system, unauth manne	1	0	0	0	0	0	1	0	1	0	0	0	0	0
9000	Municipal/viol of ci ty Ordinance	4	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	0
2356	Murder/Homicide by c hild abuse	12	0	0	0	0	4	0	0	4	0	0	0	0	0
2357	Murder/Homicide-Chil d abuse, aid & abet	3	16.7%	0.3%	25.0%	0.0%	75.0%	0.0%	0.0%	75.0%	0	0	0	0	0
0045	Murder/Killing by st abbing/thrusting	2	0	1	1	0	2	0	0	2	0	0	0	0	0
0312	Murder/Lynching-1st deg	23	0	0	0	0	2	0	0	2	0	0	0	0	0
			0.0%	4.3%	4.3%	0.0%	73.9%	0.0%	0.0%	73.9%	0.0%	8.7%	8.7%	0.0%	21.7%

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0317	Masks/Wearing masks & like	4	1 25.0%	0 0.0%	1 25.0%	0 0.0%	1 25.0%	0 0.0%	0 0.0%	1 25.0%	1 0.0%	1 25.0%	0 0.0%	0 0.0%	2 50.0%
0036	Mayhem/Mayhem	1	0 0.0%	1 100.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2922	Medicaid/ Unauthoriz ed use of patient fo	2	2 100.0%	0 0.0%	2 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0864	Medicine/Unlawfully practice	5	1 20.0%	0 0.0%	1 20.0%	0 0.0%	4 80.0%	0 0.0%	0 0.0%	4 80.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
1481	Metals/Precious, vio l by dealers-1st off	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2444	Minor/Conspire to u se to commit crimes	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0048	Minor/Contributing t o delinquency of min	655	284 43.4%	7 1.1%	291 44.6%	1 0.1%	395 60.3%	104 16.0%	0 0.0%	500 76.5%	17 2.6%	33 5.1%	22 3.4%	2 0.3%	74 11.3%
2460	Minor/Purchase or po session of liquors	11	1 9.1%	0 0.0%	1 9.1%	0 0.0%	4 36.4%	2 18.2%	0 0.0%	6 54.5%	3 27.3%	0 0.0%	0 0.0%	0 0.0%	4 36.4%
1257	Minor/Purchase, poss -beer/wine by minor	16	1 6.2%	0 0.0%	1 6.2%	0 0.0%	8 50.0%	2 12.5%	0 0.0%	10 62.5%	5 31.2%	0 0.0%	0 0.0%	0 0.0%	5 31.2%
2443	Minor/Use minor to c ommit certain crimes	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2521	Miscellaneous/Crimin al offenses	43	5 11.6%	0 0.0%	5 11.6%	0 0.0%	27 62.8%	5 11.6%	0 0.0%	32 74.4%	4 9.3%	1 2.3%	1 2.3%	0 0.0%	6 14.0%
2520	Miscellaneous/Traffi c offenses	114	3 2.6%	0 0.0%	3 2.6%	0 0.0%	79 69.3%	4 3.5%	0 0.0%	83 72.8%	24 21.1%	0 0.0%	0 0.0%	0 0.0%	28 24.6%
0819	Misconduct/Malfeasan ce, etc in office	21	12 57.1%	0 0.0%	12 57.1%	1 4.8%	5 23.8%	2 9.5%	0 0.0%	9 38.1%	0 0.0%	1 4.8%	0 0.0%	0 0.0%	1 4.8%
0781	Misprision/Felony (n eg in report crime)	63	30 47.6%	0 0.0%	30 47.6%	0 0.0%	26 41.3%	1 1.6%	0 0.0%	27 42.9%	0 0.0%	3 4.8%	3 4.8%	0 0.0%	6 9.5%
1289	Missile/Fire w/o per mis, Aeronautics Com	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2112	Motorcycle/Helmet vi olation, <21 yrs	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	1 100.0%
9004	Municipal/Open	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
9001	Municipal/Viol of Ci ty Traf Ordin	1	1 100.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%

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2443	Minor/Use minor to c ommit certain crimes	3	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 66.7%	1 33.3%	0 0.0%	3 100.0%	0	0	0	0	0
2521	Miscellaneous/Crimin al offenses	42	4 9.5%	0 0.0%	4 9.5%	0 0.0%	27 64.3%	4 9.5%	0 0.0%	31 73.8%	5	0	1	0	7
2520	Miscellaneous/Traffi c offenses	104	4 3.8%	0 0.0%	4 3.8%	0 0.0%	52 50.0%	5 4.8%	0 0.0%	57 54.8%	40	0	3	0	43
0819	Misconduct/Malfeasan ce, etc in office	16	10 62.5%	0 0.0%	10 62.5%	0 0.0%	3 18.8%	2 12.5%	0 0.0%	5 31.2%	0	1	0	0	1
0781	Misprision/Felony (n eg in report crime)	58	42 72.4%	0 0.0%	42 72.4%	0 0.0%	10 17.2%	3 5.2%	0 0.0%	13 22.4%	1	1	1	0	3
2139	Motorcycle/Fail to u se headlight	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0	0	0	0	0
2113	Motorcycle/Goggle or face shield violat	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0	0	0	0	0
2112	Motorcycle/Helmet vi olation, <21 yrs	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 50.0%	1 50.0%	0 0.0%	2 100.0%	0	0	0	0	0
9000	Municipal/Viol of Ci ty Ordinance	4	2 50.0%	0 0.0%	2 50.0%	0 0.0%	0 0.0%	0 0.0%	1 25.0%	1 25.0%	1	0	0	0	1
2356	Murder/Homicide by c hild abuse	20	9 45.0%	6 30.0%	15 75.0%	0 0.0%	5 25.0%	0 0.0%	0 0.0%	5 25.0%	0	0	0	0	0
2357	Murder/Homicide-Chil d abuse, aid & abet	7	3 42.9%	2 28.6%	5 71.4%	0 0.0%	2 28.6%	0 0.0%	0 0.0%	2 28.6%	0	0	0	0	0
0045	Murder/Killing by st abbing/thrusting	1	1 100.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0	0	0	0	0
0312	Murder/Lynching-1st deg	17	1 5.9%	4 23.5%	5 29.4%	2 5.9%	11 64.7%	0 0.0%	0 0.0%	12 70.6%	0	0	0	0	0
0116	Murder/Murder	263	40 15.2%	53 20.2%	93 35.4%	22 8.0%	140 53.2%	0 0.0%	4 1.5%	165 62.7%	0	3	2	0	5
2656	Neglect/Neglect of v ulnerable adult	16	10 62.5%	0 0.0%	10 62.5%	0 0.0%	5 31.2%	1 6.2%	0 0.0%	6 37.5%	0	0	0	0	0
0869	Nuisance/Nuisance, c ommon	2	2 100.0%	0 0.0%	2 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0	0	0	0	0
0144	Obscene/Commun messa ges non-telephonic	11	4 36.4%	0 0.0%	4 36.4%	0 0.0%	3 27.3%	0 0.0%	0 0.0%	3 27.3%	2	2	0	0	4
0378	Obscene/Diss or exh armful mat to minor	7	4 57.1%	0 0.0%	4 57.1%	0 0.0%	3 42.9%	0 0.0%	0 0.0%	3 42.9%	0	0	0	0	0

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CODE	OFFENSE	DISP INDIT. PERIOD	GUILTY PLEA	TRIAL GUILTY	TOTAL CONVICT	TRIAL NOT GUILTY	PROS. ENDED/ NOL PROS	PTI/ JUD COMMIT	JUD DISM	TOTAL NON- CONVICT	REMAND	DISM AT PRELIM/ NO BILL	FAIL TO APPEAR	OTHER	TOTAL OTHER
0866	Medicine/Unlawfully practice	8	0 0.0%	0 0.0%	0 0.0%	0 0.0%	7 87.5%	1 12.5%	0 0.0%	8 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0883	Mental/Take person f rom facility w/o per	1	1 100.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0785	Military/Unlawful pu rchase, property	1	1 100.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0048	Minor/Contributing t o delinquency of min	869	270 31.1%	2 0.2%	272 31.3%	0 0.0%	458 52.7%	54 6.2%	1 0.1%	513 59.0%	19 2.2%	34 3.9%	31 3.6%	0 0.0%	84 9.7%
2460	Minor/Purchase or po session of liquors	8	1 12.5%	0 0.0%	1 12.5%	0 0.0%	3 37.5%	2 25.0%	0 0.0%	5 62.5%	2 25.0%	0 0.0%	0 0.0%	0 0.0%	2 25.0%
1257	Minor/Purchase, poss -bear/wine by minor	28	1 3.6%	0 0.0%	1 3.6%	0 0.0%	15 53.6%	6 21.4%	0 0.0%	21 75.0%	5 17.9%	1 3.6%	0 0.0%	0 0.0%	6 21.4%
2443	Minor/Use minor to c ommit certain crimes	2	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 100.0%	0 0.0%	0 0.0%	2 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2521	Miscellaneous/Crimin al offenses	58	0 0.0%	0 0.0%	0 0.0%	0 0.0%	44 75.9%	4 6.9%	0 0.0%	48 82.8%	10 17.2%	0 0.0%	0 0.0%	0 0.0%	10 17.2%
2520	Miscellaneous/Traffi c offenses	162	10 6.2%	0 0.0%	10 6.2%	0 0.0%	70 43.2%	9 5.6%	0 0.0%	79 48.8%	67 41.2%	0 0.0%	6 3.7%	0 0.0%	73 45.1%
0819	Misconduct/Malfesan ce, etc in office	14	7 50.0%	1 7.1%	8 57.1%	1 7.1%	4 28.6%	0 0.0%	1 7.1%	6 42.9%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0781	Misprision/Felony (n eg in report crime)	52	28 53.8%	0 0.0%	28 53.8%	0 0.0%	17 32.7%	3 5.8%	0 0.0%	20 38.5%	2 3.8%	2 3.8%	0 0.0%	0 0.0%	4 7.7%
2139	Motorcycle/Fail to u se headlight	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	1 100.0%
2112	Motorcycle/Helmet vi olation, <21 yrs	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%
2000	Municipal/Viol of Ci ty Ordinance	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2356	Murder/Homicide by c hild abuse	17	2 11.8%	5 29.4%	7 41.2%	4 23.5%	6 35.3%	0 0.0%	0 0.0%	10 58.8%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
2357	Murder/Homicide-Chil d abuse, aid & abet	4	1 25.0%	1 25.0%	2 50.0%	2 50.0%	0 0.0%	0 0.0%	0 0.0%	2 50.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0045	Murder/Killing by st abbing/thrusting	1	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
0312	Murder/Lynching-1st deg	8	1 12.5%	0 0.0%	1 12.5%	0 0.0%	6 75.0%	0 0.0%	0 0.0%	6 75.0%	0 0.0%	0 0.0%	0 0.0%	1 12.5%	1 12.5%

FILED
OCT 17, 2017
James R. Parks
CLERK, STATE GRAND JURY

IN THE STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA,

v.

JOHN E. COURSON,

Defendant.

INDICTMENT NUMBERS:

2017-GS-47-07

2017-GS-47-08

2017-GS-47-09

**ORDER DENYING
MOTIONS TO DISMISS**

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

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

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

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

First Motion to Dismiss

Indictability of Common Law Misconduct

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

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

Indictments are Unconstitutionally Vague

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

¹ Solicitor Pascoe is the Solicitor for the First circuit.



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

Multiplicity of Indictments

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

Violation of Eighth Amendment of U.S. Constitution

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

² S.C. Code Ann. § 81-1-80

Defendant's Second Motion to Dismiss

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

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

IT IS SO ORDERED.



Carmen Tevis Mullen
Chief Administrative Judge
Fourteenth Judicial Circuit

10-17, 2017

4 of 4

THE
STATUTES AT LARGE

OF

SOUTH CAROLINA; *statutes.*

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

BY

DAVID J. McCORD.

VOLUME SIXTH,

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

ARRANGED CHRONOLOGICALLY.

WITH AN APPENDIX.

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

13.5 /

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STATUTES AT LARGE

A. D. 1829.

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

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

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

H. DEAS, *President of the Senate.*

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

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

Certain officers guilty of misconduct to be indicted. 1. *Be it enacted* by the Senate and House of Representatives, That if any public officer hereafter to be elected or appointed, whose authority is limited to a single election or judicial district, shall be guilty of any official misconduct, habitual negligence, habitual drunkenness, corruption, fraud or oppression, he shall be liable to indictment, in which the privilege of traverse shall not be allowed; and upon conviction thereof, shall be fined not exceeding one thousand dollars, and imprisoned not exceeding one year.

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

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

H. DEAS, *President of the Senate.*

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

) COURT OF GENERAL SESSIONS
) 2018-GS-23-02466A
) 2018-GS-23-01146A
) 2018-GS-23-02464A
)

2018-GS-23-02466A
2018-GS-23-01146A
2018-GS-23-02464A

TRANSCRIPT OF RECORD

TRANSCRIPT OF RECORD

B E F O R E:

A P P E A R A N C E S:

C. RAUCH WISE, ESQ.
Attorney for the Defendant

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INDEX

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

PAGE

(There were no witnesses called.)

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>

(There were no exhibits introduced.)

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 1:34 p.m.)

THE COURT: Solicitor, we need to confirm my appointment on the record.

MR. BRACKETT: For this case?

THE COURT: Yeah.

MR. BRACKETT: Yes, sir.

THE COURT: All right. Just for the record, on March 6, 2019, the Chief Justice of the State of South Carolina appointed me to handle the case of William D. Lewis, State of South Carolina vs. William D. Lewis, Indictment Numbers 2018-GS-23-02466A, 2018-GS-23-02467A, 2019-GS-23-01146A and 2019 General Sessions 23-011 -- 1146A. And since that time, the Court has received three motions to quash the indictments in this case, and that's what brings us here today. Is that correct, Solicitor?

MR. BRACKETT: Yes, sir, Your Honor.

THE COURT: All right. You may proceed.

MR. BRACKETT: Your Honor, I believe these are Mr. Wise's motions to suppress the indictments. There have been superseding indictments in this case, and for the record, I'll read them into the record before we proceed, if that's acceptable. 2019-GS-23-1146 Counts A through F, State vs. William D. Lewis, this is six counts

1 of misconduct of a public officer, statutory;
2 2018-GS-23-2466A through F, six counts of misconduct,
3 common law, State vs. William D. Lewis; 2018-GS-23-2467A,
4 State vs. William D. Lewis, indictment for obstruction of
5 justice; and 2019-GS-23-1147A, indictment for perjury
6 charging William D. Lewis.

7 Your Honor, Mr. Wise filed the motions to dismiss,
8 and I believe the motion is his so he'll take first
9 argument. Leslie Robinson from my office will be making
10 the argument for the State.

11 THE COURT: All right. Mr. Wise?

12 MR. WISE: Your Honor, we discussed in chambers
13 Mr. Lewis has no problem with the facial allegations of
14 1147A, which is the perjury indictment from February 19th
15 of this year. That indictment does figure into some of
16 the other arguments we have in this matter.

17 I will point out to the Court that we originally
18 filed a motion to quash the original indictments in
19 December of last year and submitted a brief in support of
20 that that was filed on February 4th of this year.

21 THE COURT: I have it.

22 MR. WISE: And many of the allegations in the brief
23 continue forward even with the new indictment, so I'll
24 rely upon that for those issues. But first, let me go
25 through the indictment that we're involved here. And to

1 some extent the misconduct in office and the misconduct of
2 a public officer have pretty much paralleling arguments
3 because the allegations pretty much parallel each other in
4 there.

5 And as to Count 1 of the indictment for misconduct in
6 office, I would point out that the sole allegation there
7 is that Mr. Lewis did willfully misuse public resources
8 and abuse of power and authority in his office for the
9 corrupt purpose of pursuing or facilitating an adulterous
10 relationship. As far as I know, an adulterous
11 relationship has never been a basis for misconduct in
12 office, so what we're looking at here is that he -- as
13 they allege in the indictment, that he misused public
14 resources and abuse of power. The indictment does not
15 allege to what extent he used -- misused public resources.
16 Under a vague indictment like that, misusing public
17 resources could consist of something as simple as calling
18 somebody on a county-issued cell phone or picking somebody
19 up in a county-issued car. We have no clue as to exactly
20 what it means. And to the extent that it can include such
21 vague allegations of that, then it's an overbroad
22 application of the law.

23 In Count 2, it alleges that Mr. Lewis falsely
24 asserted to the South Carolina Criminal Justice Academy
25 the complete background check had been performed on

1 Derrick Pendergrass in breach of his duty to uphold the
2 law as well as his duties of good faith. It makes no
3 reference to either statutory law or common law.

4 As I read these cases involving misconduct in office,
5 they're all premised -- particularly if you look at the
6 cases out of New Jersey, which our Supreme Court cited in
7 the Hess case, they're all premised upon breach of some
8 statutory duty or common law duty. If there's a statutory
9 violation there, I don't know what it is and it's not in
10 the discovery. So we think that is overbroad.

11 To also add, at this point, the allegations in
12 Count 2 are apparently the exact same allegation that's in
13 the perjury indictment. The same facts will be used to
14 prove both counts. And as the same facts are used to
15 prove both counts, we feel that that violates double
16 jeopardy under the Blockburger test, which incidentally,
17 contrary to what a lot of people think, it's not a same
18 elements test. It's a same facts test. The word
19 "element" appears in the Blockburger opinion only one
20 time.

21 In Count 3, they allege that Mr. Lewis, throughout
22 his term as sheriff, willfully disposed of seized assets
23 in breach of his duty to uphold the law as well as his
24 duties of good faith and accountability to the public. We
25 don't know what assets were seized, we don't know what

1 assets were disposed of, we don't know how they were
2 disposed of, we don't know what law they were disposed of
3 in violation of. And in reviewing the discovery in this
4 case, Your Honor, and it's pretty extensive, we have been
5 informed at this point of three different types of
6 forfeiture assets involved in this case. There are
7 interviews in which they talk about seizing about \$450,000
8 and Mr. Lewis disbursing it among various -- some of that
9 among various agencies in the sheriff's department. We
10 don't know if that's what they're talking about here.

11 They also did an interview about selling some jewelry
12 that I think were seized actually before Mr. Lewis became
13 sheriff. But at any rate, some jewelry was sold. We
14 don't know if that's what they're talking about and to
15 what extent that was improper.

16 And thirdly, we received an email saying that
17 Mr. Lewis improperly allocated some money from a
18 forfeiture sale for some improvements in the sheriff's
19 department that were not involving narcotics enforcement.

20 So we have in discovery three allegations. We do not
21 have a clue as to which allegation the grand jury
22 considered, and we don't have a clue as to which
23 allegation, if those are the only three involving
24 forfeiture of property, that we have to respond to.

25 In Count 4, they allege that Mr. Lewis equipped an

1 unqualified employee with a badge in breach of his duty to
2 uphold the law of the state as well as his duties of good
3 faith and accountability. Again, there's no allegation of
4 what employee there was. We know through discovery
5 there's some talk about whether or not his chief counsel
6 was entitled to have a badge. We are at a loss to
7 understand how that violates any duty to uphold any law as
8 no allegation of any law is being alleged that he violated
9 in that, just that he let an unqualified employee have a
10 badge.

11 In Count 5, they say that over a period of roughly a
12 year and a month he abused his power to oppress and
13 intimidate his employees. It alleges that these employees
14 were potential witnesses in investigation into his conduct
15 by the South Carolina Law Enforcement Division. It says
16 the conduct was intended to prevent these employees from
17 speaking freely during the investigation, thus obstructing
18 the administration of justice.

19 In reviewing the interviews, I have trouble finding
20 any allegation of that, frankly. But secondly, they've
21 never alleged which employee it was that he intimidated.
22 We have some 20 or 30 interviews with various people in
23 discovery in this case. I think at the least, Mr. Lewis
24 ought to be entitled to know which employee said that he
25 was threatened, when it was said, and the circumstances

1 under which it was said. It's not that complicated a
2 matter.

3 And the fifth count against Mr. Lewis I think is the
4 most -- in some extent the most interesting. They allege
5 that he engaged in the corruption by using the Office of
6 Professional Responsibility of the Greenville County
7 Sheriff's Department to advance or oppress the careers of
8 deputy sheriffs according to his personal bias rather than
9 their professional performance in breach of the duties of
10 good faith and accountability to the public. In South
11 Carolina, sheriff's deputies serve at the pleasure of the
12 sheriff. The sheriff has every legal right to do exactly
13 what is alleged in that count under the statute. If the
14 public doesn't like the way he did it, they can vote him
15 out. But clearly, the statute in South Carolina gives the
16 sheriff to do exactly what we're talking about there in
17 that.

18 And those same arguments are going to apply to the
19 statutory violation, also.

20 And then I would point out to the Court that
21 Indictment 2467A, obstruction of justice, basically is
22 encompassed within Count 5 of the indictment for
23 misconduct in office. So in that extent, you've got
24 serious double jeopardy problems there. There isn't a
25 factual allegation in Count 5 of the obstruction of

1 justice indictment that wouldn't apply to the indictment
2 for -- excuse me -- Count 5 of the misconduct in office
3 statute that would not apply to the indictment for
4 misconduct in -- of obstruction of justice. They are
5 exactly the same thing and virtually worded the exact same
6 way.

7 But again, on that indictment for obstruction of
8 justice, we're not given the names of any people that he
9 allegedly went to and encouraged them to obstruct justice,
10 we're not given the date and time of any of these
11 allegations, and we're not given the circumstances under
12 which they are done. If those facts are known to the
13 solicitor in this case, it should be a relatively easy
14 matter to incorporate those simple facts into an
15 indictment so that Mr. Lewis will know he has to
16 concentrate on these two or three witnesses and can ignore
17 some 20 others involving the allegation of obstruction of
18 justice. To allow or to require Mr. Lewis to go to court
19 on these charges simply tells him virtually anything comes
20 in, and it certainly can't be that way.

21 I would point out, as the Court -- as pointed out in
22 my brief, in the Gentry case, the South Carolina Supreme
23 Court has said that an indictment is a notice document,
24 and it has to be notice of something other than you
25 committed a crime. This principle was reaffirmed in the

1 Baker case, which came down in 2015, and that's found --
2 it's not cited in my brief -- in 411 S.C. 583 and 769 S.E.
3 2d 680.

4 And what they say in there is that the Court must
5 look at whether or not the offense is stated with, in
6 quoting from the Court, the Court's determination as to
7 whether the offense is stated with sufficient certainty
8 and particularity to enable the defendant to know what he
9 is called upon to answer and whether he may plead an
10 acquittal. In this particular case, they are so vague, we
11 don't know what we're called upon to answer when you're
12 dealing with some of these vague allegations. Granted,
13 the Baker case dealt simply with the allegation that the
14 indictment was so broad over a period of time that the
15 defendant could not adequately answer, but they
16 specifically said in Footnote -- Footnote 4 of that case
17 that the same principle applies to time as to the notice
18 of the charges.

19 So we feel that these indictments are overly broad.
20 We don't know the specifics of what he's accused of doing.
21 They drew an adequate indictment on the perjury charge.
22 We think it creates some double jeopardy problems, but
23 that indictment does set forth with particularity what
24 Mr. Lewis is required to answer, and we're capable of
25 answering that in Court. But the others we have we're

1 left to wonder what evidence is going to be presented in
2 that.

3 And to give you a good example, on the charge in this
4 case involving misuse of seized property, forfeitable
5 funds, we have in discovery three of them. Are they all
6 relevant? We don't know. You know, we don't know what --
7 which one of the three, or are there going to be four or
8 five other allegations that come in about misuse of seized
9 funds. So we're entitled to know specifically what
10 they're talking about, and I don't think that's asking too
11 much.

12 THE COURT: Well, let me ask you, just for
13 information -- for my information, what's the status of
14 discovery in this case, this Rule 5 discovery, and what
15 have you been provided with in regard to these items?

16 MR. WISE: When I got involved, I got a hard drive
17 with discovery on it, which I've been going through, and I
18 think I'm through most of it, and that's where I've
19 gathered some of this information from. But even then, I
20 think if you've got three or four different versions of
21 facts in the discovery, I think I ought to be entitled to
22 know which one the government is going to rely on to go
23 forward.

24 But I've got a hard drive with discovery which I've
25 been going over, and I got some more today which I'll ---

1 THE COURT: Some of these items may be answered in
2 the discovery, but they're not satisfactory in the
3 indictment.

4 MR. WISE: Correct. But I don't think that
5 necessarily carries the day because ---

6 THE COURT: I understand.

7 MR. WISE: --- we have to rely on -- and here's the
8 point. It's pointed out in my brief. The U.S. Supreme
9 Court made this point I think very, very adequately. When
10 we have such a vague indictment, we don't know what was
11 told to the grand jury in South Carolina because it's not
12 a statewide grand jury case. We have the real possibility
13 of the grand jury saying, oh, we think this is misconduct
14 in office, and then when we get to trial and some other
15 facts come in, the petit jury is saying, no, that is not
16 misconduct in office. These facts over here are
17 misconduct in office, and therefore, a defendant would, in
18 essence, be indicted under one theory, convicted under
19 another, and that's simply not permissible under our
20 system of grand jury.

21 THE COURT: All right. Thank you.

22 Ms. Robinson?

23 MS. ROBINSON: Thank you, Your Honor.

24 THE COURT: And this is just as to 1146A through F.

25 MS. ROBINSON: Your Honor, as to -- beg the Court's

1 indulgence. That would be the ---

2 THE COURT: March 19th.

3 MS. ROBINSON: Yeah. The common law misconduct in
4 office allegations.

5 Your Honor, as to -- okay. 1146 is statutory. I'm
6 sorry, Your Honor. Like Mr. Wise, we did file a brief in
7 this matter.

8 THE COURT: I have your brief.

9 MS. ROBINSON: And most of our arguments have been
10 further elaborated on in that brief.

11 Mr. Wise takes issue with Count 1, failing to
12 identify particular assets that would have been misused,
13 and says no one has before been ---

14 THE COURT: No, no. Count 1 is misuse of public
15 resources and abuse of power and authority to corrupt for
16 the purpose of facilitating an adulterous relationship.

17 MS. ROBINSON: Correct, Your Honor. And I believe he
18 was indicating that we failed to say which public
19 resources were misused, is what I was getting to, Your
20 Honor.

21 THE COURT: Okay.

22 MS. ROBINSON: And he also took issue with the fact
23 that no one before has been indicted for misconduct in
24 office for pursuing an affair. Your Honor, I don't think
25 the question before you is whether anyone has been

1 indicted before for these particular specific
2 circumstances of misconduct in office. The question would
3 be whether the allegations would be sufficient to rise to
4 the elements of a misconduct in office charge. And
5 looking to common law and the case law in New Jersey, the
6 requirement is to show that there's some action that would
7 be a violation of duties imposed on the office.

8 Any misuse of public resources to pursue an affair,
9 an affair would in itself be a crime, albeit not
10 prosecuted in South Carolina very often, but it's
11 compounded in this case. And what makes it official
12 misconduct is that they used the public resources to
13 pursue that kind of activity. It's pursuing something for
14 one's personal gain with the public resources.

15 To the extent that defense would like it to be more
16 specific than that, the State does argue that is the
17 purpose of the discovery. Throughout the discovery,
18 there's mention of the salary that was paid to Ms. Nabors,
19 the other benefits that were given to Ms. Nabors like a
20 brand-new vehicle.

21 THE COURT: Just tell me just for the record, who is
22 Ms. Nabors?

23 MS. ROBINSON: Ms. Nabors would be the employee that
24 Sheriff Lewis was having the affair with.

25 So she is being paid a government salary that's

1 grossly unequal to what people of her relative experience
2 and time of service with the sheriff's office were
3 receiving. She also received other benefits, like a new
4 vehicle that was assigned to her to drive, and other perks
5 on the job. And so it is all those things together. And
6 to put every single fact and detail in these indictments
7 would be to require us to put a voluminous amount of
8 discovery on an indictment, which I don't believe South
9 Carolina law requires. It is a notice document, and the
10 South Carolina requirements for notice are fairly broad in
11 terms of an indictment shall be deemed judged sufficient
12 and good in law, which in addition to allegations of time
13 and place charges the crime substantially in the language
14 of the common law or the statute prohibiting the crime so
15 finally that the nature of the offense charged may be
16 easily understood. In that Count 1 or Count A, it's plain
17 to understand that we're alleging that he is using public
18 resources to further his own personal interest in pursuing
19 an adulterous affair, and that would rise to the level of
20 misconduct in office.

21 THE COURT: All right.

22 MS. ROBINSON: In reference to -- moving to Count 2
23 or Count B, this is the count that alleges a violation of
24 state law by falsely asserting to the South Carolina
25 Criminal Justice Academy that a complete background

1 investigation had been performed on Derrick L.
2 Pendergrass. Your Honor, he takes issue with this one
3 that we did not reference statutory or common law and that
4 there's no statute provided in the discovery. However,
5 the discovery, again, is voluminous. In its investigative
6 report, SLED included a conclusion section to which they
7 cite to various statutes that they believe were violated
8 in the law.

9 THE COURT: There's a SLED report?

10 MS. ROBINSON: There is a SLED report that's been
11 provided, the initial investigative report from SLED.

12 THE COURT: And that references this Pendergrass
13 issue?

14 MS. ROBINSON: Yes, it does, Your Honor.

15 But in reference to whether or not we are required in
16 the indictment to cite the statute, there is such a
17 statute that requires that certification to SLED when a
18 new officer is coming through the academy. It is in
19 23-23-60. But separate and apart from that, we do look to
20 New Jersey and South Carolina for what is required, and
21 the case law cited even by Mr. Wise states that you have
22 to provide the source of the law when it's a special or
23 private law, but when it's a duty imposed by general
24 statute or arises out of nature of the office, the source
25 of the duty does not need to be alleged in the indictment.

1 That is State v. Weleck, 10 N.J. 355. That's the case
2 that is cited by South Carolina in the Hess case, so it
3 was referred to throughout, I believe, both sets of
4 briefs, Your Honor.

5 But because this statute that requires the
6 certification for the law enforcement officer is a general
7 statute, the State argues it's not required to cite that
8 statute in that count.

9 And additionally, in terms of his duty in the common
10 law, he is the chief law enforcement officer. There is
11 recognized in the common law a duty of accountability, and
12 in matters like this where the point of the law is to
13 ensure that proper checks have been done and everything is
14 being done according to what is required, those would be
15 inherent duties for the chief law enforcement officer of a
16 community to comply with the law in submitting those
17 requirements.

18 Your Honor, in reference to Count 3, which is the use
19 of -- or the disposing of seized assets in violation of
20 the law, this is another area, Your Honor, where I would
21 argue the discovery is voluminous and it does provide a
22 great wealth of information on what's being alleged here.
23 As Mr. Wise mentioned, there are different ways in which
24 assets were unlawfully disposed of. There is a sale of
25 jewelry. Again, there's a general statute that provides

1 for how certain sales are to take place by the sheriff.
2 That's 27-21-10. So that would be a violation. That
3 would be misconduct in office to not properly dispose of
4 seized assets.

5 There is the state forfeiture statute, 44-53-530,
6 which provides for how you are supposed to use funds
7 seized in relation to drug activity. And if he were to
8 use the funds in violation of that statute, again, that
9 would be a violation of an inherent common law duty as the
10 chief law enforcement officer to properly, and in a way
11 that complies with what the public expects, a clarity in
12 terms of ---

13 THE COURT: I don't understand why that could not be
14 made more definite and certain.

15 MS. ROBINSON: The -- it, again, comes back to how
16 much detail is required in South Carolina. And this being
17 a notice, I believe all of those would suffice to justify
18 a conviction, any violation of disposing ---

19 THE COURT: Of any one.

20 MS. ROBINSON: Excuse me?

21 THE COURT: Of any one.

22 MS. ROBINSON: Any of these violations of disposing
23 of the seized property would all amount to misconduct in
24 office.

25 THE COURT: I understand that.

1 MS. ROBINSON: And, again, to list out its pages and
2 pages and pages of discovery every single transaction ---

3 THE COURT: Wait a minute. Hold it, hold it, hold
4 it, hold it. There's not pages and pages and pages of
5 disposal of seized assets?

6 MS. ROBINSON: Yes, Your Honor. They're a
7 line-by-line analysis of this money was spent for this
8 cell phone, this money was spent for this recurring
9 expenditure.

10 THE COURT: Now, wait a minute. Disposing of seized
11 assets is one category. Disposing of seized assets, is
12 that what this refers to?

13 MS. ROBINSON: Yes, Your Honor. Whether it be
14 cash ---

15 THE COURT: All right. Well, then -- but you just
16 said the use of those funds, which is something completely
17 different.

18 MS. ROBINSON: Well, in many cases, it's cash that's
19 seized, it's the seized cash from -- in one case
20 there's ---

21 THE COURT: I understand that. Drug dealers.

22 MS. ROBINSON: Right, Your Honor.

23 THE COURT: Yeah. I still don't see why that could
24 not, among other things, at least give them an idea of
25 which of those pages and pages and pages you plan to go

1 forward on.

2 MS. ROBINSON: Well, Your Honor, we believe all of
3 the instances of him using money in a way that's contrary
4 to the statute would be misconduct.

5 THE COURT: Well, maybe you can't prove them all,
6 right?

7 MS. ROBINSON: Perhaps that would be a question at
8 trial. I don't believe it makes the indictment
9 insufficient on its face.

10 THE COURT: Go ahead.

11 MS. ROBINSON: Your Honor, in reference to Count 4 or
12 D, this is the allegation about a badge. This is another
13 one where there's a statute that governs who may have a
14 badge, 23-15-140. That statute is meant to ensure the
15 safety of the public and ensure only qualified individuals
16 are presenting themselves as sworn law enforcement
17 officers. For him to give ---

18 THE COURT: Okay. Is this one instance, one
19 unqualified employee?

20 MS. ROBINSON: Yes, Your Honor.

21 THE COURT: Why can't the name of that employee not
22 be disclosed?

23 MS. ROBINSON: It has, Your Honor, through the
24 discovery. I just don't believe that to make the
25 indictment sufficient on its face it requires that the

1 employee be identified.

2 THE COURT: You say it does not?

3 MS. ROBINSON: I don't believe the indictment must
4 identify that on its face to be facially valid.

5 THE COURT: Well, it seems to me you've got to give
6 him at least that much notice that he equipped one person
7 with a badge in violation of state law.

8 And you know who it is?

9 MS. ROBINSON: Yes, Your Honor. Lance Sheek. And
10 it's identified throughout the discovery. That is, to my
11 knowledge, the only person discussed in the discovery as
12 having a badge in violation of state law.

13 THE COURT: Okay. Go ahead.

14 MS. ROBINSON: In reference to Count 5 or E, the use
15 of his authority to oppress and intimidate his employees
16 who were potential witnesses in the SLED investigation,
17 Your Honor, part of the problem with identifying more
18 specific details on this one is that this was a variety of
19 comments made in a variety of contexts and meetings, more
20 than one person hearing them. And misconduct can be
21 proven by a series of acts that occur over time. They're
22 not necessarily limited to one particular event or one
23 particular employee, and it's the State's position that we
24 would be pursuing the facts as alleged in the discovery
25 that there was a culture created where the employees felt

1 that they were not to be divulging particular information
2 or to be fully participating with the SLED investigation.

3 THE COURT: All right.

4 MS. ROBINSON: In reference to Count 6, this is the
5 one about using the Office of Professional Responsibility
6 to advance or oppress careers of deputy sheriffs according
7 to personal bias rather than their professional
8 performance. Your Honor, although there's a statute that
9 says that deputies would serve at the pleasure of the
10 sheriff, that does not give a sheriff free rein to do
11 anything he wants. A sheriff cannot violate federal
12 employment law, cannot violate any constitutional
13 provisions. So that is constrained by some real limits in
14 the law. And one of the things that he would be limited
15 by would be his oath in office and his oath as a deputy --
16 or as a sheriff's officer. And one of the oaths that he
17 took includes specifically conducting himself at all times
18 with due consideration to all persons and will not be
19 influenced in any manner on account of personal bias or
20 prejudice.

21 So while it's true that deputies serve at the
22 pleasure of the sheriff and there are a great many
23 reasons, especially in an at-will state where employers
24 can hire and fire, he is still constrained in some ways.
25 His power is not unlimited. And to use the Office of

1 Professional Responsibility to achieve what he wants to to
2 advance some, to have more probing inquiries into some
3 individuals that he doesn't agree with or to sweep things
4 under the rugs where he doesn't mind would be misconduct
5 in office.

6 Your Honor, although we've talked about this in
7 reference to this particular indictment, as Mr. Wise said,
8 it's largely the same set of arguments on the other
9 misconduct indictment.

10 Another issue that Mr. Wise touched on would be
11 double jeopardy in reference to these charges and then
12 also with the obstruction and the perjury indictments.
13 Your Honor, we did brief that. I believe, in large part,
14 we can rely on our brief, but it is the Blockburger test.
15 It just requires proof of a fact in one charge that's not
16 required by the other and vice versa, and I believe all of
17 these offenses have different requirements and burdens on
18 the State for proof that would make it appropriate to go
19 forward. And historically, in this state, there are other
20 examples where cases have gone forward on both a statutory
21 misconduct and common law misconduct.

22 THE COURT: All right.

23 MS. ROBINSON: I believe that ---

24 THE COURT: All right. Mr. Wise, now, this was
25 couched as the arguments as to 1146A through F, and you

1 wish to address any of the other -- the separate
2 indictment, the 2466A through F? Although it's ---

3 MR. WISE: The other argument set forth in my brief
4 that I forgot to mention earlier is that, under rule of
5 lenity, I think this court is required to go with a more
6 specific statute, which is the one-year misdemeanor which
7 simply says that a public official who basically is
8 limited to a certain geographical area comes under the
9 statutory violation, and the rule of lenity would say that
10 that's what should happen here in that case.

11 I would like to point out one thing, Your Honor. It
12 seems to me that the State has it backwards on indictments
13 and discovery. I'm not required to read the discovery to
14 understand an indictment. I should be able to read an
15 indictment to understand the discovery. So if I read an
16 indictment that has an allegation about George Smith doing
17 -- making an accusation, then I read about George Smith.
18 I don't have to read about any other people involved in
19 the same allegation, because that's what it is. A good
20 indictment enables a lawyer to go through the discovery
21 and make good sense of it. He shouldn't have to read the
22 discovery and then at his peril guess what applies to the
23 indictment. It's supposed to work the other way around in
24 that.

25 Also, I'd like to point out on Count D involving the

1 unqualified employee, Section 23-16-140 is a statute that
2 imposes a criminal obligation on a person who uses a five-
3 or six-star badge to impersonate a police officer, right?
4 An unqualified person. There isn't anywhere in the
5 discovery any allegation that Lance Sheek used a badge to
6 impersonate any police officer. Besides, that statute
7 does not impose any duty on a sheriff or whoever issues
8 the badge not to issue it. It just simply says if you
9 have a five- or six-star deputy's badge and you're not --
10 you haven't been to the academy, you're not qualified, I
11 can't remember exactly how it's worded, then you can be
12 guilty of impersonating an officer. Fine. There's no
13 allegation in discovery that I know of, and maybe in the
14 new one I just got, that any of that applies. And it
15 certainly does not impose any obligation on a sheriff who
16 issues a badge to make sure that somebody doesn't go out
17 impersonating an officer.

18 So I don't -- if they're going to include -- if they
19 redo that -- that count and include that section, that
20 section doesn't impose any duty on Mr. Lewis.

21 And then, of course, in Count 6, F, of the
22 indictment, we are left to speculate as to who in the
23 world they're talking about. Who are these people that he
24 passed over or oppressed their careers or advanced their
25 careers? We have no clue who they're talking about on

1 that one. Not even the slightest clue. So even getting
2 around the argument that that's contrary to the state law,
3 he at least ought to have some idea of who they're talking
4 about.

5 THE COURT: All right. Anything further?

6 MS. ROBINSON: Your Honor, I'd just like to refer
7 back. The case law in South Carolina about the indictment
8 and what is required for sufficiency in terms of what it
9 means to be a notice document, again, we did put this in
10 our brief and I'll just rely on that, but it does not
11 require particulars, it does not -- it says that it could
12 be more specific is not what the analysis is. You can
13 read these charges and then read the discovery and
14 understand. The discovery will illuminate these charges,
15 but you know what he is alleged to have done in these
16 charges and in these allegations.

17 THE COURT: Well, that's -- I mean, it's an
18 interesting argument Mr. Wise makes about the
19 responsibility of the State to provide a sufficient
20 indictment so he can then go to the discovery and
21 determine what facts support that indictment. And what
22 the State is telling me is, basically, that we cannot
23 necessarily intentionally make a vague indictment, but as
24 long as we supplement it with plenty of discovery, we'll
25 be safe because the defendant will know what the myriad of

1 charges are or actions that he may or may not have
2 performed are that support the indictment. It does put a
3 defense counsel in somewhat of a hard place, a difficult
4 place in terms of determining how to prepare its defense.

5 MS. ROBINSON: Your Honor, I would just add that to
6 the extent there's allegations of, well, what if something
7 else pops up later, well, the appropriate motion at that
8 time would be that we failed to comply with discovery and
9 he was not provided that evidence in discovery in advance.
10 And to the extent that there's allegations that, well,
11 they're not going to be able to prove this or this falls
12 short, those would be appropriate motions for a directed
13 verdict at which time the Court could determine if we
14 sufficiently met the burden of proving the misconduct in
15 office. But for purposes of a notice document at this
16 time, we argue that the allegations of the indictment are
17 sufficient.

18 THE COURT: All right. Anything further?

19 MR. WISE: I was just going to add that if something
20 pops up later, I guess it's the subject of a new
21 indictment. The simplest solution.

22 THE COURT: I would think so.

23 All right. Counsel, I'm going to read your briefs.
24 I had briefly scanned them, but now I know -- understand a
25 lot more about the issues in this case and I'll let you

1 know what my decision is. Thank you very much.

2 MR. WISE: Thank you.

3 MR. BRACKETT: Thank you, Your Honor.

4 THE COURT: Now, Counsel, what about scheduling
5 further matters in this case at this time? Is that
6 appropriate?

7 MR. BRACKETT: Yes, sir, Your Honor. I think it
8 would be. At least for aspirational purposes, we can
9 always hope. And I think we had compared calendars,
10 Mr. Wise myself and my staff, and two things, that,
11 obviously, we need to schedule a trial date. And I think
12 we had communicated to Your Honor October 21st. I'd have
13 to pull my calendar out. But I think that's the proposal
14 on the table.

15 THE COURT: The 21st, I believe.

16 MR. BRACKETT: Yeah. I'm double-checking, make sure
17 I don't misspeak. Yes, sir. Monday the 21st in
18 Greenville.

19 And then secondly, I spoke with Mr. Wise about
20 getting together sometime in the next couple of weeks. He
21 is going to come up to York, he has other business there,
22 and while there, I would like to sit down with him and go
23 through the discovery and make sure that he has a copy of
24 everything that we have. So we're going to try to get
25 that done as well.

1 MR. WISE: That's correct, Your Honor. I've gone
2 through a good portion of the discovery. There are some
3 questions I have, and if we can get those answered, it
4 will save the trouble of coming back before the Court.

5 THE COURT: Thank you very much.

6 MR. BRACKETT: Thank you, Your Honor.

7 THE COURT: All right. Thank you very much, Counsel.

8 (WHEREUPON, proceedings concluded at 2:16 p.m.)
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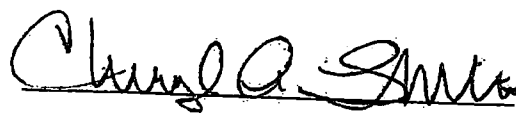
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 17th day of June, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 22, 2020



Cheryl A. Smith, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

State of South Carolina

vs.

William D. Lewis,

Defendant.

IN THE COURT OF GENERAL SESSIONS

THIRTEENTH JUDICIAL CIRCUIT

ORDER

2018-GS-23-02466A-F

2018-GS-23-02467A

2019-GS-23-1146A-F

2019-GS-23-1147A

per Judge Cooper

19 JUN 25 AM 9:17
Paul Hickenamer CDC BUL SC

This matter came before me June 17th, in Laurens, South Carolina. Defendant William D. Lewis (Lewis) moves, by and through his Counsel, C. Rauch Wise, to quash Greenville County Indictments 2019-GS-23-002467A, 2019-GS-23-001146A-F, and 2019-GS-23-002466A-F. The State, represented by Solicitor Kevin S. Brackett and Assistant Solicitor Leslie Robinson opposed the Motions. For the following reasons the Motions are GRANTED IN PART AND DENIED IN PART.

"The indictment is a notice document. A challenge to the indictment on the ground of insufficiency must be made before the jury is sworn as provided by § 17-19-90. If the objection is timely made, the circuit court should judge the sufficiency of the indictment by determining whether (1) the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon; and (2) whether it apprises the defendant of the elements of the offense that is intended to be charged. State v. Wilkes, 353 S.C. 462, 578 S.E.2d 717 (2003); see also S.C. Code Ann. § 17-19-20 (2003) (sufficiency of indictment). In determining whether

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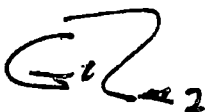
an indictment meets sufficiency standard, the court must look at the indictment with a practical eye in view of all the surrounding circumstances. State v. Gentry, 363 S.C. 93, 610 S.E. 2d 494."

SECTION 17-19-20. Allegations sufficient for indictment

"Every indictment shall be deemed and judged sufficient and good in law which, in addition to allegations as to time and place, as required by law, charges the crime substantially in the language of the common law or of the statute prohibiting the crime or so plainly that the nature of the offense charged may be easily understood and, if the offense be a statutory offense, that the offense be alleged to be contrary to the statute in such case made and provided."

As to Superseding Indictment 2019-GS-23-002467A, the original Indictment (April 17, 2018) charged Lewis with the crime of Misconduct in Office in that he "willfully and dishonestly failed to properly and faithfully discharge his lawful duties". This Indictment was vague, overly broad and did not fully inform Lewis of the charges against him. The Superseding Indictment (March 19, 2019) charges Lewis with obstruction of justice specifically in time and place and in certain particulars, all in violation of the South Carolina Common Law and § 17-25-0030 of the Code of Laws of South Carolina. Lewis' Motion to Quash 2019-GS-23-002467A is DENIED.

As to Superseding Indictment 2019-GS-23-001146A-F, the original Indictment (February 19, 2019) charged Lewis with the crime of "misconduct of a public officer by performing acts of official misconduct, habitual negligence, corruption, fraud or oppression". This Indictment was vague, overly broad and did not fully inform Lewis of the charges against him. The Superseding Indictment (March 19, 2019) charges Lewis with the crime of Misconduct of a Public Officer by performing certain specific acts of official misconduct found in Counts 1-6 (A-F). These specifications of misconduct are not vague or overly broad, are specific in time and place, and all are alleged to be in violation of § 8-1-80 of the Code of Laws of South Carolina. However, Count 5 (E) is duplicitous of 2019-GS-23-2467A. Lewis Motion to Quash Count 5 (E) of 2019-GS-23-001146A-F is GRANTED. The Motion to Quash the remainder of 2019-GS-23-001146A-F is DENIED.



As to Superseding Indictment 2019-GS-23-2466A-F, the original Indictment (February 19, 2019) charged Lewis with the crime of "misconduct, habitual negligence, corruption, fraud, or oppression". This Indictment was vague, overly broad and did not fully inform Lewis of the charges against him. The Superseding Indictment (March 19, 2019) charges Lewis with the crime of Misconduct in Office by performing certain specific acts of official misconduct found in Counts 1-6 (A-F). These specifications of misconduct are not vague or overly broad, are specific in time and place, and are all alleged to be in violation of the South Carolina Common Law and § 17-25-0030 of the Code of Laws of South Carolina. However, Count 5 (E) is duplicitious of 2019-GS-23-2467A. Lewis Motion to Quash Count 5 (E) of 2019-GS-23-2466A-F is GRANTED. The Motion to Quash the remainder of 2019-GS-23-2466A-F is DENIED.

AND IT IS SO ORDERED

June 20, 2019



G. Thomas Cooper, Jr.
Presiding Judge



19 JUL 8 AM 9:20
Paul Wickensimer CDC GVL SC

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State,)
)
)
-vs-)
)
William D. Lewis,)
)
Defendant.)

Motion to Reconsider Order
Case Nos 2018-GS-23-02466A-F
2018-GS-23-02467A
2019-GS-23-1146 A-F
2019-GS-23-1147A

William D. Lewis, the Defendant above named, moves that this Court re-hear this matter and re-consider the order previously entered in this matter to either correct or rule upon the following issues:

1. The Court failed to consider and rule upon the issue raised in paragraph 9 of the Motion to Quash dated April 25, 2019. The Order dated June 20, 2019 does not discuss the issue of whether the statutory violation, being a specific statute that covers the alleged conduct, is the applicable statute under the principles of lenity and due process of law which is applicable to William Lewis in this case..
2. This Court failed to consider and rule upon the fact that a violation of the common law misconduct in office is duplicitous with a violation of S. C. Code § 8-1-80. A conviction on both indictments can not stand. In addition, as the two charges are in fact duplicitous, this Court would not be able to instruct the jury as to how the jury would be able to differentiate between the two indictments. This leads to the conclusion that, in essence, this Court would have to instruct the jury that a conviction on one or more counts of one indictment would require a

conviction on the same counts of the other indictment. This would violated the double jeopardy provision of Article I, § 12 of the Constitution of the State of South Carolina and the Fifth Amendment of the Constitution of the United States of America as applied to the States through the Fourteenth Amendment.

3. In the order the Court failed to explain how count 1 of the two multi count indictments is not vague when the court is not clear as to whether the violation of the common law crime of Misconduct in Office or the statutory violation is the "misuse of public resources," the "adulterous affair," or the combination of the two. The indictment further fails to allege how such an affair establishes the failure of Mr. Lewis to "properly and faithfully discharge the of his public office imposed on him by law" under the common law and "act of official misconduct, habitual negligence corruption, fraud or oppression" under the statutory violation.

4. In the order the Court failed to explain how the charge of Misconduct in Office under the Common Law and Misconduct of a Public Official under the statutory violation, as to Count 3 is not vague when the count fails to allege what assets Mr. Lewis is alleged to have willfully disposed nor in what manner they were improperly disposed of. As such, Mr. Lewis is completely unable to prepare a defense to this count. If upon reviewing the discovery, Mr. Lewis guesses wrong as to what this Court means he will be unable to defend this count at trial.

5. In the order the Court failed to explain how the charge of Misconduct in Office under the Common Law and Misconduct of a Public Official under the statutory violation, as to Count 5 is not vague when it fails to allege the specific acts, statements, dates and times in which Mr. Lewis "willfully abused the power and authority of his office to oppress and intimidate his employees." As such, Mr. Lewis is not informed as to which employee or employees out of

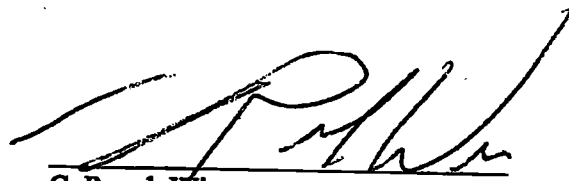
hundreds he is alleged to have intimidated nor what specific actions he allegedly took. An indictment for murder would not be sufficient if the indictment failed to allege the name of the deceased and simply stated a person was murdered.

6. In the order this Court failed to explain how count 6 of the Common Law misconduct in office and the statutory violation is not a violation of S. C. Code § 23-13-10 which states employees of the sheriff serve at the pleasure of the sheriff..

7. In the order this Court failed to rule upon the fact that the indictment № 2019-GS-23-01147A for perjury is duplicitous with count 2 of indictment Nos 2018-23-02466A-F and 2019-GS-23-01146A-F and as such violates the double jeopardy provision of Article I, § 12 of the Constitution of the State of South Carolina and the Fifth Amendment of the Constitution of the United States of America as applied to the States through the Fourteenth Amendment.

For the foregoing reasons, this Court should re-hear this matter and issue an order consistent with the principle set forth above.

July 1, 2019



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Attorney for William D. Lewis

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

State of South Carolina,

STATE'S RESPONSE TO MOTION TO
RECONSIDER ORDER

vs.

William D. Lewis,
Defendant.

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

19 JUL 17 PM 2:21
Paul Wickensmeyer COC GUL SC

The State, by and through Sixteenth Circuit Solicitor Kevin Brackett, hereby responds to Defendant's Motion to Reconsider Order and requests that the Court DENY the motion as follows:

The Court's order granting in part and denying in part the Defendant's motions to quash includes a ruling as to each of the charges and was entered after hearing fully from the State and Defendant. Defendant filed two motions to quash in December 2018, a brief in support thereof in February 2019, two additional motions to quash later in February 2019, and three motions to quash in April 2019. Altogether, those filings challenged all pending charges against Defendant. On June 4, 2019, the State filed its combined response to the aforementioned filings. The Court additionally heard oral argument on June 17, 2019. With the benefit of those filings and oral argument, the Court issued its order on June 20, 2019. Therein the Court took care to rule as to each charge pending against Defendant. As such, the Court's order resolved all pending motions.

As to the substantive arguments raised in Defendant's motion, the State continues to rely on the contents of its combined response filed in June and presentation at oral argument. The Court had all the necessary information before it at the time of the order and need not rehear or reconsider

these matters. For the reasons stated herein, then, the State submits that Defendant's Motion to Reconsider Order should be DENIED.

Respectfully submitted,



Kevin S. Brackett, Solicitor
Sixteenth Circuit Solicitor's Office
1675-1A York Highway
York, SC 29745
(803) 628-3020

Date:

7/12/19

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

State of South Carolina

vs.

William D. Lewis,

Defendant.

IN THE COURT OF GENERAL SESSIONS

THIRTEENTH JUDICIAL CIRCUIT

ORDER

2018-GS-23-02466 A-F

2018-GS-23-02467 A

2019-GS-23-01146 A-F

2019-GS-23-01147 A

19 JUL 29 PM 8:05
Paul Hickenbottom CDD SUL SC

After careful consideration of Defendant's Motion to Reconsider this Court's Order of June 20, 2019, and the record in this case, the Court is unable to discover any material fact or principle of law that has been overlooked or disregarded and further finds no error of law or facts not appropriately considered. Accordingly, this Court hereby DENIES Defendant's Motion to Reconsider Order dated July 1, 2019. The Court is of the opinion that oral argument is not necessary.

AND IT IS SO ORDERED

July 25, 2019


G. Thomas Cooper, Jr.
Presiding Judge

IN THE COURT OF GENERAL SESSIONS

PLAINTIFF,

2018-GS-23-02466
2019-GS-23-01146

-VS-

TRANSCRIPT OF RECORD

WILLIAM D. LEWIS,

DEFENDANT.

OCTOBER 16, 2019
GREENVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE G. THOMAS COOPER, JR.

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

KEVIN S. BRACKETT, SOLICITOR

ATTORNEY FOR DEFENDANT:

C. RAUCH WISE, ESQ.

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>

(No Exhibits Were Presented During This Hearing)

1 **THE COURT:** This is the matter of State versus William
2 Lewis. I have the defendant has filed a motion to exclude
3 certain testimony. Mr. Wise, you may proceed.

4 **MR. WISE:** Your Honor, in discussions with Solicitor
5 Brackett over the past several weeks has agreed that he is
6 proceeding on count one of the indictment only. One will
7 greatly shorten the trial. But in count one of the
8 indictment the State has alleged that Mr. Lewis did from the
9 date he took office through April 24th of 2017 misuse public
10 resources and abuse the power of authority in office for
11 purposes of facilitating an adulterous relationship and
12 breach of his duties of good faith and accountability to the
13 public.

14 In reviewing the discovery of this case, Your Honor,
15 particularly the deposition of what I would call the
16 complaining witness, there are allegations by her that an
17 alleged rape took place in Charlotte, North Carolina. Our
18 first motion is that events that took place in Charlotte,
19 North Carolina are not germane to an indictment that alleges
20 that the events took place in Greenville, South Carolina and
21 they should be excluded on that basis.

22 The second part of the motion is if the Court deems
23 that events in Charlotte are admissible that the indictment
24 does not give me any notice that he's going to use any
25 allegation of rape as a basis for finding misconduct on

1 behalf of Will Lewis. He's never alleged there's any
2 criminal sexual conduct crime committed by Mr. Lewis in the
3 indictment. The indictment simply refers to an adulterous
4 relationship.

5 Any other criminal evidence would be clearly not
6 admissible in the 404(b) and would clearly be more
7 prejudicial than probative under 403. And, therefore, since
8 the indictment -- he could have, had he wanted to, said the
9 misconduct in office is an alleged rape that occurred or the
10 criminal sexual conduct, first, second or third degree. He
11 did not.

12 He alleged only an adulterous affair, which certainly
13 would not put any defendant on notice that criminal sexual
14 conduct of any degree occurred. It is in the discovery.
15 And I don't think it would be admissible under the wording
16 of this indictment.

17 **THE COURT:** All right. Mr. Brackett.

18 **MR. BRACKETT:** May it please the Court, Your Honor.
19 The indictments that we'll be proceeding on are 2018-GS-23-
20 2466 and 2019-GS-23-1146 count A of these two indictments.
21 They are common law misconduct in office and statutory
22 misconduct in office. And we will be proceeding on count A
23 of both of them.

24 Count A reads ---

25 **THE COURT:** On which one?

1 **MR. BRACKETT:** On 2466. 2018-2466, Your Honor.

2 **THE COURT:** All right.

3 **MR. BRACKETT:** William D. Lewis did, from the date he
4 took office through April 24th, 2017, wilfully misuse public
5 resources and abused the power and authority of his office
6 for the corrupt purpose of pursuing or facilitating an
7 adulterous relationship in breach of his duties of good
8 faith and accountability to the public.

9 The other indictment, count A, reads, William D. Lewis
10 did, from the date he took office through April 24th, 2017,
11 misused public resources and abused the power and authority
12 of his office for the corrupt purpose of pursuing or
13 facilitating an adulterous relationship.

14 Now, Mr. Wise has put forward two objections, the first
15 of which I think is the easiest to deal with summarily
16 alleging that events took place in another state, therefore,
17 they cannot ---

18 **THE COURT:** Or another -- any other jurisdiction.

19 **MR. BRACKETT:** I'm sorry? Yeah, any ---

20 **THE COURT:** Any other jurisdiction.

21 **MR. BRACKETT:** Yes, sir. I think, clearly, Your Honor,
22 he owes -- the defendant owed a duty to the people of
23 Greenville. And he could have breached that duty anywhere
24 he went when it came to misusing public funds.

25 If he had taken the company credit card to Las Vegas

1 and spent ten thousand dollars (\$10,000.00) gambling, and
2 drinking, and having fun, all of that would have occurred in
3 Las Vegas, but he owed the duty to the people back here to
4 use that money as it was supposed to be used. And he did
5 not.

6 So the location of where he breached his duty of the
7 people of Greenville is irrelevant. And I think that the
8 conduct that took place in Charlotte is entirely appropriate
9 to be proven to establish that he violated the law. So
10 that's essentially ---

11 **THE COURT:** Well, he -- Mr. Wise is relying on the last
12 -- the penultimate paragraph of the indictment, which says,
13 committed this crime -- William D. Lewis committed this
14 crime in Greenville County all in violation of section 8-1-
15 80 of the code.

16 **MR. BRACKETT:** Yes, sir. He committed the crime
17 because the crime itself is violating the trust of the
18 public in Greenville County. Where he violated that trust
19 doesn't matter. The public's trust in Greenville was
20 violated by his conduct in Charlotte.

21 **THE COURT:** All right. How about the second prong of
22 his argument?

23 **MR. BRACKETT:** The second prong of his argument, Your
24 Honor, I think he couches it in terms of a 404(b) analysis.
25 And I think, Your Honor, more appropriate they should

1 analyze this issue under *res gestae*. In order to ---

2 **THE COURT:** Well, let me -- tell me what it is to start
3 with.

4 **MR. BRACKETT:** What his argument is?

5 **THE COURT:** No, what the evidence is that you seek to
6 introduce.

7 **MR. BRACKETT:** When the defendant -- I was going to ask
8 the Court to give me a moment and ---

9 **THE COURT:** All right. Take your time.

10 **MR. BRACKETT:** I was going to basically -- and it will
11 take a moment for me to do this.

12 **THE COURT:** Go ahead.

13 **MR. BRACKETT:** It'll take more than a moment. I don't
14 think -- and I don't know how much background information
15 you have about the facts of this case.

16 **THE COURT:** Not a lot.

17 **MR. BRACKETT:** Not a lot is what I expected.

18 And so what I think I need to do in order for you to
19 understand why the events that transpired in Charlotte are
20 part of the *res gestae* of the general case, you need to have
21 an understanding -- a more comprehensive understanding of
22 the facts. So I'd like to summarize those for the Court now
23 to the greatest extent possible.

24 They transpired over a period of about nine or ten
25 months. So it'll take a little bit. But I want to kind of

1 inform the Court a little bit of the background of this case
2 and give you some history. And there are two audio
3 recordings that I would like to play because I think Your
4 Honor needs to hear those as well.

5 This defendant worked with a young lady named Savannah
6 Nabors at a local law firm. The defendant was an
7 investigator at the law firm. And while there he told
8 Savannah Nabors that he was going to -- the 22-year-old
9 paralegal who worked at the law firm -- he told her that he
10 was going to run for sheriff, and when he did, and when he
11 won, he was going to hire her to be his personal assistant.
12 He told her that he would be in touch with her when that day
13 came.

14 And sure enough he did file to run for sheriff in 2016,
15 mounted a campaign. There were three contenders for the
16 office on the GOP side of the ticket. Ultimately at the end
17 of June and after a run-off the defendant was successful and
18 prevailed in the run-off and beat the incumbent sheriff,
19 Sheriff Loftis.

20 **THE COURT:** This is in 2016?

21 **MR. BRACKETT:** Yes, sir, 2016.

22 And so with no opposition on the other side of the
23 ballot, no democrat had filed, there were no other
24 candidates running for the office. By the end of the run-
25 off it was virtually assured by the end of June that the

1 defendant was going to be elected in the general election in
2 November absent some sort of write-in campaign.

3 The next day he called or very shortly the next day or
4 the day after he called Savannah Nabors and told her that he
5 had told her that he was going to hire her, he wanted to
6 hire her, he wanted to talk to her. They met. He told her
7 that he would hire her and double her pay.

8 At this point she had left the law firm and was now
9 working with Child Protective Service, I think, in DSS. She
10 was doing some child protective work for the Department of
11 Social Services, I believe.

12 But he told her, I'll double your pay. I want you to
13 come and work for me as my personal assistant. And she
14 tried to get some clarity on what the job would actually
15 entail, but he didn't really have a lot of details. He
16 said, I'll just -- I'll be in touch with you to let you
17 know.

18 They spoke again, I believe, in August. And eventually
19 she agreed that she would come on board. She attended some
20 command staff meetings with existing command staff in the
21 sheriff's office through the fall, I believe, in September,
22 October and November. There were several meetings with the
23 captains, and the major and so forth at the sheriff's
24 office. She took part in those and took notes for Mr.
25 Lewis.

1 And ultimately in December of 2016 he hired her, the
2 County of Greenville, not the sheriff's office because he
3 wasn't the sheriff yet. But the County of Greenville hired
4 her in the position of a personal or administrative
5 assistant to be, so to speak, for the upcoming soon-to-be-
6 installed-sheriff, Will Lewis.

7 She worked, I think, from December 5th forward in that
8 capacity until his swearing in in -- on January the 3rd.
9 There was a -- sort of a fake swearing in, like a private
10 swearing in that was done at the Poinsett Club in December.
11 And that was the first time she got some kind of sense that
12 something might be amiss because the next day or shortly
13 after the evening event he told her she looked stunning and
14 gorgeous in her dress and so forth. And it should be noted
15 that Ms. Nabors, I think I told you, was a 22-year-old young
16 lady, an attractive young lady.

17 She started work on the 3rd. Her salary was sixty-two
18 thousand dollars (\$62,000.00) when she was hired, which was
19 approximately what lieutenants who had been with the
20 sheriff's office for 20 years were making. It was a salary
21 to all appearances of people in the sheriff's office was out
22 of proportion to her age and experience level in the
23 criminal justice system.

24 She was given a brand new Ford Explorer, a private
25 parking space in the back. She had a computer, and a laptop

1 and an iPhone. And she went to work within a few days.
2 They had her fitted for a bullet proof vest and, you know,
3 set her up with that.

4 Over the next month or two he would take her to various
5 events that were sort of unique and special. He took her to
6 the firing range and let her shoot a .50 caliber gun. I
7 think she went with SWAT and shot a machine gun.

8 She went to the -- a meeting at BMW at his invitation.
9 It was supposed to be a business meeting, but when they got
10 there they actually had tickets to the BMW high performance
11 driving track that's there, which is a very unique and
12 special event. She enjoyed perks and privileges from her
13 position that were unique in the sheriff's office.

14 In mid February Ms. Nabors had -- she had been having
15 some marital difficulties. And in mid February these
16 marital difficulties were unrelated to her job, unrelated to
17 Mr. Lewis. But in mid February she informed him, I think,
18 February 15th she separated from her husband. And on
19 February 16th she told the sheriff that she was separated.

20 He had made it clear to her that he wanted to know
21 everything about her. If there was something going on in
22 her life, given their high profile situation, he needed to
23 know everything about her. And if there was something
24 significant happening, he needed to know about it.

25 The other thing that's, I think, important to note,

1 throughout this time period, he was making it clear to the
2 other people in the sheriff's office that she was off
3 limits. She should not be approached. Obviously she is an
4 attractive young woman working in a department that is
5 predominantly male. And Mr. Lewis made it clear through
6 several mediums that Savannah Nabors was off limits to the
7 other deputies and the other people working in the office.

8 The night that she told him, they were walking out of
9 the sheriff's office. And she was going home and he was
10 going -- he was leaving as well. And he turned around and
11 said, why don't -- I need you to talk to me, get in the car,
12 and I'm going to see my father at the hospital.

13 He took her to the hospital, grilled her about details
14 of their -- her relationship with her husband that were
15 inappropriate and started to make her feel uncomfortable.
16 She went home after visiting briefly at the hospital.

17 And later that same evening she gets a call from Mr.
18 Lewis. And this is several hours, like two or three hours
19 after she's told him that she's going -- she's separated
20 from her husband. And this is the first time she hears that
21 there's going to be a budget trip out of town, that they're
22 going to Charlotte, North Carolina or Atlanta, they're not
23 sure, but she'd have her preference. She says, no.

24 He says, well, we're going to go out of town. I want
25 you to come with me. We're going to be heading out to

1 Charlotte then, and we're just going to, you know, get out
2 of town a little bit so we can talk about the budget and
3 that some County administrators are going to be going with
4 us in addition to the Chief Deputy Marcus Davenport with the
5 sheriff's office. He'll be attending as well.

6 The meeting was set for March the 7th through the 9th
7 in Charlotte. They arrived on the 7th in Charlotte at the
8 Hyatt Place Hotel. And as they were unpacking their bags
9 from the back of the car, Mr. Lewis reached into his bag and
10 took out a bottle of liquor and gave it to her and said, put
11 this in your bag. I don't need to be seen carrying this
12 into the hotel. I'll come get it from your room later on.

13 They went into the hotel, checked into their room, saw
14 Mr. Davenport, met with some County administrators. It
15 should also be noted, this is the first time in the budget
16 director of the sheriff's office experience that there's
17 ever been any out-of-town budget discussions for the
18 sheriff's office. And she's attended them all for 34 years.
19 But they went out of town for these two days.

20 They checked into their hotel. They went downstairs
21 and met up with all the other attendees, started having some
22 drinks in the hotel bar, some appetizers that they ordered
23 and drank until about 11:00 at the bar. And then they went
24 out on the town to an Irish pub where a couple of rounds of
25 shots and some drinks were ordered. And they got back in

1 somewhat late.

2 As they went back to their rooms, Ms. Nabors and the
3 defendant were the last two people off of the elevator. And
4 he told her, I need to come to your room to get that bottle.
5 And this was well after midnight, maybe coming on 1:00 in
6 the morning. They'd had a fair amount to drink.

7 She says that he came into the room, walked straight
8 in, got the bottle and said, let's have a nightcap, poured
9 two drinks for them. He put his feet up on the table, sat
10 down in the recliner and put his -- and grabbed the remote,
11 turned on the TV and started drinking his drink.

12 He'd handed her a hotel glass that was two-thirds or so
13 full of brown liquor. She's not sure, but thinks it might
14 be bourbon, and started talking to her about the problems
15 that he was having with his wife, and how his wife and he
16 had had difficulties, and woe is me, I'm just in this
17 terrible situation in my marriage, we're not having
18 relations, you know, my life is so hard.

19 At some point he went over and sat -- and this
20 discussion went on for over an hour. She's trying to
21 deflect and end the conversation. She's young. She doesn't
22 know what's going on.

23 He comes over, sits down next to her, puts his arm
24 around her. At some point he -- she remembers he kissed
25 her. And at this point things begin to get fuzzy for her.

1 She blacked out, does not know what happened next. But when
2 she came to he was on top of her and engaging in intercourse
3 with her, which she does not remember how they got from the
4 couch to the bed, how her clothes got off or what took
5 place. And that would be what her testimony was.

6 And he asked her, do you want me to finish? And, of
7 course, she said, I was delirious, I didn't know what --
8 he's like -- she said, yes. They -- some short time later
9 he suggested that they leave, go down to her -- to his room.
10 They slept for a couple of hours.

11 At some point in the early morning she made her way
12 back up to her room. She doesn't remember a trip to his --
13 to her -- to his room. She doesn't remember coming back,
14 and was sick the next morning when she woke up. Took a
15 shower. Was not able to join everybody until later in the
16 morning.

17 She says that she had some conversation with him later
18 in the morning. He offered to give her coffee, which he
19 did. There was some exchange between them about getting
20 coffee. And he brought her some coffee.

21 They had some short meetings that day regarding the
22 budget. And then later on they went and took naps in their
23 rooms and then got up and went to dinner and out again and
24 had more drinks that evening.

25 At some point the defendant left the group and

1 disappeared saying he had to go to CVS.

2 **THE COURT:** To what?

3 **MR. BRACKETT:** To CVS ---

4 **THE COURT:** Oh.

5 **MR. BRACKETT:** --- pharmacy. He was gone for some
6 period of time. When he came back and joined them, they
7 continued to drink. They stayed out very late.

8 As they were walking back to the hotel he reached into
9 his pocket and pulled out a small tube of lubricant, sexual
10 lubricant, and held it up and showed it to her and said,
11 your room or mine? She said, neither.

12 He sensed that she was upset, perhaps, about the night
13 before. Of course, the night before was a blur to her. And
14 she didn't know -- at this point she's confused. She
15 doesn't know -- she's blaming herself. She doesn't know
16 what took place. So she's confused. He's the boss, and she
17 doesn't quite know what to do.

18 But he senses something and says, well, we need to talk
19 about this, so come up to my room. There's some
20 conversation up in his room. She manages to get away, to
21 get to the elevator. He's following her down the hallway,
22 but she gets away and gets back down to her room and stays
23 in her room, goes to bed.

24 At some point in the middle of the night she gets a
25 phone call from him, or some kind of communication from him,

1 he's knocking on her door. He wakes -- she wakes up. He
2 wants to come into the room to talk to her. She doesn't
3 know what to do. Again, he's the boss.

4 She opens the door. He says, I'm -- he pours his heart
5 out about his many problems and says, I swear I won't lay a
6 hand on you. Please give me another chance. I just need
7 some place I can rest. Can I -- can I lay down on your bed
8 and go to sleep?

9 She reluctantly agrees. Everything seems to be fine.
10 She wakes up sometime later and finds that he has slipped
11 his hands inside of her vagina, her fingers -- his fingers
12 inside of her vagina.

13 Again, you know, confusion. She doesn't quite know
14 what to do and how to deal with this situation. This is the
15 morning they were leaving. They get up, pack up their rooms
16 and leave. He says, you know, what happens in Charlotte
17 stays in Charlotte. We don't need to talk about this
18 outside of Charlotte.

19 I missed one point that I think is important. He had
20 told her previously that he wasn't telling his wife that she
21 was going to Charlotte. And she felt like -- she told him
22 that's not appropriate.

23 And he said, well, we've been having -- we've been
24 fighting and this is just one more thing for us to fight
25 about, and I can't deal with it. So I'm not going to tell

1 her. And there were other folks that he had mentioned that
2 this should be kept secret.

3 Over the next three, or four, or five weeks there were
4 multiple different incidents where he would talk, she would
5 reject him and try to push back and set boundaries. And he
6 would encroach on those boundaries.

7 And when she remained firm, he would get angry with her
8 and would punish her at work, exclude her from events and
9 that sort of thing, not allow her to go with him on trips,
10 not allow him [sic] to go with him to crime scenes and other
11 things that had been fulfilling in her job. So he was
12 emotionally punishing her for rejecting him.

13 She began to get more and more concerned. There were
14 times -- a couple of events where she felt like he was
15 following her or he knew where she was and what she was
16 doing. She just had this sense, but she couldn't confirm
17 it. She didn't know for sure.

18 At some point he had loaned her a pressure washer to
19 clean her house. They were getting it ready to list. And
20 he -- the arrangement was made to come pick the pressure
21 washer up. He was going to come back to her house to pick
22 this pressure washer up. And she did not want to be there.
23 She was separated from her husband, so she was alone. She
24 did not want to be at the house alone when he arrived.

25 So he told or she made arrangements with a neighbor,

1 when this man shows up to pick up a pressure washer, you can
2 open up my garage and let him take the pressure washer. And
3 then she called him and said, I won't be home, but come by
4 and pick it up. My neighbor will help you.

5 And she went to a Chick-fil-A some distance away from
6 her home, ordered something and sat there waiting for him to
7 call that was around the time he was supposed to be coming
8 by to get it. He called her and said, where are you? And
9 she said, well, I ran to get something to eat, but you don't
10 need me. My neighbor will let you in to get the pressure
11 washer. And he said, I know, you're at the Chick-fil-A,
12 aren't you? And she looked up in the rearview and his car
13 was right behind her.

14 So at this point she is in a panic. She's -- now he's
15 following her. He knows where she's at. And he says, go on
16 home, I'll just follow you. And so she begins to panic.

17 Her sister -- she speaks with her sister on the ride
18 home. And her sister says, this is not right. This is
19 scary behavior. You need to do something to protect
20 yourself. When you get out of the car, turn your phone on
21 and hit the record button. Record everything he says.

22 There's a conversation that's in the driveway of her
23 home. It starts there. And then there's a conversation
24 after he leaves with the pressure washer, he calls her back
25 on the telephone and continues the conversation. And the

1 conversation is about a trip he wants to take her on to
2 Reno, Nevada to some sort of law enforcement training school
3 in Reno.

4 She recorded the conversation in the driveway, and she
5 recorded the conversation while they were driving. It takes
6 -- it takes about 35 to 40 minutes to listen to it, but we
7 can play it now for Your Honor. I think it's important. It
8 gives you the context of this whole picture.

9 This is -- what I'm trying to lay out for the Court is
10 the crime that he is accused of committing and the crime
11 that he's indicted for is using public money for
12 facilitating an adulterous relationship. And this whole
13 story, everything that transpired, he groomed her, gave her
14 an exorbitant salary, gave her perks that were completely
15 out of range for her abilities and her experience. And the
16 only purpose of it was to establish and create an ongoing
17 sexual relationship. And she resisted. She did not want
18 that.

19 And I think that the tapes -- the conversaton that they
20 had back and forth reveal not only what was going on in her
21 mind and her attempts to push him off and set boundaries,
22 but at the same time preserve her job because she's trying
23 to protect her -- she enjoys her job. She enjoys many
24 aspects of it. But she's -- so she's trying to basically
25 tell him no, I'm not interested, but in doing it in such a

1 way that isn't going to result in her losing her job.

2 So I would ask the Court, if you would, indulge us to
3 play these tapes. I think it's important for ---

4 **THE COURT:** All right.

5 **MR. BRACKETT:** --- Your Honor to have an understanding
6 of what we're talking about and why this is important, why
7 the complete picture's important.

8 **THE COURT:** All right. Go ahead.

9 (Whereupon the recording was played)

10 (Whereupon the recording was stopped)

11 **MR. BRACKETT:** Can you hear that, Your Honor? I might
12 be able to play it better off of mine.

13 (Whereupon the recording was played)

14 (Whereupon the recording was stopped)

15 **MR. BRACKETT:** Your Honor, we -- I do have a transcript
16 that was prepared, which might make it ---

17 **MR. WISE:** Let me see the transcript.

18 **MR. BRACKETT:** This is the one that was prepared in the
19 civil case.

20 **MR. WISE:** Yeah. I ---

21 **MR. BRACKETT:** It may be disputed. If you want to
22 follow along and ---

23 **MR. WISE:** Yeah, I would have -- this transcript was
24 actually prepared by Ms. Nabors, not an official court
25 reporter. With that caveat, for purposes of this hearing, I

1 would let the Court review it.

2 **THE COURT:** All right. Thank you. And you've seen it?

3 **MR. WISE:** Oh, yes, sir, I've seen it. I've listened
4 to the tapes, too.

5 **THE COURT:** All right.

6 **MR. WISE:** But just with the caveat that it was not an
7 official ---

8 **THE COURT:** I understand. Authenticity is ---

9 **MR. WISE:** Correct. And I kind of think the tape
10 actually gives more flavor to it than the cold transcript,
11 too.

12 **MR. BRACKETT:** Yeah, I just -- I think the tape is
13 fairly clear. You should be able to hear it, but in case
14 there are words you miss, if you follow along ---

15 **THE COURT:** All right. I'll try it. I'm going to do
16 my best.

17 **MR. BRACKETT:** You want to start over again? Would
18 that be easier?

19 **THE COURT:** Well, how far did you get? Because I
20 didn't pick up very much.

21 **MR. BRACKETT:** We're 27 seconds in. We're not too far
22 in. We can start again and that way you can ...

23 **THE COURT:** That's -- I heard something like, that's
24 what I'm doing, pushing on.

25 **MR. BRACKETT:** Okay.

1 (Whereupon the recording continued to play)

2 (Whereupon the recording ended)

3 **MR. BRACKETT:** That was the conversation that took
4 place in the driveway. Shortly after this conversation
5 there was a telephone call between Mr. Lewis and Ms. Nabors,
6 which was also recorded by Ms. Nabors on another phone. She
7 put it on speaker phone.

8 **THE COURT:** Is there a -- that was in the house?

9 **MR. BRACKETT:** This was -- the first -- the call you
10 just ---

11 **THE COURT:** The second call.

12 **MR. BRACKETT:** The second call, she's at her home on
13 her phone. He's in his car driving his pressure washer back
14 to his ---

15 **THE COURT:** Okay.

16 **MR. BRACKETT:** --- father's house.

17 **THE COURT:** Does she have a cricket in her house?

18 **MR. BRACKETT:** No, this was outside in the driveway.
19 So they were outside when the crickets were chirping. Those
20 were exterior crickets you were hearing, Judge.

21 (Whereupon the next recording was played)

22 (Whereupon the recording ended)

23 **MR. BRACKETT:** Your Honor, what followed over the next
24 -- this conversation on the phone, the one preceding it,
25 took place on the evening of April the 18th, 2017. On the

1 19th of April, the next day, she did not go to work. She
2 called -- she was very upset. You heard at the very end of
3 the tape, she was crying. She was upset because he was mad
4 at her.

5 There was a decision on her part to go see her sister
6 in Florida. She called in and said that she would not be in
7 to work. There transpired over the next couple of days a
8 series of phone calls between Savannah Nabors and the
9 defendant, all of which she recorded. And they basically
10 consist of a series of emotional manipulation, him getting
11 upset with her, her trying to, you know, come to terms with
12 what's happening and discussing how they could move forward
13 and the likelihood -- the reality that they couldn't move
14 forward and that her job was going to end with the sheriff's
15 office.

16 Ultimately on the 24th of April she went in and
17 tendered her resignation, put in two weeks' notice, which he
18 told her she did not have to work. And that was her last
19 day at the sheriff's office, actually showing up there. She
20 left, went home.

21 After that she had an extended period of depression and
22 went through some significant issues through the summer
23 months. Ultimately she spoke to a lawyer about what took
24 place and sued the defendant, and the sheriff's office and
25 the County of Greenville for sexual harassment. And ---

1 **THE COURT:** She did file a lawsuit?

2 **MR. BRACKETT:** She did file a lawsuit. It was filed in
3 civil court initially in Common Pleas. I believe ultimately
4 it was removed to federal court. It was settled. The
5 lawsuit was resolved by settlement.

6 **THE COURT:** It was settled?

7 **MR. BRACKETT:** I'm sorry?

8 **THE COURT:** It was settled?

9 **MR. BRACKETT:** Yes, sir, it was settled. After the
10 lawsuit was filed, but before it was settled, and during the
11 litigation, there was some discovery. Extensive discovery
12 took place between the parties.

13 Shortly after the lawsuit was filed, obviously, it was
14 the subject of significant public interest locally. The
15 defendant scheduled and held a press conference in which he
16 acknowledged that he did have sex with Savannah Nabors. He
17 apologized for it. Ultimately in the lawsuit I think he
18 admitted that one occasion, not two. But there was some
19 information that came out during the civil suit as well.

20 Your Honor heard the tape. And I think -- one thing
21 I'd also mention, I may have said this before, but Ms.
22 Nabors gave a deposition in the civil case, and she
23 described what took place. Now, she doesn't allege that he
24 hit her and threw her down on the bed and forcibly raped
25 her.

1 What her accounting of what took place is is that
2 basically she blacked out, and she woke up and found him on
3 top of her having sex with her. And she does not know how
4 that happened or what transpired between the time of when he
5 kissed her and the time she woke up and found him on top of
6 her.

7 And then again the next night they were asleep. He
8 slept on the other side of the bed, promised not to touch
9 her, woke up the next morning and he's got his fingers
10 inside of her. Again, she -- that would be what she reports
11 of it. But it's clear from -- and that's what she said in
12 her civil suit. So -- and she's already given that sworn
13 testimony.

14 It's clear from the tape, Your Honor, he says to her at
15 one point in the second tape on the telephone call, when
16 he's trying to describe and calibrate her expectations of
17 what would happen in Reno; You know how I am, how I was in
18 Charlotte. I tip a few back. I get silly. You've seen it
19 all. You've seen it, at another point. He's talking about
20 Charlotte and this.

21 How can she give -- first of all, how could she testify
22 at all and not tell the truth about what took place in the
23 room? He admitted that they had sex. But there's no way
24 she can testify and not include what actually took place in
25 the room. It is intimately bound up in the case. It is the

1 story of the case.

2 And I know Mr. Wise says there is no allegation of
3 rape, that we did not say that he raped her. If he was
4 going to be charged with that, it would have to be in
5 Charlotte. We don't have jurisdiction over a crime that
6 occurs in Mecklenburg County, North Carolina.

7 However, the adultery allegations, adultery is the
8 sexual relations with someone who is not your spouse,
9 voluntary sexual relations with somebody who is not your
10 spouse. And the voluntary part only has to be on the part
11 of one. It did not have to be that she volunteered, that
12 both parties were volunteering. So his voluntary decision
13 to engage in sex with her when she was drunk or unconscious
14 constitutes adultery.

15 And the circumstances are so wrapped into this case
16 that there is no effective way to tell the story. You
17 cannot surgically remove this aspect of it and these tapes
18 won't make sense. You know how I was in Charlotte. The
19 jury needs to know what she understood that to mean when
20 they're listening to this.

21 Your Honor, the tapes are damning evidence. And they
22 are -- they refer and require the context of what took place
23 in Charlotte and how this relationship unfolded and what
24 Reno meant to her, what the promise of a trip to Reno meant
25 to her can't be understood without her being able to explain

1 that.

2 So *res gestae* is, I believe, the theory under which
3 this matter is introduced. This is not a 404(b) analysis,
4 Your Honor. It's a *res gestae* analysis. I'm handing up a
5 case, State versus Williams. And I will also hand up to the
6 Court as I locate it, State versus Preslar. Here it is.

7 I cite first to Preslar, which sort of goes back to the
8 language I would read would be under headnote 7, 8, 9 and
9 10, Your Honor. The *res gestae* theory recognizes that
10 evidence of other bad acts may be an integral part of the
11 crime with which the defendant is charged or may be needed
12 to aid the fact finder in understanding the context in which
13 the crime occurred.

14 Our Supreme Court discussed *res gestae* theory in State
15 versus Adams at 322 S.C. 114. And I am citing from State
16 versus Preslar, P-r-e-s-l-a-r, 364 S.C. 466.

17 And in that case, the State versus Adams, the Supreme
18 Court said one of the accepted bases for the admissibility
19 of evidence of other crimes arises when such evidence
20 furnishes part of the context of a crime, or is necessary to
21 a full presentation of the case, or is so intimately
22 connected with and explanatory of the crime charged against
23 the defendant and is so much a part of the setting of the
24 case and its environment that its proof is appropriate in
25 order to complete the story of the crime on trial by proving

1 its immediate context or the *res gestae* or the uncharged
2 offense is so linked together in point of time and
3 circumstances with the crime charged that one cannot be
4 fully shown without proving the other and thus is part of
5 the *res gestae* of the crime charged.

6 Your Honor, if this isn't *res gestae*, the indictment
7 alleges a course of conduct from January 3rd, the day he was
8 sworn in, until April 24th. This event occurred in early
9 morning hours of March 8th and early morning hours of March
10 9th. And that is within the time-frame of the indictment.
11 The acts themselves were adulterous, which is alleged in the
12 indictment.

13 And the State is entitled to prove the entire case and
14 its context and give a full and complete accounting of the
15 evidence to the jury so that they can understand what this
16 man did in its complete context. And without this, the
17 State's case, I don't know how Savannah Nabors can tell the
18 story of Will Lewis. I don't know how the State can present
19 the case against him without including all the details of
20 what transpired in Charlotte because it is the sun around
21 which the rest of the evidence orbits.

22 **THE COURT:** Mr. Wise.

23 **MR. WISE:** Your Honor, if I may. First of all, to go
24 back to the first ground that Charlotte's not relevant, ---

25 **THE COURT:** Okay. Go ahead.

1 **MR. WISE:** --- if Mr. Lewis had gone to Charlotte and
2 picked up some woman in a bar and had a one-night-affair
3 with her in Charlotte, that would not be admissible for
4 misconduct in South Carolina because really no misconduct
5 occurred because there was no abuse of the office.

6 **THE COURT:** That's correct.

7 **MR. WISE:** All right. Secondly, in this case the trip
8 to Charlotte was planned with the County administrator. So
9 there's no abuse of funds in Charlotte. Again, so what
10 happened in Charlotte is simply what happened in Charlotte.
11 I don't think it's admissible in this case here.

12 Secondly, the example given by Solicitor Brackett
13 earlier, if Mr. Lewis had gone to Las Vegas, Nevada and
14 gambled ten thousand dollars (\$10,000.00) and half of it was
15 on the County credit card, that credit card was going to be
16 paid in South Carolina. So it'd have a nexus to this State
17 that would give this State jurisdiction for abuse of
18 misconduct in office charge.

19 Secondly into the second ground, to further add to what
20 I think is the confusion, first of all, I think it's, to me
21 at least, it's clear that that tape doesn't sound like some
22 woman who was raped. In her deposition she says that she
23 did not realize she was raped until she went to therapy. In
24 her deposition she said she did not realize she was drugged
25 until months later, and that's how I know that I passed out

1 -- I was there drugged. There's not a scintilla of evidence
2 of any drugs being placed in any of her drinks.

3 And to allow her to get on the stand and testify two
4 months after the fact, I now know I was raped, and two
5 months after the fact, I now know I was drugged is simply
6 too prejudicial to be probative -- is too prejudicial ---

7 **THE COURT:** Well, I think that -- that's a trial issue
8 that you would certainly have to object to and, perhaps,
9 would be sustained.

10 **MR. WISE:** Right. And that's what I'm trying to get
11 ahead of time so that we don't have to raise it at trial.
12 And I'm glad I did because if we'd raised this at trial,
13 we'd be still half a day ---

14 **THE COURT:** But when you're talking about realizing
15 something about a therapeutic session, then, I mean, doesn't
16 that comb into credibility issues with the witness and ---

17 **MR. WISE:** I think ---

18 **THE COURT:** Isn't that a jury issue?

19 **MR. WISE:** Well, it can be. But when this -- if this
20 Court determines that the mere mention of that is so
21 prejudicial -- that it's more prejudicial than probative, I
22 think it doesn't go to a credibility issue because I think
23 this Court has the initial burden of establishing is this
24 evidence even credible enough to get to the jury?

25 **THE COURT:** All right.

1 **MR. BRACKETT:** If I may, Your Honor, briefly?

2 **THE COURT:** Yeah.

3 **MR. BRACKETT:** Very briefly. Mr. Wise said that in the
4 example of a credit card is going to be paid in South
5 Carolina, the thousands of dollars that were spent for
6 hotels and whatnot, food, all came from South Carolina.
7 That's the first thing, including credit card expenditures.

8 But the second thing is is we don't intend -- I'm not
9 in the habit of trying to raise issues that I can't prove.
10 And I don't know and neither does Ms. Nabors whether she was
11 drugged. She just knows she blacked out.

12 And since she can't say that, I've cautioned her
13 there'll be no suggestion that she was roofied or anything
14 of the sort. She will just say exactly what I've related to
15 the Court. She was sitting there, they'd been out having
16 drinks, he gave her a drink, she drank from the drink and
17 then things started to get fuzzy, and she blacked out. She
18 woke up, he was on top of her.

19 Now, there'll be no suggestion that he slipped her a
20 mickey or did anything of the sort. But I think, as I said,
21 this is a straightforward issue as far as part of res
22 gestae.

23 **THE COURT:** All right. I'll tell you what I'm going to
24 do. I'm going to -- I will read these two cases, any other
25 cases that you wish for me to do. I'll be here all week.

1 I'll let you know tomorrow. Let me consider these res
2 gestae cases, and I'll email you my response by tomorrow.

3 **MR. BRACKETT:** Yes, sir.

4 **MR. WISE:** Your Honor, if I may. I would ---

5 **THE COURT:** Yes, sir.

6 **MR. WISE:** It's mentioned in one of the briefs, and I
7 can hand up to the Court a copy, but my copy is kind of
8 marked up ---

9 **THE COURT:** A brief of what?

10 **MR. WISE:** It deals with, you know, what misconduct of
11 office is and the New Jersey case of -- the State of New
12 Jersey versus Coleman.

13 **THE COURT:** You talking about when you -- the brief you
14 ---

15 **MR. WISE:** Yes, sir.

16 **THE COURT:** --- sent?

17 **MR. WISE:** One of the briefs ---

18 **THE COURT:** When the issue of the indictments -- to
19 quash the ---

20 **MR. WISE:** Yes, sir.

21 **THE COURT:** --- indictments was -- I've got that.

22 **MR. WISE:** Okay. It's cited in there. And I may have
23 handed up a copy to the Court again, too.

24 **THE COURT:** Well, anyway, why don't you just email me
25 that citation, and I'll take a look at it.

1 **MR. WISE:** All right, sir. Sure will.

2 **THE COURT:** All right. Good. Thank you very much.

3 **MR. BRACKETT:** Thank you, Your Honor.

4 Oh, Your Honor, I'm sorry. There were a couple of
5 other matters I mentioned in chambers that I want to put on
6 the record.

7 **THE COURT:** Oh, yeah.

8 **MR. BRACKETT:** My capable assistant, Ms. Robinson,
9 reminded me. First, the matter of reciprocal discovery. I
10 believe Mr. Wise indicated he may have one document ---

11 **MR. WISE:** Correct.

12 **MR. BRACKETT:** --- for me. And also I had requested
13 any information about additional motions. And I believe
14 there are no more forthcoming. This is the last significant
15 legal issue to be resolved, is that right?

16 **MR. WISE:** Right.

17 **MR. BRACKETT:** Okay. And then the only other thing I
18 wanted to mention, Your Honor, there has been some recent
19 news coverage of tapes that have been leaked to news
20 outlets, conversations that have taken place.

21 And I wanted the Court, and I want it to be on the
22 record because in case there is an allegation later on that
23 it's prejudicial, that it inflamed the jury pool or
24 whatever, I am aware, and I want the Court to be aware that
25 I was made aware of a tape involving an attempt to discuss a

1 resolution of this matter a year or two ago involving Mr.
2 Bannister. It was in the Greenville news recently. That
3 was made aware to me.

4 An attorney I know contacted me and said that he had
5 been contacted by a certain Lance Sheek, who he did not
6 know, my attorney friend did not know Mr. Sheek. And Mr.
7 Sheek had spoken to him and said, what do you know about
8 Kevin Brackett? And I have this tape that bears on the
9 Lewis case, and I think that it's of interest. It's a
10 conversation that took place between Mr. Lewis and some
11 attorneys. And I think it may have something to do with
12 this case, and it might be important. How do I -- what
13 should I do?

14 And my attorney friend was somewhat mystified, did not
15 know Mr. Sheek, did not know what he was trying to
16 accomplish. He said, I'll call Kevin, and I'll let him
17 know.

18 I rejected. I have no interest in listening to Mr.
19 Lewis' conversations with attorneys. They may be
20 privileged. And I have no interest in knowing what the
21 content of those are.

22 But I know that Mr. Sheek possessed that tape. It was
23 not the State of South Carolina. I am not in possession of
24 that tape. I do not have it. But we have not leaked any
25 materials to the press. That would be inflammatory. It

1 could create unnecessary publicity and would be
2 inappropriate. So I have no knowledge of how that came to
3 be in the possession of the media.

4 **MR. WISE:** And, Your Honor, for the record, too. I
5 became aware of that yesterday and -- the first time I was
6 aware of it. I don't think I even have that tape in my
7 possession since Mr. Brackett said he didn't give it to me
8 in the discovery.

9 I've checked with Mr. Lewis. I'm quite confident that
10 it did not come from our side either. Apparently there's
11 been a copy of that tape out in a few hands ---

12 **THE COURT:** Well, from the press report I read
13 yesterday, it sounds to me like it has no bearing on this
14 case.

15 **MR. WISE:** That's one reason I haven't listened to it.

16 **THE COURT:** All right. Can you get me your voir dire
17 by Friday?

18 **MR. WISE:** I can.

19 **MR. BRACKETT:** We will, Your Honor.

20 **THE COURT:** All right. Thank you very much,
21 counselors.

22 (Hearing Ended at 3:54 pm)

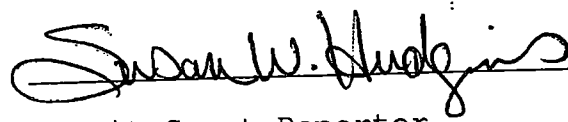
23 (End of Requested Transcript of Record)

Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenville County, South Carolina, on the 16th day of October 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 31, 2019


Circuit Court Reporter

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF GREENVILLE

4 The State of South Carolina,
5 Plaintiff,

6 vs. Transcript of Record
7 2018-GS-23-02466A
8 2019-GS-23-1146A

9 William D. Lewis,
10 Defendant.

11 October 21, 2019
12 Greenville, South Carolina
13 Volume I

14 B E F O R E:

15 The HONORABLE G. THOMAS COOPER

16 A P P E A R A N C E S:

17 Kevin S. Brackett, Representing the State of South
18 Carolina
19 Willy Thompson, Representing the State of South
20 Carolina
21 Leslie Robinson, Representing the State of South
22 Carolina

23 Rauch Wise, Representing the Defendant,
24 William D. Lewis

25 SHARON G. HARDOON, CSR
Official Circuit Court Reporter, II

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1 (STATE EXH. 1, Terms of Oath, 11/8/16
2 by stipulation, was marked for identification.)

3 (STATE EXH. 2, Swearing in video; by
4 stipulation, was marked for identification.)

5 (STATE EXH. 3, Official Death Letter,
6 was marked for identification.)

7 (STATE EXH. 4, Salary letter, was
8 marked for identification.)

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3 receipts, was marked for identification.)

4 (STATE EXH. 15, Press conference video,
5 was marked for identification.)

6 (STATE EXH. 16, Memo; Nabors
7 resignation, was marked for identification.)

8 THE BAILIFF: All rise. The Honorable G.
9 Thomas Cooper presiding.

10 THE COURT: Be seated. Thank you.

11 Now, the State ready to strike the jury?

12 MR. BRACKETT: Yes, Your Honor. The
13 State is ready.

14 MR. WISE: The defense is ready?

15 THE COURT: All press please leave the
16 room. Anybody else that's not supposed to be in
17 here. What?

18 SLED SERGEANT: I'm the SLED sergeant.

19 MR. BRACKETT: She's our case agent for
20 the State Law Enforcement Division.

21 THE COURT: Don't get messed up with that
22 press crowd over there.

23 I've asked the clerk to send up an 80-juror
24 panel. And anything else before we start this
25 process?

1 MR. WISE: Nothing I can think of.

2 MR. BRACKETT: Just one matter that I
3 brought to Mr. Wise's attention.

4 MR. WISE: Right.

5 MR. BRACKETT: I mentioned in chambers to
6 Your Honor, jury number 446 -- if Your Honor has a
7 jury list.

8 THE COURT: Just a second.

9 MR. WISE: If he's in the first panel, we
10 just need to bring him up individually.

11 THE COURT: Number 275?

12 MR. BRACKETT: No. 446, Mr. Weinstock.
13 I shared this with Mr. Wise. He has convictions
14 for possession of crack and burglary second
15 degree.

16 MR. WISE: If he's that person, he
17 obviously doesn't qualify. So I assume, if he
18 comes in the first panel, just bring him up
19 individually and clarify that.

20 MR. BRACKETT: The dates of birth are on
21 the rap sheet and the jury list.

22 THE COURT: I'll call him up.

23 MR. BRACKETT: I'll double check that.

24 THE COURT: And 275, why is --

25 THE CLERK: She was the one that was over

1 65.

2 THE COURT: She's over 65.

3 THE CLERK: Right.

4 THE COURT: She asked to be excused.

5 She's not still here, is she?

6 THE CLERK: She is not.

7 MR. BRACKETT: Your Honor, I would just
8 ask in between the time that we have qualified the
9 80 and we are left with a sufficient pool to
10 strike a jury from, and, rather than just go
11 straight into striking, if we could just approach
12 the bench for a moment to make sure that we're all
13 on the same page.

14 THE COURT: That's fine.

15 THE CLERK: Are you ready for me to call
16 them?

17 THE COURT: I am.

18 Mr. Bailiff. Why don't we split them?
19 See if we can keep about four rows on either side.

20 (Jury panel enters the courtroom.)

21 THE COURT: Jury all present.

22 THE BAILIFF: Yes, sir.

23 THE COURT: Well, good morning, Ladies
24 and Gentlemen.

25 JURY PANEL: Good morning.

1 THE COURT: Welcome to the court of
2 general sessions for Greenville county. Those of
3 you who are selected on the jury this morning will
4 be sitting on a criminal trial. We're going to
5 select 12 from your midst, plus two alternates to
6 serve on this jury. Now, just a couple of
7 remarks. You've already been through a general
8 qualification downstairs. I've got a series of
9 questions that I'm going to ask you more specific
10 to this case. It's just more of a specific
11 qualification, and I'm going ask you to answer
12 truthfully. I'm going to identify you only by
13 your number, so, please, if you don't know your
14 number, look at your number.

15 Let me just say a couple of little things
16 to you, first off, you notice this camera. The
17 press has an interest in this case, as you may or
18 may not know. But under no circumstance will any
19 juror, even the panel of you that are here, or the
20 jury at any time during these proceedings, will
21 not be photographed either with still photographs
22 or television cameras. In South Carolina, we have
23 a rule that allows public -- this is a public
24 courtroom. And for years we've been allowing
25 television cameras in the courtroom. It doesn't

1 happen very often, but when matters are of some
2 local interest, the press does sort of get
3 involved. It's odd they don't do it in federal
4 court, but we do in state court. I want to assure
5 you to begin with that no -- your likeness will
6 never -- if they do, they'll have to answer to me.
7 So your likeness will not be taken.

8 Pretty much, I've been told that this
9 case certainly will be completed within the week.
10 Any of you have concerns about running into next
11 week, I don't think that's an issue. While you
12 are serving as jurors, come the lunch hour, we'll
13 provide lunch for you so you don't have to go out
14 and possibly run into one of the parties or the
15 press, or anything else. We want to protect you
16 from that as best we can.

17 I'm going to ask you a series of
18 questions, and I want you to be as honest with me
19 as you can because, as I said, there's been a fair
20 amount of press coverage of this case, and it's
21 easy to be influenced by something that you see in
22 the press. I will tell you that all of the
23 evidence in this case will take place in this
24 courtroom. I don't care what some reporter might
25 say, their interpretation of what takes place in

1 the courtroom, because that's not what we're going
2 to ask you to do. We're going to ask you to
3 listen to the evidence in this case, listen to the
4 law as I instruct you, listen to the attorneys as
5 they argue their cases, and make a decision based
6 on what you see and hear in the courtroom. And a
7 number of the questions I'm going to ask are going
8 to deal with your exposure to the press or your
9 exposure to any of the parties in this case, if
10 you know anybody. Things like that.

11 So, in order to get this process moving,
12 I'm going to ask each of you to stand and raise
13 your right hand, please.

14 JURY PANEL: (Complies.)

15 THE COURT: Do you solemnly swear or
16 affirm that you will give truthful answers to this
17 Court of the questions that I ask of you during
18 this qualification process? If you do, indicate
19 so by saying "I do."

20 JURY PANEL: I do.

21 THE COURT: Thank you very much. Oh, by
22 the way, my name is Tom Cooper. I am a, sort of,
23 semi-retired judge. I'm a real judge, but I
24 retired and have gone back to work for the
25 Judicial Department in cases where they need me,

1 and some different assignments around the State.
2 My home office was always in Columbia. I live in
3 Camden. I'm happy -- I've probably been to
4 Greenville, well, more than a dozen times during
5 the time I've been on the bench, so I always enjoy
6 coming here. You got a great town, great city.
7 It's always a delight to come to Greenville.

8 Let me get started. Now, as in any criminal
9 case, the prosecuting entity in South Carolina is
10 known as the solicitor's office. Some states, they
11 call it the state's attorney. Some states, they call
12 it the district attorney. But, in South Carolina, we
13 refer to our prosecuting entity as the solicitor's
14 office.

15 Now, your state solicitor for Greenville
16 is with Mr. Walt Wilkins. He's your elected
17 solicitor. He will not be trying the case today.
18 This case, because it's a Greenville case -- well,
19 there may be many reasons, but this case has been
20 assigned to the chief solicitor from the
21 16th Circuit, who is Mr. Kevin Bracket, and
22 Mr. Bracket will be assisted today by Mr. Willy
23 Thompson and Miss Leslie Robinson.

24 Counsel, will you stand and face the
25 jury.

1 Anybody on the jury panel, or anybody
2 know either these three attorneys or related to
3 them in any way, or have any experience with them
4 in any way?

5 Thank you very much, Mr. Brackett.

6 Now necessarily, because the solicitor
7 deals with law enforcement and, sort of, you know,
8 law and order, I do need to know if any member of
9 the jury panel or any member of your family is
10 involved with law enforcement? Just generally
11 with law enforcement. That could mean anywhere
12 from the Greenville Sheriff's Department, the
13 Greenville City Department, Pickens City Police
14 Chief department, any military police department,
15 SLED, State Law Enforcement Division, any law
16 enforcement agency either you or a member
17 of your family are close personal acquaintance
18 knows. Now, as I said, as I ask these questions,
19 if you will stand, give me your jury number and
20 respond to the question. Any member?

21 All right. Yes, your number please.

22 454: 454.

23 THE COURT: I got a long list here. So
24 give me a minute to find you on my list.

25 All right. Mr. 454, who, or how are you

1 related to law enforcement?

2 454: I have son-in-law with Highway
3 Patrol. I have two nephews that are Pickens
4 County deputies. I have a niece who is a county
5 deputy in Columbia.

6 THE COURT: All right. Now, that's a lot
7 of your relatives. Would that fact, in any way,
8 interfere with your ability to give both the State
9 and the defendant a fair and impartial trial in
10 this case?

11 454: No, sir.

12 THE COURT: All right. Thank you very
13 much, Mr. 454.

14 Yes, ma'am.

15 69: 69.

16 THE COURT: 69. Yes, ma'am.

17 69: My first cousin is a sergeant in the
18 sheriff's department in Tennessee.

19 THE COURT: In Tennessee. Would that
20 fact, in any way, interfere with your ability to
21 give both the State and the defendant a fair and
22 impartial trial in this case.

23 69: No.

24 THE COURT: Thank you very much, Miss 69.
25 Yes, sir.

1 160: 160.

2 THE COURT: Yes, sir.

3 160: My brother-in-law is a police
4 officer in Alaska.

5 THE COURT: In Atlanta?

6 160: Alaska.

7 THE COURT: Alaska. Would that fact, in
8 any way, interfere -- I'm going to ask this
9 question of everybody in every response. Would
10 that fact, in any way, interfere with your ability
11 to give both the State and the defendant a fair
12 and impartial trial in this case?

13 160: No, sir.

14 THE COURT: Thank you very much.

15 Gentlemen in the back.

16 362: 362.

17 THE COURT: And, Mr. 362, what would that
18 fact, in any way, interfere with your ability to
19 give both the State and defendant a fair and
20 impartial trial in this case?

21 362: No, sir.

22 THE COURT: And what was your
23 involvement?

24 362: My son has made applications to
25 both city and county. Has not been hired yet, but

1 we do have a lot acquaintances.

2 THE COURT: In Greenville?

3 362: Yes.

4 THE COURT: Okay. You can be fair and
5 impartial?

6 362: Yes, sir.

7 THE COURT: Yes, sir, number?

8 400: 400, Your Honor. 4-0-0, 400.

9 THE COURT: 400. Yes, sir.

10 400: I do business in my job with just
11 about every law enforcement agency in the State.

12 THE COURT: What kind of --

13 400: I sell tactical and safety
14 equipment to firefighters, law enforcement, and
15 military.

16 THE COURT: All right. Because of your
17 association with a lot of law enforcement, would
18 that fact, in any way, interfere with your ability
19 to give both the State and the defendant a fair
20 and impartial trial in this case?

21 400: No, sir, Your Honor.

22 THE COURT: Thank you.

23 Yes.

24 26: 26.

25 THE COURT: Yes, sir.

1 26: My brother-in-law is a police
2 officer. My best friend is a police officer in
3 Charleston, and my son is an MP.

4 THE COURT: And your best friend is
5 where?

6 26: Charleston.

7 THE COURT: How about -- you said your
8 brother?

9 26: Brother-in-law.

10 THE COURT: Brother-in-law.

11 26: I believe he's in Greenville County.
12 He was an officer -- I'm not sure what area he
13 works.

14 THE COURT: I'm going to -- later on, I'm
15 going to read out a list, I think, of officers
16 here in Greenville, so keep an ear out. And if
17 any of those -- if you know any of those, please
18 stand again, okay? Thank you.

19 All right. I'm going to take that one
20 step further: Any member of the jury panel
21 regularly support groups which have as their
22 primary function the support of law enforcement?
23 That could mean anything from the donating to the
24 Sheriff's Association or the Troopers Association,
25 or working with groups like Mothers Against Drunk

1 Drivers, or Students Against Driving, or citizen's
2 group opposing violent crime, neighborhood watch
3 groups, explorer groups that work with law
4 enforcement, any of these agencies that you either
5 contribute to or actually volunteer for? Any
6 member of the jury panel ever -- yes, sir. Just
7 give me your number.

8 39: 39.

9 THE COURT: And which groups do you
10 support, sir?

11 39: Fountain Inn Police Department. I
12 do a lot of things with them.

13 THE COURT: Is Fountain Inn in Greenville
14 County?

15 39: Yes.

16 THE COURT: Would that fact, in any way,
17 interfere with your ability to give both the state
18 and the defendant a fair and impartial trial in
19 this case?

20 39: No, sir.

21 THE COURT: Thank you very much, Number
22 39. Anybody else? Yes, sir.

23 342: 342.

24 THE COURT: 324.

25 342: Yes, 342.

1 THE COURT: Okay. And which groups do
2 you --

3 342: State troopers.

4 THE COURT: Troopers.

5 342: Yes.

6 THE COURT: Mr. 342, let me ask you a
7 question: When you donated to the trooper's
8 association, did you get a little sticker to put
9 on the back of your car?

10 342: Yes, I did.

11 THE COURT: Did you put it on there?

12 342: Yes.

13 THE COURT: You did? You put it on your
14 car?

15 342: It was on my older car. Not currently.

16 THE COURT: Did you get a ticket in that
17 car?

18 342: It's been 10 years since I got a
19 ticket. I don't remember.

20 THE COURT: Okay. I bet that you didn't,
21 which is just a message to all of you.

22 Thank you very much, sir.

23 Okay. Yes, ma'am. I'm sorry. I didn't see
24 you. Number, please.

25 163: 163.

1 THE COURT: 163. 163.

2 163: 163.

3 THE COURT: That's funny. You're on one
4 list, but you're not on the other. I don't know
5 why. Yes, ma'am.

6 163: I'm in the airline industry so I
7 deal with a lot of police officers at the
8 Greenville/Spartanburg Airport, so I know quite a
9 few. I know just about the majority of all of
10 them.

11 THE COURT: Would that fact, in any way,
12 interfere with your ability to give both the State
13 and the defendant a fair and impartial trial in
14 this case?

15 163: No, sir.

16 THE COURT: Thank you very, Miss 163.

17 Oh, I looked down and you stood up.

18 384: 384.

19 THE COURT: 384. Yes, ma'am.

20 384: My office sometimes provides
21 contributions through sponsorship funds to local
22 enforcement and things such as that.

23 THE COURT: Okay. On a fairly regular
24 basis?

25 384: I would say annually.

1 THE COURT: Okay. Miss 384, would that
2 fact, in any way, interfere with your ability to
3 give both the State and the defendant a fair and
4 impartial in this case?

5 384: No, sir.

6 THE COURT: Thank you very much, ma'am.

7 422: I do the same --

8 THE COURT: Your number, please.

9 422: 422. For the City of Greer.

10 THE COURT: 426?

11 422: 422.

12 THE COURT: 422.

13 422: Yes, sir. I know the toy drive and
14 the City of Greer.

15 THE COURT: That usually involves law
16 enforcement or fire department?

17 422: It's to the place.

18 THE COURT: Okay. Miss 422, would that
19 fact, in any way, interfere with your ability to
20 give both the State and the defendant a fair and
21 impartial trial in this case?

22 422: No, sir.

23 THE COURT: Yes, ma'am.

24 214: 214.

25 THE COURT: 214. Yes, ma'am.

1 214: So my son is engaged and her sister
2 is married to a police officer in
3 Spartanburg County. I figured I'd better -- I
4 don't know if it matters, I just wanted to put
5 that out there.

6 THE COURT: Your son is engaged to a girl
7 whose sister is married to --

8 214: Exactly. It won't affect me, but
9 just because you asked.

10 THE COURT: I understand.

11 214: I just wanted to be honest.

12 THE COURT: I understand. And is your
13 second cousin involved also?

14 214: On the other side of the family.

15 THE COURT: All right. Miss 214, would
16 that fact, in any way, interfere with your ability
17 to give both the State and the defendant a fair
18 and impartial trial?

19 214: Not at all.

20 THE COURT: Thank you.

21 Now, Ladies and Gentlemen, what I hold in
22 my hand are, obviously, just pieces of paper.
23 That's what they are. But in this case, they are
24 what's known as indictments. These are the formal
25 documents by which a case is brought into

1 court. They're not evidence of anything, and
2 you're not to assume -- when I tell you what they
3 say, you are not to assume or presume anything
4 about either the truth of these allegation -- I
5 mean, these statements. Because, in every case
6 brought in this United States, a defendant who has
7 charges brought against them is presumed innocent
8 and is innocent of the charges brought against
9 them until a jury finds them otherwise.

10 So when I tell you what they say, all I'm
11 doing is telling you and letting you know what the
12 charges are. They are not evidence of anything,
13 as I said.

14 Before I read them to you, I want to
15 introduce to you the defendant in this case,
16 Mr. Will Lewis. Mr. Lewis will you stand and face
17 the jury. Any member jury panel related by blood,
18 connected by marriage or employment or close
19 personal acquaintance of Mr. Will Lewis? Anybody
20 know Mr. Lewis?

21 Thank you. Well, hold on. You can be
22 seated, Mr. Lewis.

23 Yes, ma'am. Your number, please.

24 351: 351.

25 THE COURT: 251.

1 351: 351.

2 THE COURT: 351. And, ma'am, how do you
3 know Mr. Lewis?

4 351: I served on his citizen advisory
5 committee.

6 THE COURT: All right. How long ago?

7 351: It's started when he was first
8 elected. It's not operating anymore.

9 THE COURT: It's not operating?

10 351: It not in operation anymore.

11 THE COURT: So, maybe a year or two.

12 351: I served when he was there. A
13 year.

14 THE COURT: I didn't hear you.

15 351: A year. I served while he was
16 there.

17 THE COURT: Okay. I'm sorry. I didn't
18 write down your number.

19 351: 351.

20 THE COURT: I was on 251. Same question:
21 Would that fact, in any way, interfere with your
22 ability to give both the State and the defendant a
23 fair and impartial trial?

24 351: No, sir.

25 THE COURT: Thank you very much, ma'am.

1 Yes, ma'am. In the back.

2 354: I substitute teach at the same
3 school as his wife.

4 THE COURT: You substitute teach at the
5 same school as his wife. Have you ever -- do you
6 meet with them socially?

7 354: No.

8 THE COURT: Do you go to church with
9 them?

10 354: No.

11 THE COURT: Don't see them on any regular
12 basis?

13 354: When I'm there, passing in the hall
14 or classroom,

15 THE COURT: Okay. Miss 354, would that
16 fact, in any way, interfere with your ability to
17 give both the State and the defendant a fair and
18 impartial trial?

19 354: No, sir.

20 THE COURT: Anybody else?

21 All right. Mr. Lewis is represented in
22 this matter today by Mr. Rauch Wise. Mr. Wise
23 practices law in Greenwood. Well, he practices
24 most everywhere in South Carolina, but his primary
25 practice is in Greenwood and spends a lot of time

1 here in Greenville County.

2 I need to know if any member of the jury
3 panel is related by blood, connected by marriage,
4 or employment, or a close personal acquaintance of
5 Mr. Rauch Wise, or, perhaps, been represented by
6 him in the past, or even if you're being
7 represented by him at the present time? Any
8 member of the jury panel?

9 Thank you, Mr. Wise.

10 Now, as I've told you, Ladies and Gentlemen,
11 I'm going to advise you what these indictments say.
12 There are two indictments. The first indictment, and
13 I'll just read the indictment number out real quick,
14 is 2466A, and the second one is 1146A.

15 The first indictment charges:
16 William D. Lewis did on or about January 3, 2017
17 through April 17, 2018 commit the crime of
18 misconduct in office. During the above dates,
19 William D. Lewis was the Greenville County
20 sheriff, a public official. As sheriff,
21 William D. Lewis willfully and dishonestly failed
22 to properly and faithfully discharge the duties of
23 his office imposed on him by law in that,
24 William D. Lewis did, from the date he took
25 office, through April 24, 2017 willfully misuse

1 public resources and abuse the power and authority
2 of his office for the corrupt purpose of pursuing
3 or facilitating and adulterous relationship in
4 breach of his duties of good faith and
5 accountability to the public. That's the first
6 one.

7 The second one is, I'll read it: William D.
8 Lewis did on or about January 3, 2017 through
9 April 17, 2018 commit the crime of misconduct of a
10 public officer. During the above listed dates,
11 William D. Lewis was the Greenville County sheriff
12 whose authority is limited to the single election
13 district of Greenville County, South Carolina.
14 William D. Lewis committed the crime of misconduct of
15 a public officer by performing acts of official
16 misconduct, habitual negligence, corruption, fraud, or
17 oppression in that William D. Lewis did, from the day
18 he took office through April 24, 2017, misuse public
19 resources and abuse the power and authority of his
20 office for the corrupt purpose of pursuing or
21 facilitating an adulterous relationship.

22 Now, I told you at the beginning I had a
23 number of specific questions to ask as it relates to
24 what I just read to you.

25 Has any member of the jury panel

1 contributed or participated in the campaign of any
2 candidate for sheriff in the 2016 election? In
3 other words -- I'll repeat that. I mean, the
4 question. Did any member of the jury panel or
5 your immediate family participate, contribute, or
6 donate in any way to any candidate for the sheriff
7 of Greenville County in 2016?

8 JURY PANEL: (No response.)

9 THE COURT: Okay. Any member of the jury
10 panel, or any member of your family or close
11 personal acquaintance work for the Bannister Law
12 Firm here in Greenville? In other words, any
13 member of the jury panel or any member of your
14 family work or close personal acquaintance or
15 friend current or former members of the law
16 firm -- I think the name is Bannister, Wyatt &
17 Stalvey? Anybody member of the jury panel have
18 any connection? Yes, ma'am.

19 351: My brother-in-law --

20 THE COURT: Wait. I don't remember all
21 your numbers yet?

22 351: I'm sorry. 351.

23 THE COURT: 251.

24 351: 3.

25 THE COURT: 351, yes, ma'am. And your

1 brother-in-law?

2 351: My brother-in-law and my two
3 nephews are Bannisters.

4 THE COURT: Oh, their name is
5 Bannister.

6 351: Gail Bannister, Bruce Bannister, and
7 Jim Bannister.

8 THE COURT: All right.

9 THE COURT: Again, would that fact -- I
10 have no idea why they're on this witness list, but
11 I need to ask that question. I need to ask the
12 question: Would that fact, in any way -- if they
13 were somehow involved, would that fact, in any
14 way, interfere with your ability to give both the
15 State and the defendant a fair and impartial
16 trial?

17 351: No.

18 THE COURT: You're sure about that?

19 351: I'm positive.

20 THE COURT: Thank you very much, Miss
21 351.

22 Now, there were two, I believe, televised
23 occasions, one in June of 2017 and there was a
24 hearing last week here in Greenville that was also
25 televised on the 16th. Now, any member of the

1 jury panel see either of those two press
2 conferences? Well, one was a press conference and
3 one was a hearing on some motions. Any member of
4 the jury panel witness either of those two events?

5 Yes, ma'am. And your number, please?

6 450: 450.

7 THE COURT: 450. And which one did you
8 see, if you can remember?

9 450: It was the one in 2017.

10 THE COURT: 2017.

11 450: I was interning at Lauren Taylor's
12 office.

13 THE COURT: Where?

14 450: Lauren Taylor's office in
15 Greenville and we watched it.

16 THE COURT: Okay. But not the one last
17 week?

18 450: No.

19 THE COURT: Miss 447?

20 450: 450. 4-5-0.

21 THE COURT: I'm sorry. Miss 450, did you
22 discuss that -- after you witnessed that press
23 conference, did you discuss it with anybody?

24 450: In the office, but not after.

25 THE COURT: Can you remember if you

1 expressed any opinion about what you saw?

2 450: No. I know that Lauren was somehow
3 involved with it when I was there.

4 THE COURT: Who are you talking about?

5 450: Lauren Taylor.

6 MR. BRACKETT: May it please the Court,
7 Your Honor? We might want to do this at the
8 bench.

9 THE COURT: Yeah, okay. Lauren Taylor,
10 how is -- come on up here, ma'am.

11 (Bench conference.)

12 THE COURT: I don't know who Lauren
13 Taylor is.

14 MR. BRACKETT: She's the voice heard on
15 the tape.

16 THE COURT: Oh, okay. She's a lawyer.

17 MR. BRACKETT: She is a lawyer.

18 450: I was concerned it would leak out.

19 THE COURT: Are you still working there?

20 450: No. Just, I interned for that summer.

21 THE COURT: Okay.

22 450: Now, I work at another law firm.

23 THE COURT: Did she have -- was she
24 representing somebody at that time?

25 450: Yeah, I remember when they filed

1 the complaint and stuff.

2 THE COURT: Okay. Have you had any
3 contact with her since that time?

4 450: I sent her an email one time, but
5 it wasn't about this or anything.

6 THE COURT: Okay. Where are you working
7 now?

8 450: Mooneyham Berry, off of Church
9 Street.

10 THE COURT: None of us are acquainted. I
11 got to ask you the same question: Based on that
12 experience, do you think you could be fair and
13 impartial to both parties?

14 450: I think so. I don't really
15 remember much about it, but -- yeah.

16 THE COURT: You can listen to the
17 evidence in this case?

18 450: Yes.

19 THE COURT: Anything else? All right.
20 Thank you very much, ma'am.

21 All right. Anybody else? Yes, ma'am.

22 152: 152.

23 THE COURT: 156?

24 152: 152.

25 THE COURT: 152.

1 152: I have seen both. I, kind of,
2 followed the story when it first started.

3 THE COURT: You what?

4 152: I followed the story since it first
5 started, so I've seen all the coverage on it.

6 THE COURT: Okay.

7 152: So I didn't know if I need to speak
8 up on it.

9 THE COURT: I think so, yeah.

10 152: Okay.

11 THE COURT: Did you see me on there?

12 152: Well --

13 THE COURT: Don't answer it.

14 152: I have a lot of friends in the
15 media.

16 THE COURT: I see. What media?

17 152: TV, and I used to work for the TV
18 station here.

19 THE COURT: Which one?

20 152: Channel 7.

21 THE COURT: Spartanburg?

22 152: Yes.

23 THE COURT: All right. And you just
24 followed the case as it had been reported?

25 152: Yes.

1 THE COURT: Do you have any other -- have
2 you talked about it with any of your friends or
3 media friends.

4 152: Before today, yes.

5 THE COURT: I'm sorry?

6 152: Before today, yes.

7 THE COURT: Okay. Have you expressed an
8 opinion one way or the other about the potential
9 of the charges in this case as to guilt or
10 innocence of Mr. Lewis?

11 152: We have discussed how we felt about
12 it.

13 THE COURT: Right. Well, now is the time
14 I'm going to have to ask you to, kind of, search
15 your soul, because I'm going to ask you -- and you
16 will take an oath, you will swear an oath to be
17 fair to both parties, if you are selected. So I'm
18 going to have to -- do you want to think about it
19 for a minute.

20 152: Yes.

21 THE COURT: Okay. Miss 152, I'll ask you
22 that question -- the same question I ask
23 everybody, I'll have to ask you that question
24 before we leave.

25 And, Ladies and Gentlemen, there are no

1 wrong answers to these questions I'm asking you.
2 They're probing to try to find out to make sure
3 that we have an unbiased jury when the jury is
4 seated. And I know you all will respect that.
5 So, let's move on. That's the two press events.

6 Now, I didn't ask this question, but --
7 maybe I did, but I'll ask it again: Any member of
8 the jury panel for any member of your family or
9 close personal acquaintance work specifically for
10 the Greenville County Sheriff's Office?

11 I mentioned the two television events.
12 This question just goes to the rest of the media.
13 Any member of the jury panel who has kept up with
14 this case or read about this case in the press
15 whether it be radio, newspapers? I don't know
16 what's been in the media in Greenville County, but
17 anybody else or has anybody kept up with or read
18 this case, because it's been going on for a year
19 or so now? Any member of the jury panel? Yes,
20 ma'am. Your number, please.

21 259: My number is 259. And I did see
22 this on the news in the past week, but I really
23 wasn't paying attention to the details.

24 THE COURT: 259?

25 259: Yes.

1 THE COURT: Well, let me ask you, when
2 you saw it, if you were with friends or family,
3 did you have occasion to comment on those press
4 reports?

5 259: No.

6 THE COURT: Okay. Have you formed any
7 opinion one way or the other about this case,
8 whether guilt or innocence about this case?

9 259: No.

10 THE COURT: Do you think you can be fair
11 and impartial to these parties?

12 259: Yes.

13 THE COURT: Thank you very much, Miss
14 259.

15 259: I mean, I've seen it on television.

16 THE COURT: I know. Yes, sir.

17 362; 362. And, yes, we have followed
18 it. My family and I have followed it as it's been
19 on the media. We didn't watch any of the press
20 conferences or anything, but we followed it.

21 THE COURT: Okay. And you say you and
22 your family followed it?

23 362: Yes.

24 THE COURT: Have you had discussions
25 about it?

1 362: In a limited way, yes.

2 THE COURT: I would expect you would. On
3 any occasion, do you think that you have expressed
4 an opinion about the guilt or innocence about the
5 defendant in this case?

6 362: No, sir.

7 THE COURT: You feel like you still have
8 an open mind about it?

9 362: Yes, Sir.

10 THE COURT: And you can be fair and
11 impartial to both parties?

12 362: Yes, sir.

13 THE COURT: Thank you very much, Mr. 362.
14 Number again?

15 422: 422.

16 THE COURT: Yes, ma'am.

17 422: I've seen it all on the news.

18 THE COURT: Seen it all.

19 422: Pretty much.

20 THE COURT: Okay. Have you discussed it
21 with any of your friends or family?

22 422: Just my immediate family.

23 THE COURT: Just your immediate family.
24 Have you expressed an opinion one way or the other
25 about what you think either ought to be done about

1 the guilt or innocence of the defendant?

2 422: No, sir. I haven't made an
3 opinion.

4 THE COURT: That's what I'm asking.

5 422: No, I haven't.

6 THE COURT: And I'll ask you if you feel
7 you can be fair and impartial to both parties?

8 422: Yes, sir.

9 THE COURT: Thank you very much.

10 Yes, ma'am.

11 214: 214. I have heard bits and pieces
12 of it.

13 THE COURT: You heard what?

14 214: Bits and pieces of it on the news,
15 but I've not followed it.

16 THE COURT: Okay. Do you read the
17 Greenville News?

18 214: No, just on the news in passing.

19 THE COURT: I don't want to ask the
20 question, how many people read the Greenville News
21 because Greenville News might be disappointed.

22 Have you discussed it with any member of
23 your family?

24 214: The dog was the only one there with
25 me.

1 THE COURT: Did he friend you?

2 214: He does speak back.

3 THE COURT: All right. Do you still feel
4 you can be fair and impartial?

5 214: Yes.

6 THE COURT: Conscience is clear?

7 214: A hundred percent.

8 THE COURT: Thank you very much,
9 Miss 214.

10 Yes, ma'am.

11 151: 151.

12 THE COURT: All right.

13 151: I do read the Greenville News with fair
14 regularity I have --

15 THE COURT: Followed this?

16 151: Plus, we watch the evening news.
17 So whenever it would come on, if there would be a
18 story we listened to that.

19 THE COURT: Well, that's what I would
20 expect you to do. The question now becomes, based
21 on that, have you discussed it with your family.

22 151: I discussed it with my wife. Or,
23 actually, my wife more discussed it with me.

24 THE COURT: Did you say discussed it?

25 151: You can spell it whichever way. We

1 have discussed it. I can say my wife has some
2 opinions.

3 THE COURT: She shared them with you.

4 151: She shared them with me.

5 THE COURT: Now, I'm more interested in
6 your opinion and whether you expressed an opinion
7 one way or the other about this case and whether
8 you feel honestly and truly that you can be fair
9 and impartial, even though you might have had that
10 discussion with your wife in this past.

11 151: I think I can fair and impartial. I
12 tend to be a fairly -- you know, I look at the law.
13 I'd like to think I'm a critical thinker.

14 THE COURT: That's what I'm asking, so I
15 appreciate your candor. I'll ask, those previous
16 conversations you may have had with your family,
17 would that fact in any way interfere with your
18 ability to give both the State and the defendant a
19 fair and impartial trial?

20 151: I think I can be fair.

21 THE COURT: Thank you very much, Mr. 151.

22 Yes, ma'am. Your number, please.

23 396: 396.

24 THE COURT: 396.

25 396: Yes.

1 THE COURT: Yes, ma'am. And tell me what
2 you've seen or heard.

3 396: I've heard on the news about a year
4 ago and recently last week.

5 THE COURT: Okay.

6 396: Just the news right now, not really
7 following it.

8 THE COURT: Do you think you have made up
9 your mind about this case in any way?

10 396: No, I haven't formed any opinion.

11 THE COURT: No what?

12 396: I haven't formed any opinion.

13 THE COURT: Okay. You've given nobody an
14 opinion. Do you think you can be fair and
15 impartial in this case?

16 396: I think so.

17 THE COURT: Well, that's what I'm going
18 to ask you to do. As I said, you'll take an oath
19 to do that. Thank you very much, Miss 396.
20 Anybody else, press coverage?

21 455: 455.

22 THE COURT: All right.

23 455: I have kept up with the case a
24 little bit.

25 THE COURT: You had what?

1 455: I also had a deal with a client who
2 had a very close companion. We had discussions.

3 THE COURT: I'm sorry. I didn't hear the
4 first part.

5 455: I have kept up with the story from
6 the beginning.

7 THE COURT: Right.

8 455: But I also had a client who -- my
9 client dealt with another person who was very
10 close to Mr. Lewis.

11 THE COURT: To Mr. Lewis?

12 455: I don't know him.

13 THE COURT: But you've seen the press
14 reports.

15 455: I've seen the press and we have
16 talked about it.

17 THE COURT: You talked about it. Well,
18 that's fine. I would expect that. Have you
19 expressed -- do you think you've expressed an
20 opinion about whether or not Mr. Lewis may be
21 guilty or may not be guilty?

22 455: Yes.

23 THE COURT: Now, based on that fact,
24 today, do you think you could be clearly fair and
25 impartial both to the State and the defendant?

1 455: I don't think I could.

2 THE COURT: Okay, that's exactly --
3 that's fine. Have a seat. Like I said, Ladies
4 and Gentlemen, there are no wrong answers. I'm
5 just probing to see what you know about it and if
6 you have any opinions about it. And I appreciate
7 your candor in telling me. It's important that we
8 have a fair and impartial jury that's not tainted
9 by anything they may have seen or heard outside of
10 the courtroom.

11 Just to, kind of, summarize this latest
12 series of questions: Based on what you have heard
13 or read, would any member of the jury panel have
14 any difficulty in making an independent
15 determination of the facts in this case and
16 disregard what you may have previously heard or
17 read? All right. We'll move on.

18 Any member of the jury panel posted any
19 comments on the Internet about this case? Nothing
20 wrong with it, just need to know.

21 Any member of the jury panel -- I don't
22 know how this is connected up, but I was asked to
23 ask this question: Any member of the jury panel
24 or your immediate family work for BMW?

25 THE COURT: All right. As I say, I don't

1 know -- let me just ask you briefly what you do
2 and how long you've been there, because I don't
3 know the connection of BMW. Somebody in the case
4 may work for BMW for all I know. We start with
5 the lady over here in the front row.

6 5: Number 5.

7 THE COURT: What number?

8 5: 5.

9 THE COURT: How long have you been there,
10 ma'am?

11 5: Six years. I'm a production
12 associate.

13 THE COURT: Thank you very much, ma'am.

14 Yes, sir.

15 108: Number 108.

16 THE COURT: Okay.

17 108: I'm retired from BMW, 25 years.

18 THE COURT: All right. What kind of work
19 did you do there?

20 108: Engineering.

21 THE COURT: Engineering, thank you.

22 Lady --

23 82: Number 82.

24 THE COURT: 82. How long have you been
25 there, ma'am?

1 82: I don't work there. I work for
2 another company who supports BMW.

3 THE COURT: Good. How long have you been
4 doing that?

5 82: Seventeen years.

6 THE COURT: Seventeen years. Good for
7 you. Thank you very much, ma'am.

8 Yes, sir.

9 197: 197. My wife's uncle currently
10 works for BMW.

11 THE COURT: Your wife does?

12 197: My wife's uncle.

13 THE COURT: Your wife's uncle.

14 197: Yes, sir.

15 THE COURT: Okay, thank you very much,
16 sir.

17 Number please, again.

18 450: 450.

19 THE COURT: 4-5-0. I wish I could
20 remember all these numbers. And you work there
21 now.

22 450: No. My dad and uncle been working
23 there a long time.

24 THE COURT: A long time?

25 450: Yes.

1 THE COURT: Thank you, ma'am.
2 Yes, ma'am.
3 183: Number 183 I have a sister-in-law
4 who's close to retirement with BMW.
5 THE COURT: A sister-in-law?
6 183: Yes.
7 THE COURT: Okay, thank you.
8 Black shirt. There's two black shirts.
9 Ladies first.
10 286: 286.
11 THE COURT: Yes, ma'am.
12 286: My husband has two uncles who are
13 engineers at BMW.
14 THE COURT: Thank you very much.
15 Black Shirt.
16 245: 245.
17 THE COURT: Okay. Do you work there?
18 245: I do. I'm IT enterprise
19 architect.
20 THE COURT: How long have you about
21 there?
22 245: Seven years.
23 THE COURT: Thank you very much, Mr. 245.
24 232: 232.
25 THE COURT: Sorry?

1 232: 232.
2 THE COURT: Yes, sir.
3 232: My niece is in human resources.
4 THE COURT: All right. Thank you very
5 much.
6 Yes, sir.
7 342: 342.
8 THE COURT: 342. You work there now?
9 342: Yes, sir.
10 THE COURT: How long have you been there
11 now?
12 342: Five years.
13 THE COURT: Thank you very much, Mr. 342.
14 Yes, ma'am.
15 370: 370.
16 THE COURT: Three what?
17 370: 370.
18 THE COURT: 7-0.
19 370: Huh-uh. 370.
20 THE COURT: I knew I should have bought
21 those hearing aids. And how long have you been
22 there?
23 370: One year.
24 THE COURT: 20?
25 370: One year.

1 THE COURT: All right. Thank you very
2 much, ma'am.

3 Yes, ma'am.

4 163: 163.

5 THE COURT: Yes, ma'am.

6 163: I have friends who work in HR, and
7 my cousins -- I have a lot of friends that work
8 for BMW.

9 THE COURT: Okay, that's good.

10 Yes, ma'am.

11 214: 214. My son's fiancée did work there
12 and her there, and her mother works, not for BMW
13 directly, but for a contractor.

14 THE COURT: Supplier, contractor?

15 214: Yes.

16 THE COURT: All right. If you stand up
17 one more time, I'm going to leave you standing.

18 214: In-laws and outlaws.

19 THE COURT: You can answer all the
20 questions. Have a seat.

21 All right. We'll change topics. As you
22 heard when I read the indictments, there's an
23 allegation about an adulterous relationship. Matter
24 of fact, there are two allegations about adulterous
25 relationships, so I need to ask if any member of the

1 jury has any opinion about the act of adultery if
2 proven, that if such evidence came out or were proven,
3 you would have difficulty in judging the facts in this
4 case? Think about it.

5 Well, let me just maybe expand that just
6 a little bit. I need to know if any member of the
7 jury panel, based on what I just asked, if that
8 would -- if you would have strong religious
9 beliefs if adultery would become -- were to become
10 part of this case, if proven, that you would
11 difficulty in deciding the facts of this case or
12 applying the law as it applies to this case based
13 on either your moral beliefs or your religious
14 beliefs. So that's, sort of, the whole question.

15 Yes, sir, in the back. Your number
16 again, please.

17 362: 362.

18 THE COURT: That's the way I like to hear
19 it. All right. Yes, sir.

20 362: I am a Baptist pastor, so, yes, I
21 do have religious beliefs. But I don't know what
22 you mean by difficulty. Yes, I do have religious
23 beliefs. I can be persuaded by my religious
24 beliefs.

25 THE COURT: I understand that. What I

1 mean by that is, if you could -- because this case
2 is going to involve the law as it may apply to an
3 adulterous relationship, would the fact that you
4 personal moral beliefs about adultery. I
5 recognize it's one of the Ten Commandments. That
6 you would have difficulty in separating that and
7 applying just the law as it applies to this case.
8 I don't know if that's clear.

9 362: I don't think there would be a problem
10 there.

11 THE COURT: Okay. That's what I need to
12 know. Thank you very much.

13 Anybody else?

14 All right. Well, let me ask you this: Leave
15 adultery out of this question for a minute, but any
16 member of the jury panel feel you have religious
17 beliefs that would prevent you from entering a
18 judgment against another person, whether it be based
19 on criminal law or your own moral convictions?

20 Okay. Another question: Any member of the
21 jury panel or in your family or close personal
22 relation been arrested by the Greenville County
23 Sheriff's Office in the past three years? You or a
24 member of your family or close personal acquaintance
25 been arrested by the Greenville County Sheriff's

1 Office in the past three years?

2 Your number, please.

3 173: 173.

4 THE COURT: 173. And can you -- I don't
5 want to know a lot about it, but can you tell me,
6 was it you or a member of family.

7 173: Member of my family.

8 THE COURT: Member of your family. How
9 long ago?

10 173: November 2, 2018.

11 THE COURT: Okay. Whatever that
12 situation is, has it been resolved?

13 173: Yes, it has.

14 THE COURT: Okay. Based on --

15 173: Resolved with expungement.

16 THE COURT: Okay. Based on that
17 experience of your family, would that fact, in any
18 way, interfere with your ability to give both the
19 State and the defendant a fair and impartial
20 trial?

21 173: No.

22 THE COURT: Thank you very much, ma'am.
23 Yes, sir. Your number, please.

24 444: 444.

25 THE COURT: 444.

1 444: Yes, sir.

2 THE COURT: All right. You or a member
3 of your family or close personal acquaintance.

4 444: My cousin and my uncle.

5 THE COURT: How long ago? In the last
6 three years?

7 444: Yes, sir. Within the last three
8 years. Yes, sir.

9 THE COURT: And I'm not going to ask you
10 what they were arrested for, but has that matter
11 been concluded at this time or is it still
12 pending?

13 444: Concluded.

14 THE COURT: It's over?

15 444: Yes, sir. They're in jail.

16 THE COURT: It's what? Is there any case
17 pending against your cousin and your uncle.

18 444: No, sir.

19 THE COURT: It's already been decided.

20 444: Yes, sir.

21 THE COURT: All right. Mr. 444, would
22 that fact, in any way, interfere with your ability
23 to give both the State and the defendant a fair
24 and impartial trial?

25 444: No, sir.

1 THE COURT: You can be fair?
2 444: Yes, sir.
3 THE COURT: Yes, sir.
4 266: 266.
5 THE COURT: 266. Yes, sir.
6 266: A family member.
7 THE COURT: How long ago?
8 266: I think right at the three-year
9 mark.
10 THE COURT: Has that matter been
11 resolved?
12 266: On probation until the end of
13 December.
14 THE COURT: But the court part is
15 settled.
16 266: The court part is settled.
17 THE COURT: Okay. Would that fact, in
18 any way, interfere with your ability to give both
19 the State and the defendant a fair and impartial
20 trial?
21 266: No, sir.
22 THE COURT: Thank you very much.
23 214?
24 214: (Witness nods head up and down.)
25 THE COURT: I'm going to make you a

1 permanent juror. I hope you understand I'm not --

2 214: I do.

3 THE COURT: Tell me about it.

4 214: So there's some still pending and
5 some that have been resolved within the last three
6 years.

7 THE COURT: You got a lot of them?

8 214: Well, I don't. But someone did,
9 yes.

10 THE COURT: Would that fact, in any way,
11 interfere with your ability to give both the State
12 and the defendant a fair and impartial trial?

13 214: No.

14 THE COURT: Thank you very much,
15 Miss 214.

16 Any member of the jury panel or any
17 member of your family served in the Army Reserve
18 or National Guard unit in Greenville County during
19 the last five years? Army Reserve or National
20 Guard, Greenville County in the last five years?

21 Yes, ma'am. Your number?

22 372: 372.

23 THE COURT: 3?

24 372: 372.

25 THE COURT: 372.

1 372: My son was in the Army Reserves.
2 He just got out a year ago. Two years ago, I
3 guess.

4 THE COURT: Can you tell me his name?

5 372: Jeremiah Smith.

6 THE COURT: Okay. Thank you very much,
7 ma'am. Anybody else?

8 Approach the bench, counsel, please.

9 (Bench conference off the record).

10 THE COURT: All right, Ladies and
11 Gentlemen, now I'm going to call out potential
12 witnesses in this case. If any witness is present
13 when I call your name, please stand and face the
14 jury so they can identify you. So the question as
15 to all of these witnesses is: Any member of the
16 jury panel related by blood, connected by
17 marriage, or employment, or close personal
18 acquaintance of any one of the following, and the
19 first five or six are all within the Greenville
20 County Sheriff's Office, Matter Deputy Chad Ayers,
21 Chief Deputy Marcus Davenport, Sergeant Ryan
22 Flood, Master Deputy Laura Jones, Major Tysha
23 Miller, Master Deputy James Perry, Master Deputy
24 Drew Pinciario, Linda Cobb, who is an employee but
25 not a law enforcement officer, Linda Cobb,

1 Jackie Cooper, also an employee, Elizabeth
2 Sullivan, Jody Trammel, Greenville County Deputy
3 Administrator John Hansley, Greenville County
4 Administrator, Joseph Kernell, Greenville County
5 Assistant Administrator, Shannon Herman -- Oh, I'm
6 sorry. Is that for Shannon?

7 227: Shannon Herman. 227 is my juror
8 number.

9 THE COURT: How do you know her, ma'am?

10 227: I'm her neighbor.

11 THE COURT: Okay. Do you have daily or
12 weekly contact with her?

13 227: Weekly. We talk about her kids?

14 THE COURT: You talk about the children?

15 227: We talk about her job from time to
16 time.

17 THE COURT: Okay. Are you in a job
18 similar to hers?

19 227: No. I'm a social worker by
20 degree.

21 THE COURT: Okay. Ma'am, would that
22 fact, that you have this friend in that office,
23 would that fact, in any way, interfere with your
24 ability to give both the State and the defendant a
25 fair and impartial trial?

1 227: No, sir, it wouldn't.
2 THE COURT: Thank you very much.
3 HR Director Debra Hamm, Savannah Nabors.
4 THE COURT: I'm sorry.
5 450: 450.
6 THE COURT: And you know Miss Nabors?
7 450: Just from being in Lauren's office?
8 THE COURT: Do you know her personally?
9 450: No.
10 THE COURT: Based on the fact that you
11 know her, as I say, would that fact, in any way,
12 interfere with your ability to give both the State
13 and the defendant a fair and impartial trial?
14 240: No.
15 THE COURT: You think so?
16 240: No, I don't think so.
17 THE COURT: Okay, thank you very much.
18 Lauren Jackson, SLED Agent Brian Hudak,
19 SLED analyst Britt Dove, SLED Agent April Sykes.
20 Thank you, Miss Sykes.
21 SLED Agent Bo Barton, Spartanburg sheriff
22 Chuck Wright, Amy Cope, Susan McCracken,
23 Lori Mortge, Alex Stalvey, Terri Coker,
24 Brandon Brown, Jeff Ward, Martin Helou.
25 All right. Mr. 362, I've got to ask you

1 again, based on your personal beliefs, after you
2 hear all the evidence in the case, listen to the
3 attorney, listen to the law as I explain it to
4 you, do you feel that you can be fair and
5 impartial to both parties, both the State and the
6 defendant in this case?

7 362: I believe so. And I can clarify by
8 saying, I realize that what I believe about the
9 nature of adultery may not be what is being
10 questioned or being judged according to the law.

11 And so, as I understand what you're
12 asking, and as I understand the distinction
13 between the two, what I think about that act, what
14 I would, as a pastor, refer to as a sin is not
15 necessarily the same thing as what is in the
16 allegation or what is being questioned according
17 to the law.

18 Do I have that understanding correctly?

19 THE COURT: Yes, you do. And based on
20 that interpretation as you just described --

21 362: Yes, sir.

22 THE COURT: -- do you feel you can be
23 fair and impartial and apply the law to this
24 situation if asked to do so?

25 362: I think so.

1 THE COURT: All right. Thank you very
2 much.

3 Now, where is my press lady?

4 152: Hi.

5 THE COURT: Give me your number again.

6 152: 152.

7 THE COURT: 152. I'll ask again, I told
8 you I would ask you again: Do you feel, based on
9 your relationship with your friends and the fact
10 that you followed this case closely, do you think
11 you can fair and impartial to both parties in this
12 case, listen to the law, listen to the lawyers,
13 and make a decision based on the facts in this
14 case as you hear them in this courtroom?

15 152: I think I would have some
16 difficulty. I would want to make sure everything
17 was fair for all parties, so I would have
18 difficulties.

19 THE COURT: You would have some
20 difficulties. But that's a natural experience.
21 You heard a lot about it. You talked about it.
22 All right. Thank you very much, Miss 152.

23 Now, is there any reason -- I've been
24 over a lot of reasons with you. Is there any
25 reason why any jury feels that if they were

1 selected on this case they could not, as I said
2 several times, listen to the evidence, listen to
3 the lawyers, listen to the law, and make a
4 decision based on what you hear only in this
5 courtroom? Any member of the jury panel feel that
6 you could not do that for any reason?

7 (No response.)

8 All right. Anything further from the State?

9 MR. BRACKETT: Just to clarify one thing,
10 Your Honor?

11 THE COURT: All right.

12 (Bench conference.)

13 THE WITNESS:

14 MR. BRACKETT: Juror number 446?

15 THE COURT: We'll take him out of the
16 pool.

17 MR. WISE: No objection to that.

18 THE COURT: Take number 55 out. Just
19 don't -- skip over him.

20 MR. WISE: They should be looked through,
21 so we're not going to quick --

22 THE COURT: How about ten minutes?

23 MR. WISE: We can get through them for
24 sure.

25 THE COURT: I want to give them a

1 restroom break.

2 MR. BRACKETT: I think he's saying he'll
3 need extra time as they're coming up to sift
4 through all the papers we have, because there's a
5 lot of information to look at. If you want to
6 tell them.

7 THE COURT: I have that strike for cause.
8 There was another one.

9 MR. BRACKETT: There was another one.
10 The reporter.

11 THE COURT: Yeah, 152.

12 MR. WISE: The newspaper lady?

13 MR. BRACKETT: Yeah.

14 MR. WISE: I want to object to the
15 Baptist minister too, for the record, but we'll do
16 that later.

17 MR. BRACKETT: I think he gave a very
18 good explanation of the law and the law of God. I
19 appreciate the distinction.

20 THE COURT: 152, take her out.

21 MR. WISE: She's the one that expressed
22 some comments downstairs.

23 MR. BRACKETT: Who was that?

24 MR. WISE: Newspaper lady.

25 MR. BRACKETT: Oh, yeah. Absolutely.

1 THE COURT: I'm taking two out for cause.
2 I said I'm taking two out for cause, the guy in
3 the front row who said he couldn't do it and the
4 newspaper lady.

5 MR. WISE: Okay.

6 MR. BRACKETT: State ready to strike the
7 jury?

8 MR. BRACKETT: The State is ready, Your
9 Honor.

10 THE COURT: Defense ready to the strike?

11 MR. WISE: The defendant is ready, Your
12 Honor.

13 THE COURT: Madame Clerk, give us a jury.

14 THE CLERK: When I call your number, please
15 come to the center and turn around so that the
16 attorneys can see you.

17 Number 183. What says the State?

18 MR. BRACKETT: Please present the juror.

19 THE CLERK: What says the defendant?

20 MR. WISE: Swear the juror.

21 THE CLERK: Ma'am, please go to the jury
22 box. Do you have your things with you? You can
23 go get it.

24 When I call your name, please bring all
25 of your stuff up. I'm sorry I did not say that

1 first.

2 THE COURT: All your belongings.

3 THE CLERK: Belongings.

4 Jury number 214.

5 THE COURT: What number?

6 THE CLERK: 214. What says the State?

7 MR. BRACKETT: Please excuse the juror.

8 THE CLERK: You may go back and sit

9 down.

10 Juror 160. What says the State?

11 MR. BRACKETT: Please present the juror.

12 THE CLERK: What says the defendant?

13 MR. WISE: Swear the juror.

14 THE CLERK: Sir, you may take a seat in

15 the jury box.

16 Juror number 18. What says the State?

17 MR. BRACKETT: Please present the juror.

18 THE CLERK: What says the defendant?

19 MR. WISE: Swear the juror.

20 THE CLERK: Sir, you may be seated in the

21 jury box.

22 Juror number 197.

23 THE CLERK: What says the State?

24 MR. BRACKETT: Please present the juror.

25 THE CLERK: What says the defendant?

1 MR. WISE: Swear the juror.

2 THE CLERK: Sir, you may take a seat in
3 the jury box.

4 Juror number 166. What says the State?

5 MR. BRACKETT: Please present the
6 juror.

7 THE CLERK: What says the defendant?

8 MR. WISE: Swear the juror.

9 THE CLERK: Ma'am, please take your
10 things to the jury box.

11 Juror number 252. What says the State?

12 MR. BRACKETT: Please present the
13 juror.

14 THE CLERK: What says the defendant?

15 MR. WISE: Excuse the juror from this
16 trial.

17 THE CLERK: Ma'am, you may take a seat.

18 Juror number 270. What says the State?

19 MR. BRACKETT: Please present the
20 juror.

21 THE CLERK: What says the defendant?

22 MR. WISE: Excuse the juror from this
23 trial.

24 THE CLERK: Ma'am, you may take a seat.

25 Juror number 450. What says the State?

1 MR. BRACKETT: Please present the
2 juror.
3 THE CLERK: What says the defendant?
4 MR. WISE: Excuse the juror from this
5 trial.
6 THE CLERK: Ma'am, you may take a seat.
7 Juror number 20. What says the State?
8 MR. BRACKETT: Please present the
9 juror.
10 THE CLERK: What says the defendant?
11 MR. WISE: Swear the juror.
12 THE CLERK: Sir, please take a seat in
13 the jury box.
14 Juror number 105.
15 MR. WISE: Excuse me, the number?
16 THE CLERK: 105. What says the State?
17 MR. BRACKETT: Please present the
18 juror.
19 THE CLERK: What says the defendant?
20 MR. WISE: Swear the juror.
21 THE CLERK: Ma'am, please take a seat in
22 the jury box.
23 Juror number 201. What says the State?
24 MR. BRACKETT: Please present the
25 juror.

1 THE CLERK: What says the defendant?

2 MR. WISE: Swear the juror.

3 THE CLERK: Sir, you may take a seat in
4 the jury box.

5 Juror number 342. What says the State?

6 MR. BRACKETT: Please present the
7 juror.

8 THE CLERK: What says the defendant?

9 MR. WISE: Swear the juror.

10 THE CLERK: Sir, you may take your things
11 to the jury box.

12 THE COURT: Any objection to the jury
13 selection process from the State?

14 MR. BRACKETT: No exceptions or
15 objections from the State.

16 THE COURT: From the defendant?

17 MR. WISE: None from the defendant, Your
18 Honor.

19 THE COURT: All right. Ladies and
20 Gentlemen, stretch your legs. I want to thank you
21 for coming. I always like to -- actually, when I
22 do the qualification downstairs, I always like to
23 ask a jury to imagine something for me, and that
24 being that in every courtroom in the state of
25 South Carolina, in every courtroom in every county

1 in the United States of America at this time
2 citizens are coming that are willing to sit and
3 hear these cases. The jury system is a system
4 that we value in this country. Your role was
5 written into the Constitution of United States
6 some 250 years ago, and, our ancestors, many have
7 fought and died to preserve this system. It's an
8 important system for everybody that lives in this
9 country, to have jurors to come and decide the
10 faith of their fellow citizens. It doesn't happen
11 anywhere else in the world. You know, you have
12 your hand chopped off, or even worse.

13 But the jury system is something that's
14 so valuable to the sustaining our way of life. I
15 just want you to realize that. I just want you to
16 think about, even though you weren't chosen on
17 this jury -- I think there may be another case
18 that needs to be tried this week, I don't know.
19 But even if you weren't chosen on this jury, your
20 service, the fact that you were here, and you make
21 this process work on behalf the attorneys, you
22 know, this system can be do without me, it can do
23 without these attorneys, it can't do without you.
24 You are such an integral part of the system that
25 we live under, and I hope you realize that. It's

1 not just something that is an inconvenience or
2 something that you had to do. I know it's not
3 voluntary, entirely a voluntary service, but
4 you're here. You didn't make a lot of excuses and
5 you came. It's really important. I want you to
6 know that.

7 I'm going to dismiss you now, members of
8 the panel who were not chosen on this jury. I
9 know it's 2:00. You've been here, sitting around
10 a long time. I'm going to ask you to go back to
11 the jury assembly room. I don't know, and I
12 probably don't think that they have anything else
13 for you to do this week. I don't know that, and
14 I'm not in charge.

15 So thank you very much for coming. You are
16 now dismissed.

17 All right. Ladies and Gentlemen of the
18 jury, it's been a long morning, early afternoon.
19 I'm going to ask you to go to your jury room now.
20 There's lunch there for you, I think.

21 THE BAILIFF: Yes, sir. There is.

22 THE COURT: There is. I'm going to talk
23 with the lawyers about scheduling and whether we
24 can continue this afternoon. We probably will,
25 but just relax. Please, don't talk about the

1 case. You don't know any more about it than I do,
2 what I just read on those indictments. So it
3 would be improper to start talking about the case
4 this early. So just relax. Have your lunch.
5 We'll call you in a little while.

6 I hate to ask this, but we got any
7 smokers in the crowd? Bailiffs always have to
8 take the smokers, so if we have no smokers, that's
9 good. All right. Please go to the jury room.
10 Just relax for a few minutes. Not a few minutes.
11 It's probably going to be a half an hour or more.

12 (Jury panel exits the courtroom at 2:12 p.m.)

13 THE COURT: We didn't draw the Baptist
14 preacher, so we don't have to worry about what he
15 would or would not do.

16 I assume we can open this afternoon in
17 about 45 minutes.

18 MR. WISE: About 45 minutes for opening
19 or 45 minutes total.

20 THE COURT: Just tell me what you want to
21 do.

22 MR. WISE: We can open this afternoon.
23 I'm not going to be that long.

24 THE COURT: I'm not going to limit you.
25 I just want to know when to start.

1 MR. WISE: Probably, this time of day, I
2 do need to get something eat.

3 THE COURT: I want give you plenty of
4 time.

5 MR. WISE: We should open this
6 afternoon.

7 THE COURT: Three o'clock, 3:15.

8 MR. WISE: 3:15, we should be fine.

9 THE COURT: Okay. 3:15. We'll stand at
10 ease until 3:15.

11 (A break was taken from 2:13 p.m. to 3:19 p.m.)

12 THE BAILIFF: All right. G. Thomas
13 Cooper presiding.

14 THE COURT: You don't have to do that
15 every time. Be seated. Thank you.

16 All right. Anything before we bring the
17 jury?

18 MR. WISE: I sent everyone an email last
19 night about a motion that's, to some extent, a
20 rehash of what we've been over before, but it does
21 contain -- in my getting ready over the weekend, I
22 noticed the indictment 29-GS-1146 does not contain
23 a mens rea in it. It just simply says -- it
24 simply says, he did commit the crime of misconduct
25 of a public officer, and that on these dates he

1 misused.

2 The other indictment contains the word
3 "willful" in it throughout which gives an adequate
4 mens rea. And I assume, I don't know if it's an
5 intentional oversight, but one contends a mens rea
6 of willful and one doesn't.

7 THE COURT: I'm sorry. I'm trying to --

8 MR. WISE: All right.

9 THE COURT: Start over, please. I'm
10 sorry.

11 MR. WISE: Looking at number 2 first of
12 my three motions, because the others have been
13 covered up. I'm going to clarify one. Indictment
14 2019-Gs-1146A does not allege a mens rea. It
15 simply says Mr. Lewis committed the crime of
16 misconduct of a public officer.

17 THE COURT: That's 8-180, that the
18 statute.

19 MR. BRACKETT: Yes, Your Honor.

20 MR. WISE: The other one clearly alleges
21 a mens rea of willfulness and that's fine, because
22 it contain the mens rea. I don't know if it's
23 through oversight or intentional or what, but I
24 think an indictment has to attach some sort of
25 mens rea for a defendant to be convicted.

1 THE COURT: What's the State's position?
2 Miss Robinson?

3 MS. ROBINSON: Your Honor, that statute
4 in particular, we did the indictment language in
5 the language of the statute, which is what South
6 Carolina law requires. It does not have a
7 requirement for willfulness. It explicitly states
8 that it could be habitual negligence, and so that
9 is the reason for the language given in the
10 indictment.

11 And, if you would like, Your Honor, I do
12 have a copy of the statute.

13 THE COURT: I do, too. Here it is.

14 All right. Habitual misconduct, habitual
15 negligence, drunkenness, corruption, fraud or
16 oppression. Is that what you're talking about?

17 MS. ROBINSON: Yes, Your Honor.

18 THE COURT: Well, of course, the other
19 indictment is common law. So Miss Robinson, how
20 do you answer Mr. Wise?

21 MS. ROBINSON: Your Honor, if you look
22 specifically to the common law language, it
23 requires willful. It is explicit in the common
24 law description that requires willful. One of the
25 distinctions between these offenses is that

1 statutory misconduct need not be willful. It can
2 committed by other means, namely habitual
3 negligence.

4 THE COURT: Or habitual drunkenness.

5 MS. ROBINSON: Correct. It gives a list.

6 THE COURT: You know, while we're on the
7 subject, I think it's going to be difficult for
8 the jury to discern the difference in these two
9 indictments. I want to say that because I have
10 the same difficulty. I understand what they say,
11 but in terms of proof, there seems to be -- well,
12 anyway. I think it's confusing to the jury. Let
13 me -- I think for our purposes right now, I don't
14 need to make that decision.

15 MR. WISE: That was -- one of our other
16 motions was requiring them to elect now.

17 THE COURT: Oh, I see.

18 MR. WISE: Yeah. That was --

19 THE COURT: I have the Esse case.

20 MR. WISE: I think technically under the
21 rule in limine, the more specific statute should
22 apply to him, which is the one that talks about a
23 person elected from a specific district.

24 THE COURT: 8-180.

25 MR. WISE: That's correct.

1 THE COURT: There is no statute on the
2 common law.

3 MR. WISE: Correct. The statute under
4 the 2019 indictment refers to a statute that is
5 limited to an individual who is elected from a
6 specific district. It wouldn't apply to a lot of
7 people that are public officials otherwise. It
8 definitely applies to a sheriff of a county,
9 because he is elected from a specific district.
10 Which they've alleged in their indictment, limited
11 to single election district of Greenville, South
12 Carolina which is in keeping with the statute.
13 That's the more specific statute. The other one
14 is much, in a sense, broader as to who is covered
15 by it.

16 THE COURT: Any public official, not
17 necessarily an elected --

18 MR. WISE: Correct. None of them cover a
19 public official.

20 Back to the mens rea argument, I know of
21 know case in South Carolina that says simple
22 negligence is a criminal intent. It can be -- it
23 has to be at least gross negligence in order to be
24 criminal. You don't have a criminal intent for
25 simple negligence.

1 THE COURT: That's funny the statute is
2 written that way. I understand what you're
3 saying.

4 MR. WISE: For what it's worth -- for
5 what it's worth, no other state has this statute.
6 Just South Carolina. Or, if they have it, no
7 other state has appellate cases that it covered.
8 In South Carolina cases, I think there are five of
9 them that don't say much about it that clarifies
10 this dilemma, and I don't think any of them talk
11 about mens rea.

12 Miss Robinson.

13 MS. ROBINSON: Your Honor, I want to
14 point out that the double jeopardy argument was
15 raised when motions were heard this summer. The
16 State totally revisited this issue. These two
17 offenses are not, you know, subject to double
18 jeopardy limitations under the Blockburger test.

19 THE COURT: Right, I understand that.

20 MS. ROBINSON: And I just want to note,
21 because it's a notable example, former
22 representative Jim Harrison, he was convicted of
23 both statutory and common law. The State require
24 to elect, even though the factual allegations
25 supported both offenses. So this is not without

1 precedent in South Carolina.

2 THE COURT: Let me think about it. I
3 mean, is there any reason we can't go forward?

4 MR. WISE: No, sir. I want to make the
5 motion before the jury is sworn.

6 MR. BRACKETT: Yes, Your Honor. There
7 is. Objections to the indictments need to be made
8 before the jury is sworn otherwise they are
9 waived. So they can't -- they need to be ruled on
10 because the State needs to know how to proceed.
11 We can't get in the trial and then we have to
12 elect because jeopardy would have attached.

13 If you're going to sever these, we would
14 need to appeal in order to preserve one of these
15 indictments. Which, again, based on what you've
16 heard previously, they are two separate and
17 distinct offenses under the law; Blockburger and
18 the State vs. Easler case.

19 Whatever reason the State of South
20 Carolina has created two separate offenses, they
21 each have an element that is not included in the
22 other and they are distinct; and, therefore, he
23 can be punished accumulatively even though it
24 appears to be for the same conduct.

25 And I would point to Your Honor the

1 distribution of cocaine and distribution of
2 cocaine within the proximity of a park. It's
3 still distribution of cocaine, just in one case
4 you're proving an additional element that it was
5 within a half mile of a school or a park but you
6 can stand convicted on both.

7 Here, you got a willful act on one part
8 for the common law, but you have to prove willful.

9 And then in the statutory, you don't have
10 to prove willful because somebody could just not
11 do their job. They could just stop showing up,
12 and that would be misconduct in office because
13 they're getting paid to do something and they're
14 not doing it. And that wouldn't be a willful,
15 intentional act. They're just not doing it. It
16 would be negligent for not doing it.

17 So each of these two charges could, if
18 there was a corrupt intent on one of them, which
19 is what the other difference is, then both of
20 these charges would apply, and to be convicted and
21 sentenced accumulatively on both. So I think both
22 indictments can stand and should.

23 But we do need to have a resolution of
24 this matter so the State knows how to proceed
25 prior to the swearing in of the jury.

1 MR. WISE: Which, kind of, brings up an
2 issue that I want to readdress for the Court, is
3 that the statutory violation includes words
4 that --

5 THE COURT: Hold on.

6 I'm sorry.

7 MR. WISE: The statutory violation
8 includes words such as "official misconduct,"
9 which is not defined, "habitual negligence," which
10 is not defined, "corruption," which is not
11 defined, "fraud" arguably has a definition under
12 common law, and "oppression," which is not
13 defined. And those terms were so vague that I
14 don't think any reasonable human being -- taking
15 out the fraud for a moment, any reasonable human
16 being would have any idea what conduct would get
17 them in trouble under the statutory violation with
18 terms such as "habitual negligence," "corruption,"
19 you know, and "oppression."

20 THE COURT: Oppression, that's a good
21 one.

22 MR. WISE: Who knows what it means. If
23 you habitually show up 30 minutes late, do you
24 violate the statute. I mean, quite frankly,
25 nobody really knows.

1 MR. BRACKETT: State vs. Hesse defines
2 corruption as an act done with intent to gain
3 advantage, not consistent with official duty and
4 the rights of others. Corrupt is defined to be
5 dishonest without integrity, guilty of dishonest.

6 Not every statute in South Carolina has a
7 definition section, but State courts, if it
8 becomes a question, a subject of dispute in a case
9 such as this, that is the role of the Court to
10 define what that means, and every man is presumed
11 to know the law, as is Mr. Lewis.

12 THE COURT: Well, I previously ruled that
13 I would not dismiss the indictments based on
14 vaguery. I thought they were sufficiently
15 informative under the rule governing indictments,
16 and I don't -- what you're asking me, in effect,
17 is to quash that indictment.

18 MR. WISE: That's correct. I just want
19 to make sure all my grounds are adequately put on
20 the record.

21 THE COURT: Well, your motion is
22 respectfully denied.

23 MR. WISE: Okay.

24 THE COURT: Now, are you ready for the
25 jury? Is the State ready for the jury?

1 MR. BRACKETT: Yes, Your Honor.

2 MR. WISE: Just one thing, too, I don't
3 know if Solicitor Brackett plans on using a
4 PowerPoint presentation in opening. Obviously, I
5 haven't seen any of it. I don't know if exhibits
6 are going to be put in it or exactly what.

7 MR. BRACKETT: No PowerPoint in opening,
8 Your Honor. However, between openings and the
9 first witness, and that's a -- I'm glad you raised
10 this because -- just so that I have a clear
11 understanding, the time is now 3:35. Openings,
12 assuming that they take 45 minutes between the two
13 arguments -- or opening statements.

14 THE COURT: Not arguments.

15 MR. BRACKETT: Not arguments. Yes, sir.
16 That puts us at 4:15, 4:20-ish. So we have a
17 couple, two or -- about three witnesses that we, I
18 believe, are fairly short that we are prepared to
19 round out the day, assuming Your Honor wants to go
20 to about 5:00. Is that accurate?

21 THE COURT: Let me inquire the jury and
22 see if anybody has childcare problems.

23 MR. BRACKETT: Yes.

24 THE COURT: I don't want to interrupt
25 your presentation, but I told court personnel that

1 we could run to 6:00, if we need to, but I'm not
2 going to push them today.

3 MR. BRACKETT: Okay.

4 THE COURT: But, I mean, six o'clock is
5 sort of my deadline.

6 MR. BRACKETT: Yes, sir.

7 THE COURT: Depending on how witnesses
8 fall out.

9 MR. BRACKETT: Yes, sir.

10 THE COURT: So if you can do three and
11 finish by 5:15. I'm not going to hold you to
12 it.

13 MR. BRACKETT: That will help us plan for
14 tomorrow as well, because we need to know how many
15 witnesses.

16 THE COURT: Well, I'll get some timing
17 information for the jury, what's convenient for
18 them. That's the way I want to run it.

19 MR. BRACKETT: Yes, sir. We have, I
20 believe, when -- at the conclusion of openings, if
21 we go straight into our case, we have a video of
22 the swearing in that we previously shared.

23 MR. WISE: Right.

24 MR. BRACKETT: I don't believe there's
25 any dispute.

1 MR. WISE: Correct. We stipulated to
2 that.

3 THE COURT: Yes.

4 MR. BRACKETT: And there's also a document
5 that I have told Mr. Wise about. We spoke about it on
6 the phone.

7 MR. WISE: Correct.

8 MR. BRACKETT: But this is basically -- I
9 told him and he said that there was no issue.

10 MR. WISE: Right.

11 MR. BRACKETT: He will stipulate that his
12 client was, in fact, elected and duly installed as
13 the sheriff of Greenville County in November of
14 '16 and January of '17.

15 MR. WISE: Correct.

16 MR. BRACKETT: That's not --

17 MR. WISE: We do have, actually, June of
18 '16.

19 MR. BRACKETT: Well, technically, the
20 general election in November. There was no
21 write-in opposition to speak up, so the final
22 election date on this document, which I've marked
23 as State's Exhibit 1, shows a November election --
24 November 8th certification that he was elected and
25 then installed in office properly on January the

1 3rd, I believe, 2017. So we'll announce that
2 stipulation and put this into evidence.

3 THE COURT: All right.

4 MR. BRACKETT: I have authenticated
5 copies, a true copy, and then we have the video of
6 the swearing in, which we will play. Which, we
7 have not -- that's the other thing. This is not
8 our machinery. Normally, it's cranky even when it
9 is, but it's not ours, so I would just ask the
10 Court's patience as we go to display stuff and
11 making sure it works. We will be working with
12 foreign equipment, so everything will go smoothly.

13 But maybe between openings and taking the
14 first witness, we can have a five-minute break
15 just to test it.

16 THE COURT: Sure. I was just reading
17 over Judge Mullen's charge in the Harrison case.
18 She did charge both common law and statutory. And
19 she says, this is her instruction, for whatever
20 it's worth. She said public officer means all
21 officers of the State and have here for been
22 commissioned, and plus trustees of various
23 colleges in the state, members of various state
24 boards and other persons whose duties are defined
25 by law. In a criminal case, the State cannot rely

1 on civil concepts of negligence and recklessness
2 that is statutory violations to bring its burden
3 of proving the defendant's state of mind. The
4 Court terms negligence and recklessness as used in
5 the civil law. And in the criminal law, they are
6 neither equivalent or interchangeable. Criminal
7 negligence is the reckless disregard of one's duty
8 as a public official. Recklessness signifies a
9 conscious disregard for the law.

10 So, apparently, Judge Mullen faced the
11 same question in the Harrison and she ruled that
12 both issues would go to the jury, so for what it's
13 worth.

14 MR. WISE: And it's on appeal.

15 THE COURT: It's on appeal.

16 MR. WISE: Yes.

17 MR. BRACKETT: Also, between openings and
18 witnesses, I'll ask that our witnesses be brought
19 into the courtroom. Is there any objection to
20 them being in the courtroom.

21 MR. WISE: Yes. We would move to
22 sequester the witnesses.

23 MR. BRACKETT: I did not know of a motion
24 to sequester.

25 THE COURT: I assumed they would be

1 sequestered.

2 MR. BRACKETT: Okay. So then the plan
3 would be to have them in the adjacent courtroom?

4 THE COURT: Yes.

5 MR. BRACKETT: And we will have the
6 bailiff retrieve them one by one as we go forward.

7 THE COURT: Yes. The next courtroom
8 ought to be spacious and comfortable for them.

9 MR. BRACKETT: Yes.

10 THE COURT: Very good.

11 Bring the jury, please. I'm going to let the
12 jury take notes.

13 (Jury enters the courtroom at 3:42 p.m.)

14 THE COURT: All the jurors present?

15 THE BAILIFF: Yes, sir.

16 THE COURT: Good afternoon, Ladies and
17 Gentlemen. We are now going to start of the
18 trial.

19 Madame Clerk, will you swear the jury,
20 please.

21 THE CLERK: Please stand. The correct
22 response will be "I will." Please raise your
23 right hand. You shall well and truly try the case
24 2018-GS-23-2466A, the State vs. William D. Lewis,
25 indicted for misconduct in office, in

1 2019-GS-23-1146A for misconduct of a public
2 officer and a true render according to the law and
3 the evidence, so help you God.

4 JURY PANEL: I will.

5 THE CLERK: Thank you.

6 THE COURT: Ladies and Gentlemen, I want
7 to just talk to you for a few minutes before the
8 attorneys introduce their case. Before we begin
9 the trial, I want to tell you this trial will
10 probably be different than what you might expect.
11 Many people do not have the chance to attend
12 actual court sessions, as you're now doing. You
13 may think from watching television or movies or
14 reading books that trials are always full of a lot
15 of drama, a lot of action, a lot of riveting
16 circumstances. While all these things may be true
17 at time, this trial is not for entertaining. It's
18 a fundamental part of our democracy. It's an
19 effort to make sure that justice is done between
20 the parties before the Court. That process,
21 making sure that justice is done, is often a
22 deliberate, slow, repetitive process. The
23 opposite of what you may have seen on television
24 or in books -- read in books.

25 This courtroom is a place of honor

1 dedicated to the protection and preservation of
2 citizens' rights to what many have called the
3 greatest justice system ever created.

4 The attorneys appearing before you are
5 advocates of the parties they represent. But
6 first and foremost, they are officers of this
7 court, sworn to uphold the integrity and fairness
8 of our judicial system and to help you to evaluate
9 this case. You should expect them to be
10 professional, competent, and ethical in the
11 representation of their client's interest.

12 Remember that you have just taken an oath
13 to try this case, reach a fair and just verdict.
14 You are also expected to professional, reasonable,
15 and ethical.

16 So I want to thank you at this point for
17 accepting this important responsibility of jury
18 service and for your contribution to our justice
19 system.

20 Now, what I tell you in these opening
21 remarks is not meant to serve as a charge on the
22 law as it applies to this case. I'll instruct you
23 on the law at the end of the case before you
24 retire to decide the case. Before the trial
25 begins, I want explain what procedure we'll follow

1 so that you can better have an understanding of
2 what's happening from time to time.

3 Now, I've provided you with pads so you
4 can take notes during the trial. That's perfectly
5 permissible in my courtroom. Let me just caution
6 you at this early stage that, at some point in
7 time later in the trial, even when you come to
8 deliberating in the jury room, the notes are for
9 your recollection and your recollection only.
10 They are not to be used to try and convince a
11 fellow juror that you took an oath and they
12 didn't, or that this was said or that was said.
13 The notes that you take are exclusively for your
14 own personal use. They will be collected at the
15 end of the day, and they will be locked in the
16 jury room. And after the trial is over, they will
17 be destroyed. So if you want to take notes,
18 that's fine. If you don't want to take notes,
19 that's also fine.

20 Now, as I've described to you earlier,
21 there are two indictments in this case. Both
22 charge misconduct in office, and I read them to
23 you. I don't think I need to read them to you
24 again. But keep in mind as we go along, the
25 attorneys will explain or try to explain to you

1 the difference between the two different
2 indictments. So listen carefully to what they
3 tell you, particularly in their opening remarks.

4 Remember, the indictments are simply the
5 charge by which the case is brought into court.
6 It's not any -- in any sense evidence of the
7 allegations they contain.

8 The defendant has pled not guilty the
9 these indictments. Therefore, the State has the
10 burden of proving each of the elements of the
11 indictments beyond a reasonable doubt. It will be
12 your duty, Ladies and Gentlemen, to decide whether
13 the State has met that burden. You are to
14 determine the facts from the testimony you hear
15 and any other evidence that's presented during the
16 course of the trial. You should not be influenced
17 by any opinions or statements that you may have
18 heard or hear outside this courtroom. It's
19 especially important that you perform your duty of
20 determining the facts diligently and
21 conscientiously because, ordinarily, there is no
22 way to correct an erroneous determination of the
23 facts by a jury. When you comply with your oath
24 to impartially determine the facts of this case,
25 you will have fulfilled your duties as jurors and

1 no one has the right to criticize your verdict.

2 And, on the other hand, equal emphasis.

3 The same law that makes you the judge of the
4 facts, makes me the judge of the law. You must
5 accept to follow the law even though you may
6 disagree with it. I cannot tell you what the
7 facts are. You should not disagree with me about
8 what the law is or what the law should be. Your
9 job is to take the law as I explain it to you,
10 apply it to the facts as you find them from the
11 testimony of the witnesses and any other evidence.
12 And after doing that, you will render your verdict
13 under the solemn oath you just took as jurors.

14 Now, the procedure we'll follow is
15 basically the State will present its evidence
16 first in the form of witnesses' testimony and/or
17 exhibits if they are made part of the record. The
18 defendant will then have the opportunity to
19 present his defense, bearing in mind, however,
20 there is absolutely no burden on the defendant to
21 present any evidence at all.

22 Following that, the attorneys will be
23 allowed to sum up the cases and I will instruct
24 you on the law in the state of South Carolina as
25 it applies to this case. After that, the case

1 will be turned over to you for a decision.

2 Now, let me remind you of two legal
3 principles that will govern this case. First, is
4 the legal yardstick you will use in judging or
5 measuring the evidence in this case. That legal
6 yardstick is known as the burden of proof, or the
7 responsibility for proving the case. And in a
8 criminal case, the burden of proof is on the State
9 to prove guilt beyond a reasonable doubt. Should
10 the State fail to meet that burden of proof, it
11 would be your duty to find the defendant not
12 guilty. There's absolutely no burden whatsoever
13 on the defendant to prove or disprove anything.
14 There's no burden on the defendant to testify or
15 present any evidence because the burden is and
16 remains on the State to prove guilt beyond a
17 reasonable doubt.

18 Second, I ask you to recall my earlier
19 comment to the entire jury panel concerning the
20 presumption of innocence. This is a cardinal and
21 fundamental rule of law that the defendant will
22 always be presumed innocent of the crime or crimes
23 for which he has been indicted. The presumption
24 of innocence, in other words, is not a simple
25 legal theory or a simple legal phrase. It is a

1 substantial right to which any accused, including
2 this defendant is entitled. And until I advise
3 you to begin your deliberations, please do not
4 discuss this case with anyone, including your
5 fellow jurors, friends, or family members, or
6 anyone else involved in the case. And after the
7 case is submitted to you, I'm going to ask you to
8 discuss it only in the jury room with your fellow
9 jurors.

10 Because this case has a fair amount of
11 press interest, I'm going to ask you not to read,
12 listen to, or watch any news reports about the
13 case. I think I described my reasoning for that
14 earlier, about the fact that what you see or may
15 see or read in the press is maybe someone else's
16 opinion of what took place in the courtroom today.

17 So I'll ask you, because it's important
18 that you not be influenced by anything outside the
19 courtroom, only the evidence that's going to be
20 presented to you in this courtroom. It's
21 important that you keep an open mind, not decide
22 any issue in this case until all the evidence has
23 been presented, the parties have made their
24 closing arguments and I have instructed you on the
25 law in the case.

1 Now, in just a moment, the attorney for
2 the State will make what's called an opening
3 statement. The attorney will explain to you what
4 the issues in the case are, or at least what the
5 attorney thinks the issues in this case are and
6 what the evidence will show. The attorney for the
7 defendant will also make an opening statement.
8 What the attorneys tell you during their opening
9 statements is not evidence in this case. It's
10 only their contention as to what the issues are.
11 The evidence in this case will be presented to you
12 by the testimony of sworn witnesses from this
13 witness stand, and any other exhibits that may be
14 introduced into evidence during the course of the
15 trial.

16 In determining what the facts are in this
17 case, you must decide whether or not testimony of
18 the witness is believable. In deciding whether or
19 not to believe a witness, you have the right to
20 consider whether the witness has an interest in
21 the result of the trial, whether the witness is
22 prejudiced for either the State or the defendant,
23 and the opportunity for the witness to have seen
24 the matters and things about which the witness may
25 testify and the way the witness acts on the

1 witness stand.

2 Now, Ladies and Gentlemen, you and I do
3 not ask questions of witnesses. We do not offer
4 any exhibits. This is not CSI. It's your duty to
5 listen openly and honestly to the evidence, keep
6 an open mind. Do not form any conclusions or
7 judgements until you've received and considered
8 all the evidence in the case, the arguments of the
9 attorneys, and my final instructions to you on the
10 law. If you cannot hear a particular witness or
11 myself or one of the attorneys, please let us
12 know, so we can have them speak up more clearly.

13 If your view of the exhibit, an exhibit,
14 is obstructed for any reason, please let me know
15 so we can correct that.

16 If you need to bring something to my
17 attention during the course of the trial, it may
18 be necessary for you to write that concern down so
19 we will have a record of it and I'll respond to
20 you as quickly as I can to the extent the law
21 permits me to do so.

22 I think that covers -- another thing. If
23 you feel like you need a break, that's usually in
24 the morning after you've drunk too much coffee,
25 just raise your hand. Let the bailiff know. We

1 can take breaks. We try to take breaks,
2 generally, a morning break and an afternoon break.
3 But if you have any strong urges, just let us
4 know. We can stop at any time. We try not to
5 interrupt witnesses, but if you need a break,
6 we'll take a break.

7 You've experienced lunch for the first
8 time. It will be different every day.

9 I told you about the TV cameras. No
10 pictures have been made of you, or will be made of
11 you at any time during the course of this trial.

12 All right. Thank you, Ladies and
13 Gentlemen, for your time and attention. I trust
14 you will give the same kind of undivided attention
15 to the attorneys and the parties in this case. We
16 will now begin with opening statements.

17 Solicitor, you may begin.

18 MR. THOMPSON: Duty. Duty is a very
19 small word that carries a great deal of
20 responsibility. Duty is owed by every elected
21 official. Every elected official has a duty.
22 Every elected official has a duty that they
23 represent within their jurisdiction.

24 And, in this case, when Will Lewis was
25 elected the sheriff, he immediately had a duty to

1 every resident and every person within
2 Greenville County, and not just one duty but
3 several. We're going to concentrate on the duties
4 that particularly bring us here today.

5 He had a duty of good faith and
6 accountability. Good faith and accountability.
7 Every elected official has those duties
8 automatically when they are elected into a
9 position, and those duties are owed to every
10 person within that jurisdiction. Unfortunately,
11 that's not what Will Lewis ultimately followed.

12 You're going to have two indictments
13 before you in this case. As the judge said, both
14 of those indictments are for misconduct in office;
15 however, there are different charges within these
16 indictments as far as the type of misconduct. One
17 is a statutory misconduct. One is a common law
18 misconduct. They both have various differences
19 that are slight, but still differences.

20 For instance in the statutory misconduct,
21 the definition for a public official is a little
22 different than the common law is. But he is a
23 public official in both of these indictments.

24 In addition, in the statutory indictment,
25 it's not required that he have a willful intent to

1 violate that. There are other ways that that can
2 be violated, and the judge will charge you those
3 things and we'll go over those later.

4 What helps you today with those two
5 indictments, and I'd like you to think about as we
6 go through the trial, is really the allegation
7 because if you find him guilty of performing this
8 allegation, he is guilty under both indictments.
9 Simply put, as it states in the indictment, that
10 allegation is the misuse of public resources and
11 abuse of the power and authority of his office for
12 the purpose pursuing or facilitating an adulterous
13 relationship.

14 We're not here to say, let's convict him
15 of adultery. This isn't the Middle Ages. This
16 isn't some old time thing that we're doing. What
17 we're looking at is the fact that he used money
18 that belonged to the citizens of Greenville who
19 pay their taxes and put money in the coffers of
20 the county, and that county gives that money in
21 the budget to the sheriff, and the sheriff is
22 responsible to spend that money appropriately on
23 things that are appropriate for law enforcement
24 purposes.

25 What he did with some of the money while

1 he was sheriff was use that money to facilitate
2 and further a relationship with a young girl in
3 the complete hopes that that would turn out to be
4 an adulterous relationship, both of them being
5 married, and he succeeded at that. At least once,
6 by his own admission, he succeeded at creating
7 that adulterous relationship.

8 And you will see, as the evidence will
9 show, he continued to try and pursue that
10 adulterous relationship whether Savannah Nabors,
11 the girl involved in this case, wanted him to or
12 not.

13 Now, there's going to be discussion about
14 whether the sexual encounter was one that was
15 welcomed or one that was unwelcomed. The good
16 news for you as jurors is, you don't have decide.
17 You don't have make to the determined whether it
18 was welcomed or unwelcomed when they had sex. The
19 only thing you need to decide regarding that is
20 that it occurred. And, again, Savannah Nabors will
21 tell you it occurred and the defendant admitted
22 that it occurred. Therefore, we know an
23 adulterous relationship has occurred.

24 Now, you have to look and say, what's
25 next? What statute under the law do I have to

1 look at to determine if he's guilty for the rest
2 of this? Did he facilitate that, or try to do
3 that with county funds? You will find, as the
4 evidence will show, he did.

5 Let me give you a little blueprint on how
6 to follow it because this case is going to take
7 some twists and turns. And again, as the judge
8 has charged you just a few minutes ago, not every
9 case is exciting and some big thing that you
10 watch. It's not like a television show or movie,
11 and that's very true. There are certainly parts
12 of testimony that are boring and monotonous and
13 things that we just put through. And then there
14 are times, especially in this case, there are
15 times that the testimony will be very interesting.
16 The testimony will be very graphic. The testimony
17 can even be disturbing.

18 But you, as jurors, also have a duty, and
19 your duty is to listen to that testimony and make
20 a determination as to what happened. Make the
21 determination to determine if the sheriff misused
22 funds in order to further facilitate an adulterous
23 relationship.

24 Now, as a blueprint, again, I'm going to
25 go over some of the facts of the case, and these

1 are the facts that we intend to show through
2 testimony, and the testimony should show these
3 facts.

4 It starts out as they first meet.

5 Savannah Nabors was a young person, 17, 18 years
6 old starting work as a runner at a law firm here
7 in Greenville County. The sheriff was working
8 there as a detective for that law firm at the
9 time. And he meets her. Savannah has -- a young
10 girl. The defendant is more than twice her age at
11 that point in time. Old enough to be her father.
12 And she'll tell you she looked at him with respect
13 and looked at him in a way like that, like a big
14 brother, or a father. Someone older and wiser
15 than her. Someone that you could trust.

16 During the time that they're at that law
17 firm nothing happened. She thinks, you know,
18 everything is okay. But he begins to talk -- even
19 before he runs for sheriff, he begins to talk that
20 he's going to run for sheriff. He tells her,
21 Savannah, when I run for sheriff, I want you to
22 come with me. I want you to come with me and I
23 want you to be my right-hand person. I think
24 Savannah will even say, I want you two steps beside
25 me and two steps behind at all times. You're

1 going to be there with me doing everything,
2 because I need you to help me be sheriff.

3 And she'll say at first she didn't think
4 too much of that. It was flattering, but he
5 hadn't even run for sheriff. How's he going to
6 win sheriff? That's all long shot stuff. That
7 doesn't make a lot of sense.

8 Then Savannah got married while she was
9 18. After that, she had ended up leaving the firm
10 a couple years later and going with DSS and
11 working for about a year with DSS before,
12 ultimately, she starts working for the sheriff.

13 He does run for sheriff. In June of
14 2016, he wins the primary. He's unopposed in the
15 general election. Therefore, he knows at the end
16 of June that he will be sheriff come November when
17 the election happens, because there's really no
18 legitimate running a campaign or other people
19 going to be running against him. He knows I'm
20 going to be sheriff. So what's one of the first
21 things he does? He goes back to Savannah and he
22 says, Savannah, I told you. I'm going to have you
23 come with me. Come with me. You're going to be
24 my right-hand person. I can't do this without
25 you.

1 Of course, you can decide for yourself.

2 What does a 40-year-old man -- 41-year-old man
3 need to do with a 22-year-old girl who has no
4 experience, certainly no law enforcement
5 experience. What would he do with her? How would
6 she be his right-hand person.

7 But then it continues, he goes, I'm going
8 to give you twice your salary. I'm going to give
9 you perks. You're going have things. You're
10 going to have a car. You're going to have stuff.
11 At 22, that's fascinating. That's fantastic.
12 That sounds like a dream job. You get to go to
13 all these fancy meetings, all the places the
14 sheriff goes. Because, remember, the sheriff is
15 the most powerful law enforcement person in the
16 county. He is the most powerful law enforcement
17 person in the county and he would be her boss, and
18 he would want her with him 24/7. All the time.
19 And that's exactly what happened.

20 Ultimately, he hired Savannah Nabors for
21 \$62,000 a year at 22 years old as an
22 administrative coordinator.

23 Now, you will hear testimony from
24 Jackie Cooper. Jackie Cooper was the
25 administrative coordinator there for some 27 or 28

1 years for the sheriff. She's worked with multiple
2 sheriffs as the number 1 administrative
3 coordinator for that sheriff, sitting right
4 outside the office, working day-to-day, knowing
5 all the ins and outs, knowing everything you need
6 to know about the sheriff's department.

7 Jackie will testify almost 27, 28 years
8 at the time that this happened, did Jackie make
9 \$62,000? No. Far from it.

10 At the time she becomes an administrative
11 coordinator with the sheriff's department, there
12 are two other administrative coordinators in the
13 sheriff's department. Both had been there for 27
14 to 30 years. Neither of them were making \$62,000
15 a year. Neither of them have a vehicle.

16 But not only did he get her any vehicle,
17 he buys her a brand-new vehicle. This isn't
18 something that you go say, well, the officers that
19 are on the road, it's important to them to have
20 vehicles in good working order, their vehicles are
21 getting old, we'll give you one that we're phasing
22 out. No, no. Brand-new Ford Explorer. Brand-new
23 vehicle. And that doesn't go unnoticed among
24 other people that work at the sheriff's department
25 and other deputies who labor day to day, who are

1 trained law enforcement officers, who have been
2 there for many years, and who have to have
3 vehicles for work, and who are driving older model
4 vehicles with a lot of mileage, and wondering, why
5 is this kid coming in here get a vehicle, a
6 brand-new vehicle?

7 But that's not all. Other perks that
8 other people didn't get that were administrative
9 coordinators who were working at the time that
10 she's hired, Smartphones at a time when even
11 officers, some of them, are still using flip
12 phones. Other administrator coordinators didn't
13 get Smartphones. iPads, other administrator
14 coordinators didn't get iPads. Laptops, other
15 ones didn't get those things.

16 And not just what he gave her physically,
17 but then there were perks that he gave her in
18 addition to all of that. Perks that other people
19 don't get in the sheriff's department even if they
20 worked there a long time and they're officers.
21 Perks like getting to run out with the SWAT team
22 and see them make calls in serious situations. Of
23 course, remember, she's a civilian. It's very
24 unusual to take a civilian on SWAT calls.

25 One of the perks was, he had a

1 bulletproof vest made for her, specifically for
2 her, the Sheriff's assistant. A position that
3 didn't even exist before he became sheriff.

4 So he creates a new position, an
5 exorbitant amount of money, a lot of perks. And,
6 again, more perks that aren't just money but are
7 also out of the county funds. Going with the SWAT
8 folks when they train for rappelling exercises off
9 of the Bon Secours Wellness Arena. So Jackie gets
10 to go. Any other administrator coordinator in the
11 sheriff's department get to go to that? No,
12 they're not rappelling off of the arena.

13 She gets to go to the BMW performance
14 driving school. Another thing that she used to
15 do. Why would she be going there? Again, it's a
16 perk.

17 I think as you watch this, the evidence
18 will show it's almost as if he's grooming her to
19 the actions that ultimately he wants to take,
20 because he is making her go with him to
21 everything, all the time, every day. And he's
22 telling her things like, I couldn't do my job
23 without you. Again, sit back. Don't lose common
24 sense. What sheriff needs a 22-year-old person,
25 man or woman, without law enforcement telling them

1 or working with them in order for them to do their
2 job appropriately.

3 He had other people to do these things
4 who were already trained. He had the
5 administrative coordinator, Jackie Cooper, who
6 would have gladly done anything that he asked when
7 he came in. Within her 27 years, she knew the ins
8 and outs. Now, he kept her on because he made her
9 do the busy work. Savannah just took on the job of
10 scheduling and answering emails and following him
11 around. Now, why she even needed a car, you
12 wonder that, too, because she drives everywhere
13 with him. He drives his vehicle with her in it.

14 And then there's times in the wee hours
15 of the morning there's a serious crime that
16 occurs, and he takes her to those crime scenes,
17 two, three o'clock in the morning where people
18 have been killed. Not only takes her to the crime
19 scene, but takes her inside the crime scene,
20 inside the tape up to see the dead body up close
21 and personal. Again, very unusual. What would be
22 the reason for taking a civilian to the crime
23 scene? There is no reason. One of those -- at
24 least, one of those being an officer involved
25 crime scene. In other words, a crime scene where

1 an officer has to discharge their weapon and fire
2 at someone and they were killed as a result of it.
3 You will find out the protocol for those is
4 completely different. You certainly don't let
5 civilians into a crime scene like that.

6 Ask yourself again, don't lose your
7 common sense, why? Why would he be doing all
8 this? And you will see it's to further this
9 relationship so that ultimately you will have a
10 sexual relationship, so that ultimately he can get
11 into Savannah's pants. Those are plain facts.

12 Now, there's more. Ultimately in
13 February, around the middle of February, Savannah
14 separates from her husband, but the defendant has
15 told her, you will, not only be a close working
16 person to me, you will be, like, my best friend.
17 You will be a friend so that we can totally trust
18 each other because I can't have anyone in this
19 position that I can't trust totally and who
20 doesn't totally trust me.

21 So Savannah feels compelled that she had
22 to tell him that she's now separated from her
23 husband, and she does. She tells him, as she will
24 testify later in the day, hoping that she can just
25 tell him and go home. But instead she tells him

1 and he insists, come ride with me, we need to talk
2 about this. And we talk about details that no
3 boss would be talking about with a young woman.
4 She tells about her marriage that he should never
5 hear.

6 And then within a day or so of that,
7 suddenly he's inviting her to come with him on a
8 budget retreat to Charlotte. Spend a couple of
9 nights in Charlotte at a budget retreat.
10 Conveniently happening immediately after her
11 separation. That's where you will hear a lot of
12 talk about the Charlotte trip, because the
13 Charlotte trip is really where the adulterous part
14 of this thing begins.

15 You will hear the testimony from Savannah.
16 They go at the end of the day. They don't leave
17 early in the day to head up there. And he tells
18 her things like, I want to get there so that we're
19 there before some of the other folks so we can sit
20 around and maybe drink, have a drink or two
21 together and just talk about what we're going to
22 do with the budget. He has a budget plan and he
23 invites some other people from the county. He has
24 chief deputies, probably the second in command at
25 this time, Marcus Davenport. He has him coming in

1 as well to be part of this budget talk. You would
2 expect that. He's someone who is hired at the
3 sheriff's department and you would expect him to
4 be there.

5 Savannah, on the other hand, once again,
6 what does she have to do with the budget. She's
7 22 with no law enforcement experience and no
8 budgetary experience. What would she have to do
9 with the budget.

10 The other folks are county
11 administrators. People who actually deal with the
12 budget on a daily basis. Those people come.
13 Three of them. So there's three from the
14 sheriff's department, three from the county. The
15 three from the county all get in the car together
16 and ride up to Charlotte right have they have a
17 county counsel meeting and arrive somewhere around
18 ten o'clock or so.

19 Thankfully, Marcus Davenport, he arrived
20 a little bit before that. And the defendant and
21 Savannah, they ride together. They don't get
22 Marcus in, even though he's coming from the
23 sheriff's department too. They had Marcus ride
24 separately. They ride together.

25 When they get there, another very telling

1 piece of evidence, he brings a bottle of liquor.
 2 And when he's getting out of the car -- when
 3 they're getting out of the car with the valet, he
 4 reaches over and starts putting that in her bag,
 5 and she will tell you about the conversation that
 6 occurred. What are you doing? It wouldn't be
 7 good for the sheriff to be carrying a bottle of
 8 liquor. I'll put it in your bag. I'll just get
 9 it from you later. Why couldn't he put it in his
 10 own bag? Why couldn't he just have it in any bag
 11 he was carrying. People in Charlotte don't even
 12 know he's the sheriff. Why wouldn't he just carry
 13 a bottle of liquor back to his room. It's not
 14 against the law. Again, don't leave your common
 15 sense behind. It's so that he can get back to her
 16 room at another point, and that's exactly what
 17 happens.

18 Because when they get there, let's have
 19 some drinks. Everybody joins together at the bar
 20 and the drinks start. They stay at the bar in the
 21 hotel until about 11:00 when it shuts down. They
 22 go out to another bar. They drink some more. The
 23 Sheriff's buying shots for people. They're having
 24 a nice time.

25 But, ultimately that night when he comes

1 back, he goes back to the hotel room -- he goes
2 back to her hotel room because he's got to get his
3 bottle of liquor. He hasn't had enough to drink
4 yet. And that's where it all breaks down. That's
5 where what he will call an affair starts. Of
6 course, Savannah sees it totally different. She's
7 a wrong woman and she will tell you, I didn't know
8 what to do. When he was in there and he had
9 poured me the liquor, I drank a little bit of it,
10 but, ultimately, she doesn't remember anything
11 after that. She wakes up to the sheriff having
12 sex with her. What do you do? The most powerful
13 man in Greenville County. The person that you
14 looked to, who's basically our father figure or
15 older brother is now on top of you, what do I do?

16 But, again, you know the differences in
17 those two versions of what happened. The good
18 thing, as juror, you don't have to decide, again,
19 whether this was consensual or not consensual.
20 Just that it happened. They both admit it
21 happened. More things happens that night, and I
22 let Savannah tell you about those.

23 It started the next day. That was
24 supposed to be their conference day. This
25 conference that they needed to get out of town for

1 so that they could get away from distractions.
2 Which, again, the people from the county will tell
3 you is highly unusual. They had a lot of places
4 in the county if you wanted to get away from
5 distractions. This isn't a long conference, as
6 you will see. It was really only a number of
7 hours that they met that one day, because, the
8 next day, they left first thing in the morning.

9 So they went somewhere else for two
10 nights, spending taxpayer dollars for all these
11 hotel rooms and all this food, for what? They
12 could have stayed in Greenville and basically done
13 it for free. Turned off their cell phones and met
14 for a few hours anywhere in Greenville. A lot of
15 places to do this. This wasn't an in-depth
16 budgetary issues. They talked about a couple
17 basic things.

18 But, at any rate, you will hear, in the
19 morning, Savannah was the only one who didn't come down
20 on time. She's not there when the meeting starts.
21 Very unusual for the right-hand person of the sheriff,
22 but she's not there when the meeting starts. As a
23 matter of fact, they hold enough of the meeting and
24 then go to Starbucks for a break, and that's when the
25 sheriff contacts Savannah and asks her if she wants

1 some coffee from Starbucks. And there's some texts
2 about that. You'll hear from Savannah on those. You
3 will hear about those texts. You will hear the timing
4 on those texts. A little after eleven o'clock. So
5 Savannah doesn't join that group until a little after
6 eleven o'clock as we know from the texts. They had
7 been meeting since about 9:00. Again, the right-hand
8 person of the sheriff, not there for any of that.

9 Now, when she comes down, she's fixed up.
10 She's not boo-hooing and screaming and crying. And
11 the people who were there will tell you, they
12 really didn't find anything amiss other than the
13 fact that she was late coming in, which was pretty
14 weird for the person who's supposed to be the
15 right-hand man of the sheriff.

16 But that day progresses, too. They meet
17 a little longer. They go out to lunch for a
18 little bit, and they call it a day. Everyone,
19 kind of, takes a nap and chills out for a while on
20 their own, back to their rooms, does what they
21 need to do with answering texts and emails and
22 things like that, even though they were trying to
23 get away from all distractions. And then it's
24 time for dinner and then, again, going out to
25 drink. And you will hear about that night. And

1 you will hear about, again, what Savannah tells you
2 happens that night and the awful things that she's
3 endured yet again.

4 Now, after this trip they come back and
5 Savannah tries to repair what has happened because
6 she, like anyone person in her position, has what
7 she thinks is a fantastic job. She's getting paid
8 a lot of money. She's got a lot of perks. To
9 give that up now, with the confusion that she
10 faces and what she needs to do and what has to
11 happen, you know, she tries to have the
12 relationship. She thinks she can just wall it
13 off. Say, no, that's it. There won't be anything
14 else like this. It's over. That's over. That's
15 not what happens with the sheriff, because, again,
16 that's when some of other perks start happening.
17 That when like the BMW driving school comes in.
18 That's where other things start happening for her
19 to see -- meet for her, and see and do. And he
20 starts, as Savannah will tell you, for a week or
21 two, he's just a perfect gentleman to her. She
22 thinks, good, this is over, this is what it's
23 going to be like now. We can be friends without
24 me having to worry about a sexual relationship,
25 but then he'll try something again, and he'll get

1 upset when she rebuts his advances. And it kind
2 of goes in a pattern like that.

3 Until, ultimately, there's a time that
4 she goes to Chick-Fil-A because she borrowed a
5 pressure washer since she had separated from her
6 husband and they were going to try to sell the
7 house they were in and they needed to clean it up.
8 He let them borrow a pressure washer. The husband
9 was no longer living at the house. It was just
10 Savanah. The sheriff has to pick up that pressure
11 washer. Savanah will tell you she did not want to
12 be there when he picked up that pressure washer.
13 She didn't want to put herself in those situations
14 anymore.

15 So she tells him, I'm going to be out.
16 Just go by and get it. The neighbor will let you
17 get it out of the garage. And then she's off.
18 And then she gets a call or text at some point
19 where the sheriff is saying, you know, where are
20 you? Oh, I'm somewhere grabbing a bite. And
21 she's at Chick-Fil-A literally sitting in her car
22 eating, waiting for the sheriff who's picking up
23 that pressure washer, and then she's on that
24 conversation and she looks in the rear view mirror
25 and there's the sheriff. She's freaked out a

1 little bit. She feels like she's being followed.
2 Whether she's being followed or not, she's
3 reasonably feels like she's being followed. He
4 says, oh, let's go back, let's pick up the
5 pressure washer. So now driving separately back
6 to pick up the pressure washer, and, fortuitously,
7 her sister calls her and she sounds upset so her
8 sister asks, what's going on, and she told her
9 about the sheriff being there. She had told her
10 about some things about the sheriff, but not all.
11 She hadn't told anybody about what happened as far
12 as what happened in Charlotte. She didn't know
13 what to say to anybody about that at that point.

14 The evidence will show the sister tells
15 her, Savannah, you need to start recording your
16 conversations with him. So that very night, as
17 she stands on the porch, as he picks up that
18 pressure washer, she starts recording the
19 conversation. She turns on her phone, and you
20 will hear those conversations, and you will be
21 shocked at those conversations.

22 As he stands on the porch, he says,
23 Savannah, how would you like to go to Reno? Of
24 course I'd like to go to Reno. Then he starts
25 telling her things like, well, you know, I can get

1 the county to pay for two plane flights, but
2 they'll only pay for one room. You all right with
3 that? Savannah is not all right with that. But
4 she starts -- again, the most powerful man in
5 Greenville County, she starts trying to dance
6 around. That wouldn't look good. That just
7 wouldn't look good. That wouldn't look good on
8 paper. You and the assistant go. No matter what
9 happens, it doesn't look good. You'll get in
10 trouble. No, no, no. No, I won't. Someone could
11 find out. Savannah would say, no. But then he
12 goes on. He goes on to tell her, there's a high
13 probability we'll still be in the same room, even
14 if we get two rooms. She doesn't understand that.
15 They start bickering back and forth about that.

16 He even tries to convince her, well, you
17 have to understand from my perspective, male and
18 female officers share rooms all the time. They'll
19 get undressed in front of each other. They'll go
20 to the bathroom in front of each other. They'll
21 do all this stuff in front of each other. It
22 really doesn't matter. They all understand. He
23 even makes disparaging remarks about other people
24 in his department. Oh, they used to do this and
25 they used to do that.

1 You'll find from officers, that's just
2 not true. Not only is it not true, but that's
3 completely inappropriate for the sheriff to do or
4 to say to someone who is his subordinate, or try
5 to force them to go and share a room with him.

6 And he'll keep saying, I don't want you
7 to be uncomfortable, but you see how he dances
8 around the words. And there's one pervasive theme
9 throughout those calls that you will see. One
10 pervasive theme. He's grooming her, and he's
11 manipulating her. Those calls are manipulative,
12 and you will see that. Because everything she
13 says, he tries to turn around to some other thing
14 until he confuses her and brings her back down the
15 path he wants her to go into.

16 There's more things. It becomes clearly
17 that this is for sex, even though at some point he
18 says, it's not about sex. I just want you to go
19 because you want to go. But, again, why does a
20 22-year-old with no law enforcement experience,
21 not a law enforcement officer have to go to
22 training for a law enforcement thing in Reno?
23 What benefit is there for the county for that?
24 There is none. This is just a perk to get her to
25 go away with him. He even says -- tries to say it

1 sarcastically, but there's so much truth to it.
2 What do you think, Savannah, I just want to get you
3 out there to roll around in the bed, you and me,
4 on the company dime, on company time.

5 As you know, there's a lot of truth in
6 sarcasm. There's a lot of truth in what he's
7 saying because everything else in those calls make
8 you know the only reason he's getting her to go to
9 Reno is so he can further the adulterous affair,
10 just like is alleged in the indictments.

11 He even says, at one point, you know how
12 I am. How I was in Charlotte, you know, how I am.
13 You know what I'll do. You know what I'll do.
14 You know what I'll be. You know everything about
15 me. So, again, he refers back to Charlotte the
16 place where he admits that the had a sexual
17 encounter. Of course, he's got to be talking
18 about a sexual encounter. There's no other way
19 that would make sense.

20 He also tells her, if you're not going to
21 go, I'm not going to go. Because, if you don't
22 go, there's just no fun to be had. His buddy who
23 invited him out there, Brandon, he says, Brandon
24 is nice and all, but I'm not going if you're not
25 going because there's no fun in that.

1 Now, ultimately, Savannah parts from him
2 that weekend. That weekend coming up after all
3 this happened is when they start discussing Reno
4 and these phone calls started happening, Savannah
5 finally goes and says, I got to get out. I'm
6 going to see my family, my sister in Florida. Her
7 husband is a quadriplegic. She wants my help with
8 some things. I'm going to go there. And, of
9 course, she's doing this to get away from him for
10 a little while. And when she does, she'll tell
11 you it's the first time she realizes exactly how
12 she's being manipulated because it's the first
13 time she starts telling what's happening. It's
14 the first time that you hear -- that her sister
15 hears some of these phone calls because her sister
16 is actually in the room sometimes because they
17 have phone calls during that week. Again, the key
18 to those phone calls is -- one of the things you
19 will always notice in those phone calls is the
20 manipulation.

21 Ultimately, the only time she ever comes
22 back to the sheriff's department after that is to
23 come get her stuff and say goodbye and she records
24 that as well. The sheriff tries desperately to
25 make her stay saying that he's --

1 As a matter of fact, in Charlotte, all
2 the way in Charlotte back in March -- she's
3 leaving. It's the end of April. All the way back
4 in Charlotte in early March, he told her in
5 Charlotte, I'm going to get you a raise. Now,
6 remember, she just officially started in January
7 after he took office. So, like, January 3rd is
8 the official start date with the sheriff's
9 department. Now, she worked with them in
10 preparation for getting to the sheriff's
11 department from the beginning of December 2016 and
12 he was able to get her money to pay her even that
13 far before he even took office. But after he took
14 office, he's paid her. And he's paying her an
15 exorbitant salary, \$62,000, and then he's telling
16 her, I'm going to give you a raise just in March.
17 And you will have other people who he had said
18 that to, that he's looking for a raise for her.
19 He even tells her he's got a raise approved for
20 her, trying to get her to stay, but she does not.
21 Had he got actually gotten a raise approved? No.

22 Why does a grown man do that, the most
23 powerful law enforcement officer in Greenville, to
24 manipulate this young woman to have an affair with
25 him and to keep that affair going.

1 And, again, it doesn't have to be an
2 ongoing affair at any point. If you believe, at
3 any point, that he used the money of the county
4 that he had a duty and accountability for to
5 further trying to have an affair, or to actually
6 have an affair, if you believe that at any point,
7 as a public official under the statutes, he is
8 guilty.

9 Now, what you do when the most powerful
10 man in Greenville does something wrong? The only
11 thing we can do, we have an investigator. You
12 take it to a grand jury. He gets charged. And
13 then he comes before you, the jury. Now it's your
14 duty. Now it's your duty to fairly and truly try
15 this case. To listen to the evidence. To hear
16 what's being said by each witness and to make a
17 determine as to what happened.

18 And what the State asks of you, my
19 colleagues and I ask of you is that you hold the
20 sheriff accountable because he did not hold
21 himself accountable. Someone has to do it. We
22 are here to prove to you that he is guilty.

23 And after you hear this evidence and
24 after you see everything presented in this case,
25 there's really not another verdict, because he's

1 guilty of using public funds to further his
2 affair. To try to obtain it and to try to further
3 it. Doing either one of those things with public
4 funds is illegal. We ask that you find the
5 defendant guilty.

6 Thank you.

7 THE COURT: Mr. Wise.

8 MR. WISE: Ladies and Gentlemen of the
9 Jury, Will Lewis violated his vows to his wife.
10 He ignored his obligation to his God. And he
11 disregarded his duty to himself. Will Lewis had
12 an adulterous affair. That is a fact beyond
13 dispute, but that is not why we are here. Because
14 if that were the only issue involved, you would
15 have never been seated as a jury because that's
16 an admitted fact. It takes something more than an
17 affair to indict somebody or convict somebody on
18 either one of these two charges. And we know that
19 for one simple reason: We didn't indict our
20 governor. We didn't.

21 What you have in this case is an affair.
22 That is all they can prove to prove any misconduct
23 in office under either count, and I can prove it
24 to you very simply right now. If Will Lewis never
25 had the affair, never had the affair, would he be

1 indicted for paying his administrative assistant
2 too much? Would he be indicted for going to
3 Charlotte, North Carolina and spending two nights
4 with the county administrative coordinator to
5 discuss the budget, because that wasn't a good
6 expense? No, he wouldn't have been.

7 The only thing that the State uses to
8 make those things seem sinister, evil, and bad is
9 he had an affair.

10 You will not hear a scintilla of
11 evidence, I imagine, in this case, that he didn't
12 run his sheriff's department properly. You will
13 never hear a scintilla of evidence that he wasn't
14 concerned about the men who worked under him. You
15 will not hear that he was a bad sheriff as
16 sheriff.

17 You will hear that he disregarded his
18 duty to the electorates by not being a good,
19 upstanding, moral person.

20 We don't indict people for moral
21 failings. We indict people for doing things
22 criminally wrong. And all this is is an
23 indictment for moral failings.

24 Now they're going to say, oh, he paid
25 this 22-, 23-year-old girl 60-something thousand

1 dollars a year. Wow. He came in in the middle of
2 a budget. It had to be approved through the
3 county first. In addition, when she left, the
4 person that took her place got even more money.

5 You will hear that Savannah Nabors, when
6 she filed her lawsuit against the county, one of
7 her complaints was, she worked too much. She
8 didn't make enough money. I'm entitled to
9 overtime in addition to what I got.

10 So none of this is about anything other
11 than having an affair, and that's it. And that,
12 by itself, is not illegal. That doesn't fall
13 under the criteria of what we have to do here
14 about determining misconduct in office or
15 misconduct by a public official. They deal with
16 things that involve the operation of the office;
17 whether you doing your job right, whether you're
18 showing up even. You know, under the vague
19 indictments, I guess, theoretically, if an elected
20 official for a district showed up 30 minutes late
21 every day, you could indict him for misconduct of
22 a public official because he wasn't at work on
23 time. That's obviously not going to happen.

24 So what this case here is about is about
25 an affair. Yes, there's going to be an allegation

1 that the sexual act in Charlotte is not
2 consensual. It's going to be salacious. I think,
3 when you listen to all the testimony, there will
4 be absolutely no doubt in your mind that it was
5 consensual. That it was.

6 We're not here today to defend
7 Will Lewis's moral lapse of judgment. That is not
8 the issue. The issue is not whether you 12 get to
9 decide who the next sheriff is, but whether the
10 electors in November if he chooses to run again
11 get to decide. Yes, elected officials are held to
12 a level of accountability, and they're held to a
13 level of accountability by the people who put him
14 in office, and that's what we have to get back to
15 here.

16 As I said, it's only about the adultery,
17 because he would have never been indicted, sitting
18 here, if he had paid his administrative assistant
19 too much, if he had not -- if he had -- you know,
20 not tried to pursue an affair with a subordinate.
21 That is a terrible idea. It's a stupid idea.
22 It's a foolish idea. It's not criminal. That's
23 the point.

24 You know, being a cad, if you want to put
25 it that way, is unfortunately -- or maybe

1 fortunately, not criminal. It is bad behavior.
2 It is bad judgment. You don't indict people for
3 bad judgment. If we indicted the public officials
4 for bad judgment, every time a public official
5 goes off to some meeting somewhere and stays in a
6 \$300 room instead of a \$150 room, that's bad
7 judgment. But we don't indict him for bad
8 judgment. We indict them for actual criminal
9 acts; stealing, actually taking money from the
10 coffers of the agency they're there to serve.
11 Covering up crime. Covering up things. That's
12 what we indict them for. We don't indict them for
13 bad judgment. We don't indict them for pursuing
14 an affair. It is just, you know, not done. And
15 that's what have here.

16 So if you hear any testimony beyond an
17 affair that impacted Will Lewis's performance of
18 his duty, his performance of sheriff, it's going
19 to be interesting to hear, because I don't think
20 you're going to hear it. You're going to hear
21 salacious stuff, you're going to hear
22 conversations that really -- to frank with you,
23 they really do cut both ways as far as the
24 relationship between Savannah Nabors and Mr. Lewis,
25 even after the incident in Charlotte. You don't

1 hear him berating her and all this. You hear, at
2 times, almost a sincere friendship on both their
3 parts.

4 She ultimately, you know, went public
5 with it. In the course of conversation, she filed
6 a suit. And he got on television and probably
7 did -- not probably did. That's not even
8 probably. He did the only honorable thing he did
9 since that night in Charlotte. He went on public
10 television in a press conference and said, yes, I
11 had an affair. I regret it. He's asks
12 forgiveness. That is the only honorable thing
13 that he did in relation to this incident since
14 that night. But he owned up to it. He owned up
15 to it, as he should have. But that does not make
16 him guilty of either misconduct in office, which
17 requires that he violates some duty imposed by the
18 law. And you will find there is no violation of
19 any duty imposed by the law. That does not make
20 him guilty of misconduct of a public official,
21 which requires that -- they said that he
22 recklessly did some conduct to hurt his office.
23 It won't be there. He had an affair. That is not
24 like it. It is just not criminal.

25 When you go to your jury room, you will

1 have your little pads with you, and you can do
2 this, if you want to, take one pad, one sheet, two
3 sheets, it doesn't make any difference, you can
4 write down all you all's opinions about Will Lewis
5 after this trial, and you can write them on there,
6 and if it takes three sheets, four sheets, five
7 sheets, if it takes that long, all 12 of you can
8 sign it, and you can attach those comments to the
9 indictment, or the two indictments.

10 But there's one you can't do under the
11 facts that are going to be proven in this court,
12 you're not going to be able the write the word
13 "guilty" on the indictment. Your comments on your
14 notepads will stay with the record in this
15 courtroom.

16 I think when you listen to the evidence
17 in this case, the only verdict you can write on
18 those two indictments is "not guilty."

19 Thank you.

20 THE COURT: All right. Mr. Brackett,
21 call your first witness.

22 MR. BRACKETT: May it please the Court,
23 Your Honor, prior to calling the first witness, I
24 would like to entire by agreement State's Exhibit
25 Number 1, counsel for the defendant the State have

1 entered into a stipulation by which we agree that
 2 it is stipulated that Mr. Lewis was, in fact,
 3 elected as sheriff for Greenville County in
 4 November of 2016, and duly installed in that
 5 office on January the 3rd of 2017. State's
 6 Exhibit 1 is certified true copy of the statement
 7 and the terms of oath for the general election
 8 dated November 8th of 2016 from the Elections
 9 office of the County of Greenville.

10 THE COURT: Any objection?

11 MR. WISE: No objection. That's correct,
 12 Your Honor. We stipulate to that.

13 THE COURT: Thank you.

14 (STATE EXH. 1, Terms of Oath;
 15 11/8/2016, was marked and entered into evident.)

16 MR. BRACKETT: The next item, Your Honor,
 17 is State's Exhibit 2, which is also -- there's no
 18 disagreement that this is a video tape of the
 19 swearing in on January the 3rd of 2017 of
 20 Mr. Lewis and his command staff.

21 MR. WISE: I'm not sure it's a video
 22 tape, but it's --

23 MR. BRACKETT: Sorry. We're both old
 24 school.

25 MR. WISE: Whatever it is, it's a video.

1 MR. BRACKETT: This stick has a file on
2 it which apparently is going to show us a video of
3 that day.

4 If you could pull that screen down, sir.
5 Just for the record, Your Honor, it's State's
6 Exhibit 2.

7 THE COURT: Without objection.

8 (STATE EXH. 2, Swearing in video; 1/3/17,
9 was marked and entered into evidence.)

10 (STATE EXH. 2, video, played in its
11 entirety.)

12 MR. BRACKETT: Would you bring Nora
13 Sullivan from the witness room, please?

14 MR. BRACKETT: State's Exhibit 2 into
15 evidence.

16 THE COURT: Without objection.

17 MR. BRACKETT: Good afternoon,
18 Miss Sullivan. Would you please come in to be
19 sworn.

20 THE CLERK: Please come up to the
21 microphone. Please place your left hand on the
22 Bible and raise your right hand. Do you swear or
23 affirm to tell the truth, the whole truth, and
24 nothing but the truth, so help you God?

25 THE WITNESS: Yes.

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1 THE CLERK: Please take a seat and state
2 your name for the record.

3 THE WITNESS: Elizabeth Eleanor Sullivan.
4 Everyone calls me Nora.

5 WHEREUPON:

6 ELIZABETH SULLIVAN,
7 after having been sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. BRACKETT:

10 Q Good afternoon, Nora. How are you?

11 A I'm fine. Thank you.

12 Q Would you please tell the jury a little bit about
13 yourself? Where do you work?

14 A I work for the Greenville County Sheriff's
15 Office.

16 Q And what do you do at the Greenville County
17 Sheriff's Office?

18 A I'm an administrative assistant. I handle
19 payroll, new hires, paperwork at the come in,
20 evaluations and some insurance.

21 Q And how long have you been with the Greenville
22 County Sheriff's Office?

23 A Twenty-four years.

24 Q All right. How many different sheriffs have you
25 worked for?

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1 A Four.

2 Q Your current title is administrative assistant?

3 A Yes, sir.

4 Q Okay. So you were working in that capacity
5 January of 2017 then?

6 A Yes.

7 Q Okay. And did you process the paperwork for new
8 employees that joined the Greenville County Sheriff's
9 Office as a part of the new sheriff's administration?
10 The new sheriff in that month was Will Lewis. Do you
11 recall that?

12 A Yes, sir.

13 Q And were there some new people that came on?

14 A Yes, sir.

15 Q Did you process their paperwork?

16 A Yes, sir.

17 Q Was one of those new employees Savannah Nabors?

18 A Yes.

19 Q All right. Did anything unusual stand out to you
20 in regard to her hiring and employment? Was it done
21 the way it typically is done?

22 A No. I think she was already hired through
23 the County.

24 Q So typically if there's a vacancy, how do you go
25 about filling the vacancy?

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- 1 A Normally, we would -- if there's a vacancy,
2 we just bring them in under that new vacancy.
3 Q Is there a process where you solicit people to
4 apply for the job?
5 A Correct.
6 Q And then you --
7 A Applications.
8 Q You interview them, and then you pick one, and
9 then they fill that job?
10 A Yes, sir.
11 Q Was that done in Miss Nabors' situation?
12 A No, sir.
13 Q In fact, did the position she took even exist
14 prior her hiring in that spot?
15 A No, sir. Not at the sheriff's office.
16 Q What position did she fill then?
17 A Most likely, we had to take a deputy position
18 and upgrade it to that new position.
19 Q Do you know what the job title that was given to
20 Savannah Nabors was?
21 A Administrative coordinator.
22 Q How many other employees at the sheriff's office
23 has that title at the time?
24 A At the time, there was two other persons.
25 Q Okay. And how long had those people been working

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1 there?

2 A At least 25 years or more.

3 Q And do you know who those people were?

4 A Yes, sir.

5 Q Who were they?

6 A Jackie Cooper and Jody Trammell.

7 Q And how long had Jackie Cooper been there?

8 A Let me refer to my notes, please.

9 Q Okay.

10 A Jackie Cooper had been there 28 years.

11 Q How about Miss Trammell?

12 A The same, 28 years.

13 Q Do you know what Savannah Nabors starting salary
14 was?

15 A Her yearly salary was \$62,000.

16 Q At the start of her --

17 A Yes.

18 Q Do you know how much a new deputy -- if a new
19 deputy who actually went out on the road and answered
20 calls and captured bad guys, how much does a new
21 deputy make?

22 A Roughly around \$30,000, depending on if they
23 had education, a Master's or credentials.

24 Q Experience?

25 A Experience.

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1 Q Do you -- I asked you to bring some records with
2 you. Do you have any salary information for employees
3 that were working at the sheriff's office at that time
4 that were making in the range of what Savannah Nabors
5 started making?

6 A Yes, sir.

7 Q Can you tell the jury -- you know, give us three
8 or four examples of other people that were making in
9 low to mid sixties?

10 MR. WISE: Your Honor, I object to that.
11 I don't think it's probative on the grounds that
12 you could make one salary and have one list of
13 jobs to do, and the other salary could have a
14 total different list of jobs to do. So to compare
15 them, you would have to look at duties.

16 MR. BRACKETT: That's fine for
17 cross-examination, Your Honor, but I think this is
18 entirely relevant to the issue.

19 THE COURT: All right. Overruled.

20 BY MR. BRACKETT:

21 Q Go ahead and share with the jury, give us some
22 examples of who else was making in the sixties. Just
23 three or four examples?

24 A I have a lieutenant that had been there 23
25 years and his salary was 63,000.

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1 Q Okay.

2 A I also had a sergeant that had been there
3 29 years and his salary was 66,000. I had a
4 captain that had been there 20 years and his
5 salary was 66,000.

6 Q Do you know how old Savannah Nabors was at that
7 time? Do you have any idea?

8 A I'm not quire sure exactly, but early
9 twenties.

10 Q Okay. So that sergeant who had been there for
11 29 years had been working there longer than she had
12 been alive?

13 A Basically, yes, sir.

14 MR. BRACKETT: Court's indulgence. One
15 moment. Thank you very much, Miss Sullivan.
16 Please answer any questions that counsel for the
17 defense may have.

18 THE COURT: Cross-examination.

19 CROSS-EXAMINATION

20 MR. WISE:

21 Q Miss Sullivan, you were there at the time
22 Miss Nabors was there?

23 A Yes, sir.

24 Q And she worked a lot of long hours, or do you
25 know?

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- 1 A I can't say for sure. I just basically seen
2 her during the hours that I worked.
- 3 Q Okay. So you the worked what hours?
- 4 A I work 8:00 to 4:30.
- 5 Q So if she was there after 4:30, you would never
6 know it?
- 7 A No, unless I was told what was happening.
- 8 Q Yours were set hours.
- 9 A Yes, sir.
- 10 Q And was Martine -- is it Helou?
- 11 A Uh-huh.
- 12 Q She was hired about the same time?
- 13 A Yes, sir.
- 14 Q And what salary was she?
- 15 A Roughly the same salary.
- 16 Q Roughly the same?
- 17 A Yes, sir.
- 18 Q And they were part of reorganizing sheriff's
19 department?
- 20 A Yes, sir.
- 21 Q And do you know if Sheriff Lewis was able to get
22 any raises for the captains and lieutenants that
23 worked for him?
- 24 A Yeah, eventually he did.
- 25 Q And he bumped them up a pretty good bit, didn't

Testimony of Elizabeth Sullivan

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1 he?

2 A Yes, sir.

3 Q Up to about what range?

4 A I'm not quite sure exactly without looking
5 back in the file. I did not bring that
6 information with me.

7 Q So they didn't ask you to bring the pay raises
8 that Sheriff Lewis got for his men with you today to
9 court?

10 A No, sir.

11 Q And your job was more precisely, what, again?

12 A I work in the personnel department which
13 consists of new hires, payroll, evaluation, and
14 insurance.

15 Q Okay. You don't go about the day-to-day
16 operations of the sheriff's office and what Mr. Lewis
17 did with it.

18 A No, I wasn't part of his meetings. No,
19 sir.

20 Q The only thing you would know is that after he
21 came in there was a substantial raise for the captains
22 and lieutenants?

23 A Yes, sir.

24 MR. WISE: Thank you.

25 THE COURT: Redirect.

Testimony of Elizabeth Sullivan
REDIRECT EXAMINATION

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1

2 BY MR. BRACKETT:

3 Q Just a couple of questions, ma'am. Martine

4 Helou --

5 A Helou.

6 Q -- do you know her?

7 A I didn't until she came to the county.

8 Q And is she still there?

9 A No, sir.

10 Q How long was she there for?

11 A Without looking in her file, she --

12 Q Did she leave shortly after Mr. Lewis was charged?

13 A No, sir. No, sir. She left after the
14 interim came in, Mr. Sheriff Brown.

15 Q Okay.

16 A But I'm not sure of the date.

17 Q She's an older woman, isn't she?

18 A Yes, sir.

19 Q And had more experience doing a variety of
20 things?

21 MR. WISE: Objection. No need to lead
22 the witness.

23 THE COURT: Don't lead.

24 MR. BRACKETT: Yes, sir.

25 BY MR. BRACKETT:

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1 Q How old was she, do you know?

2 A I'm not quite sure. Maybe in her thirties or
3 forties.

4 Q Okay.

5 MR. BRACKETT: Thank you very much. I
6 have no further questions?

7 THE COURT: Anything further?

8 MR. WISE: Nothing further.

9 THE COURT: All right. You may come
10 down, ma'am. May this witness be excused?

11 MR. BRACKETT: Yes, sir, Your Honor.

12 THE COURT: Without objection. Go ahead,
13 ma'am. You're free to go.

14 MR. BRACKETT: Did you want to check on
15 the jury on their status? It's 4:56.

16 THE COURT: I do. I meant to ask that
17 earlier. Ladies and Gentlemen, it's 5:00 now.
18 The State told me that they have three short
19 witnesses. In other words, maybe the length of
20 the witness that just testified, and I told them
21 they could go forward with that. I do need to ask
22 if any of you have any -- things, like, child
23 care, or things that you need to pick up a child
24 at a certain time? Any restriction if we were go
25 back 5:00 for a little bit? Is it all right?

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1 Anybody have any problems with that? I mean, look
2 at this way, you miss the five o'clock traffic.

3 All right. Call your next witness.

4 MR. BRACKETT: The State would call
5 Jackie Cooper. Good afternoon, Miss Cooper. Come
6 on forward right on up there where the gentleman
7 with the red coat is, you'll see a Bible on the
8 stand next to him.

9 THE CLERK: Please place your left hand
10 on the Bible and raise your right. Do you swear
11 or affirm to tell the truth, the whole truth, and
12 nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE CLERK: Thank you. Please take a
15 seat and state your name for the record.

16 THE WITNESS: Jackie Cooper.

17 WHEREUPON:

18 JACKIE COOPER,
19 after having been sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BRACKETT:

22 Q Miss Cooper, where do you work?

23 A At the Greenville County Sheriff's Office.

24 Q What do you do at the Greenville County Sheriff's
25 Office?

Testimony of Jackie Cooper

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1 A Currently or in the past?

2 Q Well, currently.

3 A Administrative coordinator.

4 Q What does that involve?

5 A Mainly keeping the sheriff where he needs to
6 go. I do all his letters, correspondence. I do
7 temporary alcohol license. I do the chiefs, their
8 rotation for the year. The chief luncheons, I do
9 those. I have catered lunches brought in. I do
10 retirement drop-ins, that kind of thing.

11 Q And how long have you been with the Greenville
12 County Sheriff's Office now?

13 A Currently 30 years.

14 Q How many different sheriffs have you worked for?

15 A Three.

16 Q And when I say work for, I mean as their
17 administrative coordinator?

18 A Yes. Three.

19 Q Where do you sit in relation to the sheriff?

20 A My office is right in front of his. We can
21 face each other.

22 Q I see. Were you working in that capacity then
23 when the defendant took office in January of 2017?

24 A Yes.

25 Q Okay. Were any changes to your job made at that

Testimony of Jackie Cooper

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1 time?

2 A A couple of changes. My title changed.

3 Q To?

4 A So the administrative coordinator to the
5 leadership team. And I no longer kept the
6 schedule, or didn't go to any meetings, or do any
7 of his emails.

8 Q And how much money, if you can recall, were you
9 making as an administrative coordinator -- this would
10 have been two and a half years ago, January of 2017,
11 so that was back when you had about 27 years
12 experience.

13 A Twenty-eight.

14 Q Twenty-eight. What was your salary when Mr. Lewis
15 took office?

16 A Just a little over \$54,000.

17 Q And did you have a vehicle assigned to you?

18 A No.

19 Q Have you ever had a vehicle assigned to you?

20 A No, sir.

21 Q Do you have you an assigned parking space?

22 A No, sir.

23 Q Did you have a cell phone or Smartphone issued to
24 you by the sheriff?

25 A No, sir.

Testimony of Jackie Cooper

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- 1 Q How about a laptop?
- 2 A No, sir.
- 3 Q And iPad?
- 4 A No, sir.
- 5 Q How many times were you called out to crime scenes
- 6 in your 27 or 28 years for sheriff's office?
- 7 A Never.
- 8 Q How many out-of-town work trips were you invited
- 9 to attend?
- 10 A None.
- 11 Q Were you ever invited to any out-of-town -- or
- 12 sheriff's training events outside of town?
- 13 A No, sir.
- 14 Q Have you ever been to the BMW performance driving
- 15 school?
- 16 A No.
- 17 Q Have you ever gone shooting with the SWAT team?
- 18 A No, sir.
- 19 Q Rappelling with the SWAT team?
- 20 A No, sir.
- 21 Q Now, what else changed with the sheriff's
- 22 administrative team at the time that the defendant
- 23 came into office in January of 2017? Did you have
- 24 somebody join the team?
- 25 A An assistant that he brought in,

Testimony of Jackie Cooper

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1 Savannah Nabors.

2 Q And what was she like?

3 A She was young. Pretty and nice.

4 Q What were her job duties?

5 A She did the sheriff's scheduling and she went
6 to meetings with him.

7 Q Some of the stuff you used to do?

8 A Yes, sir.

9 Q Can you describe for the jury what the
10 relationship was like between Sheriff Lewis and
11 Savannah Nabors on a daily basis as you watched them
12 around the office?

13 A It seemed pretty comfortable.

14 Q What do you mean by that?

15 A First name basis.

16 Q Okay. Did they seem very comfortable with each
17 other?

18 A Yes.

19 Q Would they joke, kid?

20 A They would joke.

21 Q Would most of the folks who work at the sheriff's
22 office -- say a deputy walks in, some guy who's been
23 there three or four years, how would he address the
24 sheriff?

25 A As sheriff, Sheriff Lewis. I always

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1 addressed the sheriffs just by calling them
2 sheriff.

3 Q Did you ever call the defendant Will?

4 A No, sir.

5 Q Do you ever call sheriff Johnny Mack Brown,
6 Johnny, or Johnny Mack?

7 A No, sir.

8 Q Do you remember what -- do you have with you what
9 the defendant's county cell phone number was at the
10 time he was in office?

11 A Savannah's cell phone?

12 Q The sheriff's.

13 A The sheriff's, yes.

14 Q Will Lewis's.

15 A Yes. It was 704-5658.

16 Q 704?

17 A Area code, 864.

18 Q 864.

19 A Yes, 704-5658.

20 Q 704 is the Charlotte area code.

21 A Sorry, I forgot the area code.

22 Q 864?

23 A 704-5658.

24 Q How about Savannah Nabors's cell phone number, do
25 you have that, or do you know what it was?

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1 A (864) 520-4264.

2 Q Were you sometimes called upon to notarize
3 documents?

4 A Yes, sir.

5 Q I'm showing you what has been marked as
6 State's Exhibit 3. Would you take a look at this
7 document and tell me if you recognize that?

8 A Yes, sir.

9 Q Did you witness the signing of that document?

10 A I notarized it.

11 Q So you're a notary public?

12 A Yes, sir.

13 Q And you witnessed the signing of that document.
14 Who signed that document?

15 A Sheriff Lewis did.

16 Q What is the title of it?

17 A It's Letter of Successor, if something
18 happens to the sheriff who will take his place
19 until the governor can appoint someone.

20 Q I see.

21 A Or until we have an election.

22 Q It's called Official Death Letter at the top?

23 A Yes, sir.

24 THE COURT: Your Honor, I move State's
25 Exhibit 3 into evidence at this time.

Testimony of Jackie Cooper
MR. WISE: No objection.

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THE COURT: Without objection.

(STATE EXH. 3, Official Death Letter, was
entered into evidence.)

BY MR. BRACKETT:

Q Were you present on April the 24th of 2017, the
day that Savannah Nabors gave notice that she was
resigning her position? She came in to give a
two-week notice?

A I was.

Q Do you recall what her demeanor was that day? How
was she appearing?

A Kind of aggravated.

Q Okay.

A I could tell something was going on, but I
just wasn't sure.

Q Did you see physical manifestations of that?

A She looked teary eyed.

Q Do you remember Mr. Lewis's, the defendant's
demeanor?

A Kind of upset. Maybe a little.

Q Okay. Did the defendant ultimately tell you that
day to alert the staff of the sheriff's office that
she -- that Savannah was going to be resigning?

A Yes. I sent a memo out announcing it, that

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1 she had -- she was going to pursue a different
2 career.

3 Q Was that common to send a memo out when somebody
4 left?

5 A No, sir. The procedure is we put a personnel
6 order out.

7 Q All right. I'm showing you what's been marked as
8 State's Exhibit 16. Again, this is a document that is
9 a memo but it has an initial by the name of
10 sheriff Will Lewis. Do you recognize that document

11 A Yes, I typed it.

12 Q And what is that?

13 A It's just a memo advising that Savannah was
14 going to be working a two-week notice to pursue
15 another career.

16 Q The initials by the name there, whose initials are
17 there by sheriff Will Lewis?

18 A Sheriff Lewis's.

19 MR. BRACKETT: Your Honor, I moved
20 State's Exhibit 16 into evidence.

21 MR. WISE: No objection.

22 THE COURT: Without objection.

23 (STATE EXH. 16, Memo; Nabors resignation,
24 was entered into evidence.

25 BY MR. BRACKETT:

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1 Q What was the reason that was given for departure
2 in the memo?

3 A I think that she was going to pursue a career
4 with child services.

5 Q Okay. And that she was giving her two weeks; is
6 that right?

7 A That's correct.

8 Q Did she actually work the two weeks?

9 A No, sir.

10 Q Do you know what happened to her phone after she
11 left? Who got her phone?

12 A When Addie, who took her place, she got
13 Savannah's old phone.

14 Q When did Addie start?

15 A Addie started in June of 2017.

16 Q And what is Addie's full name?

17 A Andrea Claire Hampton. Went by Addie.

18 Q Now, did you notice any difference in the
19 relationship between Addie Hampton when she started as
20 the administrative coordinator, she filled the
21 position that Savannah left, any difference in the
22 relationship between Miss Hampton and Miss Nabors and
23 how they interacted with the sheriff and what they
24 did?

25 A It was more business-like, and she didn't go

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1 everywhere. She didn't go to all the meetings
2 with him. She'd stay in the office some.

3 Q And the interpersonal relationship between them,
4 the interactions, was it about the same or more
5 professional, more formal, less formal?

6 A I'd say a little more professional.

7 Q You said she started in June of 2017?

8 A Correct.

9 Q Was there a formal hiring process to replace
10 Savannah at this point, or was it just, she's going to
11 be the new person?

12 A We usually hold a board. You go before four
13 people. We just hadn't -- in Sheriff Lewis's
14 office, it was myself and Chief Davenport, Major
15 Ty Miller, myself.

16 Q Was the sheriff involved?

17 A And the sheriff, yes.

18 Q And did you all have applications for the
19 position? Were people bringing applications?

20 A They were taking applications, yes.
21 Actually, I didn't see that part.

22 Q But you know there were resumes and that you were
23 considering various applicants?

24 A Yes.

25 Q And was this the process that led the decision to

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1 hire Addie?

2 A Yes.

3 Q Did the sheriff indicate at some point in that
4 process that he had a candidate in mind?

5 A Yes.

6 Q And who was that?

7 A I didn't -- I don't remember her name, or if
8 I was told her name, but she lived in Tennessee.
9 I think she entered pageants.

10 Q Did she have a resume that she submitted? Did he
11 have a resume from her, the sheriff?

12 A I did not see one.

13 Q Did he have pictures of her?

14 A I didn't see those, but I know some of my
15 coworkers did that were in there.

16 Q All right. But it was some girl from Tennessee?

17 A Yes.

18 Q Who was in beauty pageants?

19 A Yes.

20 Q And what happened to that suggestion, do you
21 know?

22 A That was thrown out. They said no.

23 Q Okay. Have you heard from Miss Cooper about a
24 trip to Charlotte that was taken? Are you familiar
25 with that?

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1 A I didn't know what everybody was talking
2 about, so the looked back on my -- on the
3 calendar, because I did have the calendar the
4 first few months Sheriff Lewis was in, just so I
5 knew where he was going. And all it said was,
6 administrative budget meeting out of office.

7 Q Were you aware of where they were going?

8 A No, sir.

9 Q Have you been informed of anything about the
10 destination or purpose of the meeting?

11 A No. Not other than what was written on the
12 calendar.

13 MR. BRACKETT: Thank you very much.
14 Please answer any questions counsel for the
15 defendant may have.

16 THE COURT: Cross-examination.

17 CROSS-EXAMINATION

18 BY MR. WISE:

19 Q Miss Cooper, did Sheriff Lewis get you a raise?

20 A Yes, I did get a raise.

21 Q And how much was it?

22 A It was a little over 8,000.

23 Q And that was the first time you had a raise in a
24 while?

25 A Yes.

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1 Q Okay.

2 A Especially for that amount.

3 Q And he got raises for a lot of people in the
4 sheriff's office?

5 A Yes.

6 Q Now, what hours do you work?

7 A I work from 8:30 to 5:00, Monday through
8 Friday.

9 Q And were you aware of the hours that Savannah
10 Nabors worked?

11 A Oh, yes.

12 Q They were often well after 5:00?

13 A Yes, some of them were.

14 Q Right.

15 A And sometimes she didn't come in until
16 10:00.

17 Q Right. And she, at times, would also go to high
18 profile crime scenes to deal with the press and so
19 forth?

20 A I think so.

21 Q Okay. And, in fact, didn't you tell Sheriff Lewis
22 that you couldn't do Savannah's job. You're glad he
23 hired her?

24 A I don't recall that.

25 Q Words to the effect that you realize how much she

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1 was working and that was a big help to you?

2 A It was a help to take off the scheduling and
3 the emails and not having to go to meetings,
4 yes.

5 Q I imagine a sheriff's scheduling can get chaotic.

6 A Very much so.

7 Q With everybody wanting him to go everywhere.

8 A Yes.

9 Q And somebody's got to keep him straight, so to
10 speak, being where he's supposed to be, correct?

11 A Yes.

12 Q Now, you don't go out on calls, do you?

13 A No, sir.

14 Q So you didn't need a vehicle -- an official
15 vehicle from the sheriff's department to go out on
16 calls with.

17 A No, sir.

18 Q And Sheriff Lewis assigned you, I believe, to the
19 command staff?

20 A Yeah, he called it the leadership team.

21 Q And you hadn't been in that position before?

22 A Well, actually that position didn't exist.

23 Q Until he came around?

24 A Yes, sir.

25 Q So he revamped a lot of things in the sheriff's

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1 department as far as positions are concerned?

2 A I don't know how many.

3 Q But some?

4 A Yeah.

5 Q Okay. Now, you said normally when someone leaves
6 that you send out a, what, a personnel --

7 A A personnel order.

8 Q A personnel order.

9 A Actually, Marybeth who works with me, she
10 does all the personnel orders.

11 Q All right. Is there much difference between a
12 memo and a personnel order?

13 A Yes. It's kind of -- it's assigned a number.
14 And it's got a code for distribution for who all
15 get it.

16 Q But the assistant to the sheriff was, I believe, a
17 new position at the sheriff's department at that
18 time?

19 A The --

20 Q The position that Savannah Nabors held with the
21 Sheriff Lewis was a new position?

22 A It was my old title.

23 Q Excuse me?

24 A It was my old title. I was the
25 administrative coordinator before.

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1 Q Okay. And she did more than you were doing prior
2 because she was going out after hours.

3 A Yeah, she wasn't sworn. And I couldn't go
4 after hours to calls.

5 Q Was that part of your job function?

6 A No.

7 Q Did you ever ask to go shooting with the SWAT
8 team, or anything like that?

9 A Did I ever have?

10 Q Yeah.

11 A No, because that wasn't something we could
12 do.

13 Q Do you ever inquire of the sheriff to see if you
14 could do it?

15 A Did I, no.

16 Q Did you ever ask him?

17 A No.

18 MR. WISE: Thank you.

19 THE COURT: Redirect.

20 MR. BRACKETT: Briefly.

21 REDIRECT EXAMINATION

22 BY MR. BRACKETT:

23 Q Mr. Wise asked you about a raise that you
24 received.

25 A Excuse me?

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1 Q Mr. Wise asked you about a raise that you
2 received.

3 A Yes.

4 Q When did you receive that? Was that before or
5 after Miss Nabors left the sheriff's office?

6 A Afterwards.

7 Q And how much do you make right now?

8 A A little over 63,000.

9 Q So you're making approximately what she made?

10 A Yes.

11 Q And how many years do you have now?

12 A Thirty,

13 MR. BRACKETT: Nothing further, thank
14 you.

15 MR. WISE: Nothing further.

16 THE COURT: All right. Can this witness
17 be excused?

18 MR. BRACKETT: No objection from the
19 State.

20 MR. WISE: No objection.

21 THE COURT: You're free to go. Thank you
22 very much.

23 MR. THOMPSON: The State would call
24 Laura Jones, Your Honor.

25 THE COURT: Laura Jones.

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1 THE CLERK: Miss Jones, please place your
2 left hand on the Bible and raise your right hand.
3 Do you swear or affirm to tell the truth, the
4 whole truth, and nothing but the truth, so help
5 you God?

6 THE WITNESS: Yes, I do.

7 THE CLERK: Thank you. Please take a
8 seat and state your name for the record.

9 THE WITNESS: Laura Jones.

10 WHEREUPON:

11 LAURA JONES,
12 after having been sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. THOMPSON:

15 Q Now, is it Master Deputy Jones?

16 A Yes, sir.

17 Q Kind of tell me, where does master deputy fit in
18 the rank? Give us just, kind of, a quick overview of
19 what the ranks within the sheriff's department.

20 A You come in as a non-certified officer.
21 You're at a deputy I level. Then you get
22 promoted. After you've been there for a certain
23 number of years, you get promoted to a deputy II
24 level, and then -- once you finish all your
25 training and such. And then you have to go.

1 Testimony of Laura Jones 162
2 through promotional boards and all to get promoted
3 up to a master deputy level. So it's deputy I,
4 deputy II, master deputy.
5 Q And then what comes after master deputy, if you
6 were to receive a promotion?
7 A Sergeant.
8 Q Sergeant, okay. And after sergeant?
9 A Sergeant, lieutenant, captain.
10 Q Captain.
11 A Majors.
12 Q Majors.
13 A And chief deputy and sheriff.
14 Q So Master Deputy Jones, tell me, how long have you
15 been with the Greenville Sheriff's Department?
16 A I've been with Greenville County since 2004,
17 so 15, 16 years.
18 Q And tell me, kind of, what are your duties as a
19 master deputy there?
20 A I currently work in the office of
21 professional standards, which is like internal
22 affairs for the sheriff's office. I'm also a
23 polygraph examiner, so my primary duties are
24 conducting polygraph exams.
25 Q So in addition to all the training you do as a
 normal police officer, you have to get special

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1 training to be in the office of professional
2 responsibilities?

3 A Yes, sir. We go to training specific for
4 those type of investigations, internal
5 investigations. But I have additional training,
6 more extensive training for my polygraph
7 examinations.

8 Q Okay.

9 A It's a licensing procedure.

10 Q And training for polygraph, that's rather lengthy,
11 is it not?

12 A Yes, sir.

13 Q How long does that take?

14 A I went to polygraph school in Maryland. It's
15 a 10-week program, but you come back to
16 South Carolina once you're finished with polygraph
17 program there. Once I completed it successfully,
18 I had to come back to SLED, State Law Enforcement
19 Division, and take a board exam. Once you pass
20 the board exam, you do your first 150 polygraphs
21 under a polygraph mentor. So it takes about a
22 year and a half total to get a polygraph
23 license.

24 Q So you've gone through all that process?

25 A Yes, sir.

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1 Q Okay. And tell me, were you there when
2 Savannah Nabors came to work there?

3 A Yes, sir.

4 Q How did you first meet Savannah? What was the
5 situation for that?

6 A At the time, I was on the bomb squad. And
7 once Mr. Lewis won the election, before he came
8 into office, he had a meeting at the training
9 center, at our center for advanced training, for
10 the firing range. We had a meeting. It was just
11 the bomb squad members and the SWAT team. We were
12 out there for that meeting. During that meeting,
13 he was, kind of, laying out his plans for the SWAT
14 team and bomb squad, who was going to be at what
15 rank and such.

16 Savannah came into the meeting with him. None
17 of us knew who she was. But after he went through all
18 of that, he introduced her to us and explained to us
19 who she was and what her responsibilities were going
20 to be.

21 Q What, if anything, did he say about her to you
22 all?

23 A He explained that she was going to be his
24 personal assistant. Pretty much that if we got
25 emails from her, or phone calls from her, or

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1 direction, that it would be just like if he was
2 sending it directly to us.

3 Q Did you find that unusual that he would say this
4 young woman who just started would be able to give you
5 directives?

6 A Yes, sir. It was odd because nobody -- none
7 of our previous sheriffs, that I'm aware of,
8 certainly during my time, every had a personal
9 assistant. We had administrative assistants that
10 obviously work in their offices upstairs, but
11 nothing like a personal assistant that was going
12 follow anybody around and go to meetings and take
13 notes or anything like that. So it was a bit
14 odd.

15 Q All right. And, tell me, in the sheriff's
16 department, do they also have public information
17 officers?

18 A Yes, sir, they do. That's more of what would
19 be the person that would do things like that, like
20 attend meetings or put stuff out in the public.

21 Q Along with the sheriff?

22 A Yes. Either like a chief deputy would go
23 with him or a public information officer, or
24 something like that.

25 Q Okay. And they have special training in doing

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1 that, correct?

2 A They certainly do.

3 Q What, if anything, else did he say about Savannah
4 during that meeting or after that meeting?

5 A After the meeting, I think it's necessary to
6 explain that it's just the bomb squad and the SWAT
7 team. At the time, I was the only female on one
8 of those teams. But there were -- if I recall,
9 maybe a few other, including Savannah, maybe
10 another member of the training staff that works up
11 at the training center who was a female, but very
12 few females in the room. Other than that other,
13 other members of the bomb squad and SWAT team. It
14 was, kind of, in a joking way, as he introduced
15 her and asked if anybody had questions, it was,
16 kind of, closing up the meeting -- I can't
17 remember the exact terminology, but he pretty much
18 said she was off limits.

19 Q And what did you take that to mean?

20 A I took it to mean that they were to stay away
21 from her. The guys were to stay away from her.

22 Q And did you all find this, in some way, odd or
23 humorous when that happened?

24 A I found it extremely odd that a comment like
25 that was made. It was rather odd. The whole

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1 situation was odd to me, because she was -- again,
2 there was never a -- a sheriff's never had a
3 personal assistant such as that. Then this young
4 attractive female come in and now she has somewhat
5 authority over -- to tell us -- you know, give us
6 direction and such at his direction. Sending us
7 emails and we are to take it as if it's coming
8 directly from the sheriff. So it was odd.

9 After the meeting, at the training center,
10 we, kind of, disbursed and people were chit-chatting
11 as we were leaving. People were even joking.

12 MR. WISE: Objection, Your Honor, what
13 people were doing after.

14 THE COURT: She can say what she saw.
15 Just don't say what they said, ma'am.

16 THE WITNESS: Yes, sir.

17 MR. WISE: I don't believe she can
18 testify what they thought either, or what she
19 thought they thought.

20 THE COURT: I said saw.

21 MR. WISE: Oh, excuse me. Excuse me. I
22 apologize.

23 THE COURT: She can say what she saw.

24 MR. WISE: Right.

25 THE WITNESS: Several people were joking,

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1 saying, What is this, bring your girlfriend to
2 work, kind of thing.

3 MR. WISE: Objection, Your Honor.

4 That --

5 THE COURT: You can't say what somebody
6 else said because they are not here.

7 THE WITNESS: Even if I heard it being
8 said.

9 THE COURT: Yeah, even if -- yes. Yes.
10 I'm not questioning if you're being truthful.

11 THE WITNESS: That's fine. My apologies.

12 THE COURT: That's just one of our
13 rules.

14 THE WITNESS: My apologies.

15 BY MR. THOMPSON:

16 Q Now, after that, did you have the opportunity to
17 see that Savannah Nabors was allowed to do that seemed
18 odd or unusual to you?

19 A We all saw that she got a brand-new car
20 because there was a designated parking position
21 for her in the back parking lot.

22 Q So before you go on, is it a tough time parking
23 over there at the law enforcement where you all work
24 at the sheriff's department?

25 A Yes, sir. There's not enough space for

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1 everybody.

2 Q So it is difficult to find a parking spot?

3 A Correct.

4 Q Are there many that are actually set aside for
5 individuals?

6 A Just the high-ranking officials; sheriff,
7 command staff.

8 Q Okay.

9 A And also with the City, since we share the
10 building to the City.

11 Q Okay. So some of City people have one, too. But
12 you're saying Savannah had an assigned spot.

13 A She had a sign that was for her and she had a
14 designated spot for her. Yes, sir.

15 Q Did you find that unusual?

16 A Yes.

17 Q Go ahead. What, if anything else, did you notice?

18 A I know that she had -- it was a brand-new
19 Explorer, I believe. She also was fitted for a
20 ballistic vest, a Kevlar vest that we wear. Which
21 we really -- I didn't really understand. I won't
22 speak for "we." But I didn't really understand
23 why she needed a vest.

24 Q Why is that? Why didn't you understand that?

25 A Because she's not a certified officer, but I

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1 didn't know exactly what her responsibilities may
2 entail. But I just thought it odd, because no
3 other civilians had vests.

4 Q Now, you mentioned she was fitted for the vest.
5 These types of vests, are they something you can just,
6 kind of, pick off the rack or do they get specially
7 made?

8 A No, sir. They're specially made. They have
9 a company that comes and measures us specifically
10 for them to fit properly. And they are pretty
11 expensive, from what I understand.

12 Q Okay. And when you would have one, can someone in
13 the sheriff's department -- can it be passed down to
14 someone else, or does it fit somebody else?

15 A They won't fit properly. They're measured
16 for each person. Somebody could wear it, but it's
17 not going to fit you properly. Therefore, it's
18 not going to protect you properly.

19 Q So it really can't be reused again?

20 A Not really, no, sir.

21 Q What, if anything else, did you notice?

22 A She would partake in several other
23 activities, I guess, or take part in training with
24 certified officers. She would be --
25 participate -- go with the SWAT team to practice

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1 rappelling at the Bon Secours, or -- I don't know
2 if it was the Bi-Lo Center then, but the Bon
3 Secours center downtown where they would repel for
4 certain events, so she went and did that one day.

5 I know she was at the range with the SWAT
6 team before shooting different weapons, like we
7 have 50-caliber that she had the opportunity to
8 shoot, which was a bit odd because other civilians
9 that work with us aren't allowed to do those types
10 of things.

11 Q Describe to us, what is a 50-caliber weapon?

12 A I'm not very familiar with it. It's a very
13 high-caliber weapon that only SWAT has and only
14 SWAT operates.

15 Q Okay. So something that the average officer
16 doesn't get to mess around with?

17 A Correct. No, sir.

18 Q Can you tell me, after the allegations came out
19 that Savannah Nabors and the defendant had had some
20 sort of relationship, sexual relationship, what, if
21 anything, happened there with the sheriff at that
22 point in time?

23 A Once the allegations came out -- now, I can't
24 remember time frames. I know it was after the
25 allegations were made on this blog, or wherever

Testimony of Laura Jones

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1 they initially came out. We were called -- my
2 office is down in the basement where I conduct
3 polygraph examinations. The sheriff's office and
4 conference room is on the second floor.

5 So one morning, I get a phone call from my
6 captain and he says --

7 MR. WISE: Objection to what the captain
8 said.

9 THE COURT: Yeah.

10 MR. THOMPSON: Your Honor, it's to show
11 what she did, not for the truth of the matter
12 asserts. It's really not hearsay.

13 THE COURT: I don't know if it's the
14 truth of the matter or not.

15 MR. WISE: We can stipulate it's not
16 trouble. It's certainly admissible.

17 MR. THOMPSON: I'm not saying it not
18 true. It's not for the truth of the matter
19 asserted. It's not for the fact why she -- if for
20 the fact why she went.

21 THE COURT: Why can't she just say what
22 she did.

23 MR. THOMPSON: That's fine.

24 BY MR. THOMPSON:

25 Q Where did you go? You were summoned and you went

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1 where?

2 A I want up to a meeting that was called in the
3 conference room, which is on the second floor at
4 sheriff's office. All of administration was in
5 that meeting, barring people that may have been on
6 vacation or something at that time. So all the
7 administration was called into the meeting with
8 the sheriff.

9 Like I said, I can't remember time frames
10 exactly. I know it was after that blog came --
11 after the allegations came out.

12 Q Okay. When you got there, was the sheriff
13 conducting the meeting?

14 A Yes. I don't -- honestly, I don't recall if
15 anyone else spoke. But the sheriff spoke in the
16 meeting, yes.

17 Q And what did he tell you?

18 A He addressed the issue of the allegations
19 that were made during in this blog, and he made it
20 clear to us that none of it was true. He spoke
21 briefly that -- just about the allegations and
22 that we were all going to get through it, and they
23 were not true. He asks if anybody had any
24 questions or comments, or anything like that. To
25 my knowledge, I don't remember anybody asking

Testimony of Laura Jones

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1 anything. And he even, kind of, joked and said, I
2 did not have sexual relations with that woman, in
3 an almost -- the way I took it was kind of mocking
4 what Bill Clinton had said at that time.

5 Q So he said that exact same thing?

6 A Yes, sir.

7 Q So was this him then denying that he had had any
8 relationship with Savannah Nabors?

9 A Correct. He was addressing it to us that he
10 was -- none of the these allegations were true.

11 Q All right. After that meeting, when did you find
12 out, that you actually worked through, how did you
13 find out from the sheriff at that point?

14 MR. WISE: Your Honor, I don't know if
15 that's -- if she can answer that question, because
16 it's going to probably involve hearsay.

17 MR. THOMPSON: Your Honor, it involves
18 the defendant's own statement.

19 THE COURT: Sorry?

20 MR. THOMPSON: It involves the
21 defendant's own statement.

22 MR. WISE: Okay.

23 THE COURT: Go ahead.

24 THE WITNESS: The next thing we learned
25 of -- again, I don't remember how much later, but

Testimony of Laura Jones

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1 then there was a press conference held at the law
2 enforcement center by the sheriff in which he
3 admitted some type of affair, contact with
4 Miss Nabors.

5 BY MR. THOMPSON:

6 Q Did you watch the press conference?

7 A Yes, sir.

8 Q So in that press conference, he admitted to
9 what -- did he term it an affair? Do you remember how
10 termed it at that time?

11 A I don't remember how he termed it. It was
12 some type of he admitted he had made a mistake and
13 had some sort of extramarital affair. I don't
14 remember the terminology that he used. I just --
15 it was, kind of, shocking ing for all of us there,
16 especially there had been a meeting called
17 especially to speak with us and address the
18 allegations of the blog that had come out.

19 So it was like a meeting was intentionally
20 called to speak with admin to lie to us, which is the
21 way it felt, especially since he came out later and
22 said that there was an extramarital affair, yes, sir.

23 Q What, if anything, did that do to your morale?

24 A It really knocked the morale down of the
25 entire atmosphere there at the sheriff's office.

1 It -- you want to have faith and trust in the
2 person that's leading you, especially in the jobs
3 that we're tasked in doing. And integrity is such
4 a huge part of that, that it really -- that was a
5 big shock to us.

6 Q Now, again, you're a master deputy. Were you a
7 master deputy back then when he took office in January
8 of 2017?

9 A Yes, sir.

10 Q Okay. And do you recall -- again, how many years
11 back at that point had you been working?

12 A I was at 15 going on 16 years at the
13 sheriff's office, or law enforcement total.

14 Q You, at that time, had the special, I guess,
15 certification for polygraph, all the things you told
16 us you had to go through today?

17 A Yes, sir. This was 2017. I was certified
18 and licensed to do polygraph in 2013, 2014.

19 Q Okay. How much did you make at that point in
20 time?

21 A It was right -- it was 51-and some change.
22 Almost 52,000 a year.

23 MR. THOMPSON: Excuse me just one moment.

24 BY MR. THOMPSON:

25 Q And tell me, what do you make now, now that we're

1 more than two years, two and a half years down the
2 road from that?

3 A I'm still technically a master deputy. We
4 changed it. We now have an investigator rank.
5 Sheriff Brown brought that back. It was used

6 later on -- back several years ago. So now with .
7 county counsel recently approving a raise, I'm now
8 up to 57-.

9 Q Okay, 57-. That came -- that raise came to you
10 from Sheriff Brown?

11 A Yes, from Sheriff Brown. Just a few months
12 ago.

13 MR. THOMPSON: Thank you. No further
14 questions.

15 THE WITNESS: Yes, sir.

16 THE COURT: Cross-examination.

17 CROSS-EXAMINATION

18 BY MR. WISE:

19 Q So you had a meeting with Sheriff Lewis when you
20 first became sheriff and he was talking about laying
21 out his plans. Was that generally discussing what he
22 was going to do with the sheriff's department?

23 A Yes, sir. It was just members of the bomb
24 squad and the SWAT team. It was at the center for
25 advanced training, our training center. It's --

1 the purpose of the meeting was to lay out who was
2 going to be the captain, who was going to be the
3 sergeants. There was now going to be a full-time
4 SWAT team. So it was just laying out --

5 Q He was making some changes in the sheriff's
6 department?

7 A Correct.

8 Q And he was, kind of, announcing what they were?

9 A Yes, sir.

10 Q Did those changes affect you any?

11 A Not directly. I was on the bomb squad, so
12 he -- our bomb squad commander, I believe, may
13 have been raised in rank to a lieutenant, but I'm
14 not --

15 Q Okay.

16 A I'm not positive. Did any of those changes
17 affect me directly in my everyday job, no, sir.

18 Q And as far as you know, Sheriff Lewis showed up
19 every day when he was supposed to?

20 A Yes, sir.

21 Q And did the job of running the sheriff's
22 department like he was supposed to?

23 A Can you explain what you mean by that?

24 Q That was a vague question.

25 All right. He had some plans as to how the

1 sheriff's department should work different than
2 Sheriff Loftis.

3 A Correct.

4 Q And he implemented those plans?

5 A Yes, sir.

6 Q And they affected some people. Not you really,
7 but some people got affected by it.

8 A The only change with my specific job was, I
9 was initially polygraph was part of the internal
10 affairs office, with the Internal Affairs Offices
11 of Professional Standards, officer with
12 professional responsibilities, whatever it was
13 called at the time, but it's all internal affairs.

14 At that time when Sheriff Lewis came in,
15 he took polygraph out of internal affairs and made
16 it it's own unit. So that was a change as far as
17 my job responsibilities. The only thing that was
18 taken away, I guess, was that I didn't work
19 internal affairs investigations at that time. I
20 just did polygraph.

21 Several months later I was put back into --
22 polygraph was put back into internal affairs.

23 Q That kind of --

24 A Now I'm back at the same.

25 Q And that, kind of, made sense.

1 A Yes, sir.

2 Q Did Sheriff Loftis have a personal assistant?

3 A A personal assistant? No, sir.

4 Q Okay. Do you know if Sheriff Loftis needed a

5 personal assistant, or are you that familiar with his

6 duties?

7 A I wouldn't know.

8 Q You wouldn't know.

9 A No, sir.

10 Q And you don't remember exactly what was said to

11 the group about Savannah at the meeting. You just

12 remember your interpretation of it?

13 A In training center --

14 Q At the training center.

15 A -- with the bomb squad?

16 Q Right.

17 A He introduced her and explained who she was.

18 Q Right. But you said your interpretation was,

19 she's hands off, but you don't know exactly what was

20 said.

21 A I don't remember the exact. I can't quote

22 him.

23 Q Okay.

24 A But he said something to the effect, she's

25 off limits.

1 Q And when patrol cars are taken out of service, do
2 you know they have to be disassembled?

3 A You mean the police equipment taken off of
4 them by "disassembled?"

5 Q Right.

6 A Yes.

7 Q Right. Do you know the cost of any of that?

8 A I do not.

9 Q All right. And chaplains also have vests, don't
10 they?

11 A Yes, they do.

12 Q And they're civilians.

13 A Your correct, yes.

14 Q All right.

15 A They wear uniforms, so they wear a vest.

16 Q Right. And do you know if civilians are ever
17 invited to participate in a thing called Civilian
18 Training Day?

19 A They do have certain days that are allotted
20 for civilians to come and do scenarios and such at
21 our training center, yes, sir.

22 Q The SWAT team and do the rappelling and all that?

23 A I don't know about rappelling, but they do
24 certain scenarios about shoot, don't-shoot-type
25 situations to see the type of decisions we have to

1 make on a daily basis.

2 Q It's part of good community relations.

3 A Yes, sir.

4 Q And you don't know when the press conference was
5 held in relation to when he made the first
6 statement?

7 A I know the press conference was after he made
8 the initial statement.

9 Q But you don't know how much after?

10 A He had a meeting, but I couldn't -- I can't
11 remember, no, sir.

12 Q But he definitely called a press conference and
13 owned up to everything?

14 A Yes, after administrative meeting had taken
15 place.

16 Q Right.

17 A I don't remember if it was days or weeks
18 later.

19 Q You don't know -- I mean -- but he did own up to
20 everything and basically said what he said at the
21 administrative meeting was not correct.

22 A He owned up to some things in the press
23 conference, yes.

24 Q And he basically apologized to the department?

25 A I don't recall. I don't recall.

1 MR. WISE: Thank you.

2 THE WITNESS: Yes, sir.

3 THE COURT: Anything further?

4 MR. THOMPSON: Nothing further, Your
5 Honor.

6 THE COURT: All right. You may come
7 down. Thank you very much.

8 THE WITNESS: Thank you, sir.

9 THE COURT: Can the witness be excused?

10 MR. BRACKETT: We ask that she be
11 excused, Your Honor.

12 MR. WISE: No objection.

13 THE COURT: No objection.

14 MR. BRACKETT: Your Honor, that's our final
15 witness for the evening.

16 THE COURT: I understand.

17 All right. Ladies and Gentlemen, that will
18 conclude the testimony for the day, and I'm going to
19 ask you to be back in the jury room tomorrow at 9:30,
20 at which time we'll continue with the trial.

21 Now, I'm going to ask you to do several
22 things for me. First, and probably foremost,
23 you're going to get tired of hearing me say this,
24 but I'm going to ask you not to discuss this
25 matter with family, friends, or anyone else over

1 the evening hours. You're going to walk out of
2 here and you're going to see your family or
3 friends, and somebody is going to say, what were
4 you doing today? And you're going to say, well, I
5 went down to the courthouse, I got sworn in on a
6 jury, and it happens to be Sheriff Lewis's case.
7 And somebody is going to say, oh, well, let me
8 tell you what I think about that. In other words,
9 just the casual conversation with friends and
10 family can lead into situations that are going to
11 make you feel uncomfortable.

12 So I'm going to ask you to just tell
13 people you cannot talk about that. Tell people,
14 if you have to, that that mean old judge said he
15 was going to have words with us if we do that.

16 So, this is not -- I hope you'll follow
17 my instructions in that regard.

18 Secondly, I'm going to ask that you try
19 not to do any independent research regarding this
20 case. Now, there's probably stuff out there in
21 the atmosphere, or wherever it is, and I've had --
22 let me say this: The Supreme Court has ordered me
23 to tell you this and to caution you about doing
24 independent research. There's so much out there
25 on the Internet and in the social media that -- to

1 put it in more famous words, there's a lot of fake
2 news out there, and it would be improper to try to
3 do research about this case over the evening
4 hours.

5 I've had a case where, although it was
6 during jury deliberations, a member of the jury
7 decided to look some things up on the Internet,
8 found some things about the defendant, brought
9 them into the jury room, told the jury what they
10 had found last night, the night before. I had to
11 investigate that myself. I found that she
12 actually had done that, and I had impose a
13 sentence on her. The first thing I made her do
14 was pay the entire cost of the trial in that
15 county, including every participant in the
16 courtroom. And I had to incarcerate her for a
17 period of time.

18 Well, the message got out in that county
19 and I don't think they had any more -- and I'm not
20 telling you this trying to threaten you, or
21 anything like that. But it is serious business.

22 And like I told you this morning, you're
23 going to hear everything right here. You don't
24 need to be trying to learn something on the
25 Internet.

1 The third thing I'm going to ask you to
2 do is when you return to the jury room in the
3 morning, I'd like for you to, sort of, get to know
4 each other. I'm sure you've already started that
5 process. But I'm going to ask you to elect one of
6 your members to be the foreperson of the jury, and
7 that person will have the responsibility of --
8 only of conducting the conversations in the jury
9 room, if the case goes that far. And, if the case
10 goes that far, to write the verdict on the verdict
11 form. That's all. It doesn't pay any more than
12 any other juror. But I need somebody.

13 That person will take the seat where the
14 gentleman with the blue shirt on is now and will
15 maintain that seat throughout the rest of the
16 trial. The rest of the seats don't have any names
17 on them. Sit where you're comfortable, and that's
18 how we'll proceed.

19 And the fourth thing I'm going to ask you
20 -- I hope you're not writing all this down. The
21 fourth thing I'm going to ask you to do is just
22 have a pleasant evening, relax, we'll start
23 tomorrow morning at 9:30. Watch the World Series,
24 or something other than the local news.

25 Thank you very much, Ladies and Gentlemen.

1 You are now excused for the evening.

2 (Jury exits the courtroom at 5:40 p.m.)

3 THE COURT: Please be seated, people.

4 The jury is leaving the room. Have some respect.

5 All right. Stand at ease until 9:30.

6 MR. BRACKETT: May it please the Court?

7 THE COURT: Yes, sir.

8 MR. BRACKETT: One matter to take up
9 before we go.

10 THE COURT: Sure.

11 MR. BRACKETT: I have no issue whatsoever
12 when we drew the jury and had the pool here with
13 the defendant's wife sitting up here at the table
14 next to him because there was no room back there.
15 I completely understand. But I think that it is
16 inappropriate through the trial. I understand
17 they're holding hands, making non-verbal gestures,
18 to generate sympathy. I've never seen it done
19 before. I object to it. I can't --

20 THE COURT: I might object to making
21 verbal and physical things for the jury to see,
22 but I'm not going sequester the --

23 MR. BRACKETT: Not to sequester, but just
24 to sit behind the rail. I'm not asking that she
25 be removed from the courtroom at all. However,

1 sitting up there, they're holding hands, and that
2 sort of thing, I just don't think it's --

3 THE COURT: Well, just -- I'll take
4 notice of it, if things get of concern.

5 MR. WISE: Judge?

6 THE COURT: You don't have to say
7 anything.

8 MR. WISE: For what it's worth, I was on
9 a federal case and jurors during deliberations
10 looked up the meaning of a word in the jury
11 charge, and Fourth Circuit threw out a ten-day
12 federal trial.

13 THE COURT: Well, I threw that one out
14 too, and it just happened to be in Lexington
15 County where it doesn't surprise me that it was in
16 Lexington County.

17 Stand at ease until 9:30.

18 MR. BRACKETT: Thank you, Your Honor.

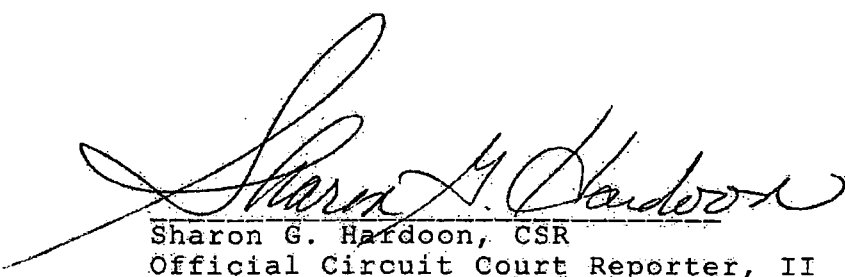
19 (The proceedings were adjourned at 5:45 p.m.)
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25

1 CERTIFICATE OF REPORTER

2
3 I, SHARON G. HARDOON, Official Circuit
4 Court Reporter, II for the State of South Carolina at
5 Large, do hereby certify that the foregoing is a true,
6 accurate and complete Transcript of Record of the
7 proceedings had and evidence introduced in the trial
8 of the captioned case, relative to appeal, in General
9 Sessions for Greenville County, South Carolina.

10
11 I do further certify that I am neither kin,
12 counsel, nor interest to any party hereto.

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16 February 17, 2020

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Sharon G. Hardoon, CSR
Official Circuit Court Reporter, II

STATE OF SOUTH CAROLINA
IN GENERAL SESSIONS
COUNTY OF GREENVILLE

The State of South Carolina,
Plaintiff,

vs.

Transcript of Record
2018-GS-23-02466A
2019-GS-23-1146A

William D. Lewis,

Defendant.

October 22, 2019
Greenville, South Carolina
Volume II

B E F O R E:

The HONORABLE G. THOMAS COOPER

A P P E A R A N C E S:

Kevin S. Brackett, Representing the State of South
Carolina
Willy Thompson, Representing the State of South
Carolina
Leslie Robinson, Representing the State of South
Carolina

Rauch Wise, Representing the Defendant,
William D. Lewis

SHARON G. HARDOON, CSR
Official Circuit Court Reporter, II

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1 THE BAILIFF: All rise. G. Thomas Cooper, 193
2 Jr. presiding.
3 THE COURT: Be seated, thank you.
4 Counsel, approach the bench.
5 (Bench conference off the record).
6 THE COURT: Any housekeeping matters that
7 need to be taken up before we receive the jury?
8 MR. WISE: None from the defense, Your
9 Honor.
10 MR. BRACKETT: None from the State, Your
11 Honor.
12 THE COURT: The State is ready to
13 proceed?
14 MR. BRACKETT: The State is ready.
15 THE COURT: Bring the jury, please.
16 (Jury enters the courtroom at 9:43 a.m.)
17 THE COURT: Good morning, Ladies and
18 Gentlemen. Mr. Tay, I appreciate your accepting
19 this great responsibility. We are now ready to
20 proceed with the trial.
21 Solicitor, call your next witness.
22 MR. BRACKETT: The State will call
23 Chief Deputy Marcus Davenport. I believe the
24 bailiff has just gone to call him from the witness
25 room.

Testimony of Marcus Davenport

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1 THE CLERK: Mr. Davenport, if you could
2 come to the Bible, please. Please place your left
3 hand on the Bible and raise your right hand. So
4 you swear or affirm to tell the truth, the whole
5 truth, and nothing but the truth, so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Thank you. Please take a
8 seat and state your name for the record.

9 THE WITNESS: Marcus Davenport.
10 WHEREUPON:

11 MARCUS DAVENPORT,
12 after having been sworn to tell the truth, testified
13 as follows:

14 DIRECT EXAMINATION

15 BY MR. BRACKETT:

16 Q All right. Sir, would you -- how old are you?

17 A I'm 47.

18 Q And where are you employed?

19 A Greenville County Sheriff's Office.

20 Q What do you currently do at the Greenville County
21 Sheriff's Office?

22 A Second in command at the Sheriff's Office.

23 My title is chief deputy.

24 Q What are your duties and responsibilities as the
25 chief deputy?

1 A Planning, budgeting meetings with the county
2 government and other organizations.

3 Q So you're second in command after the Sheriff?

4 A Yes, sir.

5 Q How long would you say you've been with the
6 Sheriff's Office?

7 A It will be 24 years in December.

8 Q Very good. In January of 2017, what was your job
9 title?

10 A I was a major, and basically in charge of
11 operations.

12 Q Would that be the number 3 position?

13 A Yes, sir.

14 Q So what did that job entail?

15 A Basically, liaison between the chief deputy,
16 who was John Eldridge at that time. My oversight
17 was pretty much making sure that captains were
18 doing their duties.

19 Q At that time, was there an understanding that
20 there was about to be a change in the chief deputy's
21 position?

22 A Yes, sir.

23 Q Had you been selected by the incoming, Will Lewis
24 to take over as chief deputy?

25 A Yes, sir. But it wasn't -- I don't believe

1 it was until after he actually took over that I
2 was informed.

3 Q Do you recall, of course, when -- in January of
4 2017, who was the previous sheriff?

5 A Steve Loftis.

6 Q And the incoming sheriff who came in?

7 A Will Lewis.

8 Q And is he in the courtroom?

9 A Yes, sir.

10 Q Can you point him out for us?

11 A Right there (indicating).

12 MR. BRACKETT: Your Honor, I'd ask the
13 record reflect the witness identified the
14 defendant.

15 THE COURT: The record will so reflect
16 the witness has identified the defendant.

17 BY MR. BRACKETT:

18 Q So, if he was elected in November of '16 and sworn
19 in in January of '17, when did his term end?

20 A It would have been 2021.

21 Q In January?

22 A Yes, sir.

23 Q When did you first meet the defendant?

24 A I'm trying to think back. It was probably --
25 I was promoted to the rank of sergeant around

1 2003, and, if I'm not mistaken, he was already on.

2 Q So he was previously employed with the Sheriff
3 office?

4 A Yes, sir.

5 Q Approximately when, if you can recall, did he
6 leave the Sheriff's Office?

7 A I wasn't on the same platoon at that point,
8 so I really don't know.

9 Q But, at some point, he was longer employed
10 there?

11 A Yes.

12 Q When did he first learn that he was running for
13 sheriff, do you know?

14 A Prior to the race. I don't know what day,
15 but prior to the race.

16 Q Maybe 2016?

17 A Yes, sir.

18 Q Did you interact with him at all during the period
19 of the campaign during the spring and early summer of
20 2016?

21 A No, sir. Other than I may have seen him at a
22 debate or two right around there, that's about it.

23 Q When did you actually learn he won the runoff for
24 the primary?

25 A Whenever that primary was that night, that's

1 when I learned.

2 Q Did he have opposition in the general election?

3 A Yes, sir.

4 Q He did. In the general election?

5 A No. I'm sorry. I got confused.

6 Q That's all right. He had opposition in the

7 primary.

8 A The primary, yes, sir.

9 Q Was anybody running -- and he ran as a Republican.

10 A Yes, sir.

11 Q Was there a democrat that had filed for sheriff?

12 A Not that I'm aware of.

13 Q So the primary was the end of it?

14 A Yes, sir.

15 Q There was no opposition in November?

16 A Correct.

17 Q Did you talk to him -- when did you first talk to

18 him in that period of time between him winning the

19 primary and being sworn in in January, did you have

20 occasion to talk to him? It was a transition period

21 at that period.

22 A We had a brief phone conversation. Nothing

23 about what was going to transpire right after. He

24 just said he would get with me, and we spoke after

25 that. I can't recall how long after that, but,

1 yes.

2 Q Was there some period of time prior to him taking
3 office that there was a meetings --

4 A Yes.

5 Q -- and discussions about the transition and what
6 was going to take place?

7 A Yes, sir.

8 Q Were you a part of that?

9 A Yes, sir.

10 Q When did you first meet Savanah Nabors?

11 A It was during that time, during one of those
12 transitional meetings. I don't know exactly when,
13 but during one of those meetings.

14 Q What did you understand was her role in the new
15 administration?

16 A She was going to be his personal assistant.

17 Q Did the previous sheriff, Sheriff Loftis, have a
18 personal assistant?

19 A No.

20 Q What was your first impression when you first met
21 her?

22 A I thought she was a little bit young. Didn't
23 have -- one way or another, I didn't have much of
24 an impression at all.

25 Q Did the defendant tell you how he knew Savanah

1 Nabors?

2 A Yeah. At one point, he did mention that he
3 knew her when she was younger as she was growing
4 up and she actually babysat his children.

5 Q And, at some point, did you come to understand
6 that she was actually on the payroll working with
7 him?

8 A Yes, sir.

9 Q That was prior to him taking office, she was a
10 county employee for a brief period?

11 A Yes, sir.

12 Q Fast forwarding to January 34rd, were you present
13 at the swearing in?

14 A Yes, sir.

15 Q We have a video of that. Was that command staff
16 that's on the stage with the Sheriff?

17 A If I'm not mistaken, there were actually two.
18 Maybe a private one. One I didn't attend. I had
19 a death in my family. The second one over in
20 County Square, yes, I was there.

21 Q You are one of these individuals in that video?

22 A Yes, sir.

23 Q And the Sheriff was there as well?

24 A Yes, sir.

25 Q Did you know anything at the time she started

1 about Savannah Nabors's salary?

2 A No.

3 Q Did you have any clear understanding of what her
4 actual job duties were going to be?

5 A Just basically get him to do whatever he
6 needed to do, as far as administrative duties and
7 things of that nature. Scheduling appointments,
8 is what I was told.

9 Q Did the previous sheriff, Sheriff Loftis, have an
10 administrative assistant?

11 A Yes.

12 Q A secretary?

13 A Jackie Cooper.

14 Q And did she remain in her position?

15 A Yes, sir.

16 Q Where was her desk physically located?

17 A Just outside the Sheriff's Office.

18 Q And is that where she was for Sheriff Loftis?

19 A Yes.

20 Q And I think you said you've been there 24 years?

21 A It will be 24 in December.

22 Q Who was the Sheriff before Loftis?

23 A Sam Simmons.

24 Q And who was his administrative coordinator?

25 A Johnny Mack Brown. I'm sorry. I don't know

1 because I wasn't at that portion of the building.

2 I was just a sergeant back on the other end. A
3 deputy, so I can't remember.

4 Q All right. From your working with Miss Cooper,
5 did you have understanding about her competence and
6 familiarity --

7 A Yes.

8 Q -- with the agency and the history and all the
9 where things were, and that sort of thing?

10 A Yes.

11 Q Did she know her job?

12 A Yes, sir.

13 Q Did you come to learn of any additional -- besides
14 salary, additional perks or benefits for Miss Nabors
15 related to her job?

16 A She had a vehicle, that I'm aware of, a cell
17 phone, computer, and I believe an iPad.

18 Q All right. How many administrative assistants or
19 civil employees have cars and a cell phone?

20 A None, that I'm aware of it.

21 Q Was her car a newer car or an older car?

22 A Newer.

23 Q Was it a brand-new car?

24 A Yes, sir.

25 Q What kind of car was it?

1 A Ford Explorer.

2 Q In the hierarchy, since people in the jury
3 probably aren't familiar with law enforcement and the
4 importance of cars and vehicles in law enforcement,
5 and new cars versus driving older cars, can you give
6 them some idea about that?

7 A It's a big deal. That's your roaming office,
8 and that's where you spend 12 hours plus per day,
9 so it's a pretty big deal.

10 Q The people who work at the law enforcement center,
11 where do they park?

12 A Typically, most people park in the back
13 parking lot. The certified deputies, most of them
14 park in the back parking lot.

15 Q Is it a big parking lot?

16 A It's not big enough. It's got a good size to
17 it.

18 Q Where do people have to park if they can't park
19 back there?

20 A Up front on the curb, just wherever you can
21 find a space.

22 Q Are there spots in that parking lot right there
23 adjacent to the law enforcement center?

24 A Yes.

25 Q Does the Sheriff have a reserved spot?

1 A Yes.

2 Q Does the chief deputy have a reserved spot?

3 A Yes.

4 Q How far down the chain of command -- how far down
5 the food chain does it run before you stop getting a
6 reserved spot?

7 A Typically, lieutenant. That's pretty much
8 where it stops.

9 Q Did Savannah Nabors have a reserved spot?

10 A Yes.

11 Q Were you, or did you become aware of
12 Savannah Nabors's involvement in operational issues,
13 like, crime scenes and that sort of thing?

14 A Yes. You said when?

15 Q Did you become aware?

16 A Yes. I became aware, yes.

17 Q What did you understand about that?

18 A That she showed up at a couple different
19 crime scenes.

20 Q Could you explain to the jury, since, again, they
21 are not law enforcement, what is the significance of a
22 crime scene and what do you do, typically, if there
23 was a shooting incident?

24 A To make it easy, basically, you want to
25 preserve evidence. You want to include as many

1 people or delete as many people as possible. You
2 may have shell casing down, an article of some
3 type, you want to preserve that. That's, kind of,
4 no man's land.

5 Q As the chief deputy, if there was a shooting on
6 the street in Greenville tomorrow and you arrived five
7 minutes as they're putting tape around it, would you
8 go into the crime scene?

9 A No, sir.

10 Q Who goes into the crime scene?

11 A The techs, the investigators. The evidence
12 techs and investigators.

13 Q And what's the purpose of keeping other people
14 out?

15 A Because you don't want to contaminate that
16 specific area.

17 Q Is that a fairly big deal in law enforcement?

18 A Yes, sir.

19 Q People were just allowed to wander willy-nilly
20 through the crime scene, what impact would that have
21 on the case later in the prosecution?

22 A You probably wouldn't have much of a case, so
23 that was -- actually happened.

24 Q During those first couple of months, January and
25 February, did you -- were you able to observe -- let

1 me ask this first: Where is your office in relation
2 to the Sheriff's?

3 A My office would have been -- back in those
4 few months until I took over as chief deputy would
5 have been at the opposite end of the hallway. If
6 you're familiar with LEC, like I said, it's a
7 pretty good distance.

8 Q And where is it now?

9 A Right next to the Sheriff's Office.

10 Q In the capacity that you were in then, did you
11 have occasion to be down at the Sheriff's Office
12 regularly?

13 A Yes, sir.

14 Q And did you see Miss Nabors and the defendant
15 interacting pretty much on a daily basis?

16 A For the time I was down there, yes, sir.

17 Q And what was your impression of their
18 relationship?

19 A They were friendly. Obviously new each
20 other.

21 Q How does a deputy refer to you now?

22 A Chief.

23 Q They call you chief?

24 A Yes, sir.

25 Q They don't call you Marcus or Marc?

- 1 A Yes.
- 2 Q Sergeants?
- 3 A Sergeants, yes, sir.
- 4 Q Is there a hierarchy in law enforcement?
- 5 A Yes, sir.
- 6 Q Almost like a military?
- 7 A Yes.
- 8 Q So what do you call the -- who is -- the interim
- 9 sheriff now is who?
- 10 A Sheriff Brown.
- 11 Q What did you call him?
- 12 A Sheriff.
- 13 Q Does everybody else call him sheriff?
- 14 A Yes, sir.
- 15 Q What did Savannah Nabors call the defendant?
- 16 A I've heard her call him Will and I heard her
- 17 call him sheriff as well, but both.
- 18 Q Did they seem familiar?
- 19 A Yes.
- 20 Q In fact, during this time period, was she with him
- 21 most of the time wherever he went?
- 22 A When I saw him, yes.
- 23 Q Now, tell the jury, if you could, what is the BMW
- 24 performance track?
- 25 A Oh, it's -- from my understanding, it's

1 basically something that is done as a team
 2 building exercise.
 3 Q What is it?
 4 A What is it? You drive. You drive on their
 5 track.
 6 Q Where is it?
 7 A It's up in Duncan, Spartanburg County.
 8 Q Is it just open to anybody that wants to go
 9 there?
 10 A No, no.
 11 Q Do you know somebody at BMW?
 12 A Yes, sir.
 13 Q Were you able to arrange a trip to go visit?
 14 A Yeah, I scheduled a trip for myself, the
 15 Sheriff, Joe Kernell who is the county
 16 administrator, and former chief deputy, John
 17 Eldridge.
 18 Q Is this a fairly nice thing to be able to go do?
 19 A Yes, sir.
 20 Q Now -- so it was you, then Chief Deputy Eldridge,
 21 the new sheriff, Will Lewis, and Joe Kernell?
 22 A Yes.
 23 Q And tell us how that day went when you went?
 24 A I want to say I probably arrived first
 25 because I scheduled it. Joe and John showed up

- 1 shortly after. And then shortly after then
- 2 Sheriff Lewis showed up with Savannah Nabors.
- 3 Q Okay. Did you expect Savannah --
- 4 A No, I didn't.
- 5 Q -- Nabors to do that?
- 6 A No, sir.
- 7 Q How many people had you booked?
- 8 A Four.
- 9 Q How many people did you have now?
- 10 A Five.
- 11 Q Did that create a problem?
- 12 A A little bit. I spoke to my contact, and he
- 13 said, we can work it out. Typically, when you go
- 14 with someone up there, you go in the same car with
- 15 somebody else that you're affiliated with, not all
- 16 the time. So that obviously threw our numbers
- 17 off. I ended up driving solo. John and Joe ended
- 18 up in my group, and Will and Savannah ended up in a
- 19 different group.
- 20 Q So Will and Savannah drove in their own car?
- 21 A Yes, sir.
- 22 Q I want to turn your attention to March of 2017.
- 23 Do you recall an out-of-town budget retreat?
- 24 A Yes. In Charlotte, North Carolina.
- 25 Q It was supposed to be in Charlotte?

1 A Yes.

2 Q When did you first hear about this?

3 A There was some discussion. Will wanted to
4 get together with the county administrator to
5 discuss some budgetary issues, and said it would
6 be a good idea if we could get out of town and get
7 that scheduled, and that way we could actually
8 work on what we needed to work on and not be
9 distracted by what was going on here.

10 Q Whose idea was it to go to Charlotte?

11 A Will.

12 Q About how long before the trip do you recall the
13 first time you heard that this was --

14 A Probably a few weeks. I can't say exactly,
15 but probably a few weeks.

16 Q Okay. Now, how were you supposed to get to
17 Charlotte?

18 A Drive.

19 Q Do you recall what time you left on the 7th?

20 A Sometime after work. I can't be exact that
21 day, but sometime after work.

22 Q And where were you going to Charlotte?

23 A The Hyatt Place hotel.

24 Q And did you -- how was the -- who was the first
25 person to arrive there?

- 1 A Myself.
- 2 Q And did you check in at that time?
- 3 A Yes, sir.
- 4 Q The cost of the hotel and the expenses at the
- 5 hotel, how were those paid?
- 6 A My credit card.
- 7 Q And why did you use your credit?
- 8 A He didn't have -- the Sheriff didn't have a
- 9 card at that point, so it was placed on mine.
- 10 Q So it was expenses for everybody, or just the
- 11 Sheriff's Office?
- 12 A Just the Sheriff's Office. Three invoices
- 13 for the Sheriff's Office.
- 14 Q And those were ultimately run on your card. Who
- 15 issues you that card?
- 16 A I get it from County Square procurement, is
- 17 where it comes from.
- 18 Q And do you pay the credit card bill out of your
- 19 personal funds?
- 20 A No, sir.
- 21 Q Whose funds pay for the credit card bill when it
- 22 comes in?
- 23 A The Sheriff's Office.
- 24 Q The Sheriff's Office. With money -- where is the
- 25 money appropriated from?

Testimony of Marcus Davenport

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1 A It's allotted from travel and training. The
2 travel and training budget.

3 Q And where does the travel and training money come
4 from?

5 A The budget, basically. There's a line item
6 on the budget where it comes out of.

7 Q The budget is appropriated to the Sheriff by
8 who?

9 A The County Administrator.

10 Q And does the budget process go through County
11 Council?

12 A Yes, sir.

13 Q And, ultimately, whose money is this? Who's
14 paying for this?

15 A The public.

16 Q The public is paying for this?

17 A Yes, sir.

18 Q I'm showing you sir what's been marked as
19 State's Exhibit 14, and I previously shared this with
20 counsel.

21 MR. WISE: That's correct, Your Honor.

22 BY MR. BRACKETT:

23 Q State's Exhibit 14 for identification. Can you
24 take a look at that and tell me if you recognize those
25 documents?

1 A Yes, sir, I do.

2 Q And what are those?

3 A Hotel receipts and dinner receipts.

4 Q And from what hotel?

5 A Hyatt House.

6 Q And is that the hotel you stayed at in
7 Charlotte?

8 A Yes, sir.

9 Q Are these receipts reflective of expenses incurred
10 on the trip that you've been talking about?

11 A Yes.

12 Q And does that accurately depict the receipts and
13 bills as incurred for the trip to Charlotte?

14 A Yes, sir.

15 MR. BRACKETT: Your Honor, at this time,
16 I would move State's 14 for identification into
17 evidence.

18 MR. WISE: Let me look at one thing on it
19 real quick. I think it's on the first few pages.

20 Okay.

21 MR. BRACKETT: Any objection?

22 MR. WISE: No objection.

23 THE COURT: Without objection.

24 THE COURT: What number is that?

25 MR. BRACKETT: This would be State's

1 Exhibit 14.

2 THE COURT: 14.

3 MR. BRACKETT. Yes, sir.

4 (STATE EXH. 14, GCSO Charlotte
5 Receipts, was entered into evidence.)

6 BY MR. BRACKETT:

7 Q So are -- all of the items that are listed on
8 this, were these all expenses incurred on that trip?

9 A Yes.

10 Q And all paid for with the county credit card that
11 you were just referencing?

12 A Yes, sir.

13 Q What, again, was the point of this meeting in
14 Charlotte? What were you attempting to accomplish?

15 A Budgetary. We wanted to try to get a raise
16 for deputies, master deputy up to lieutenant, and
17 also trying to get our vehicle fleet updated.

18 Q Now, picking back up where we left off. You
19 arrived at check in?

20 A Yes, sir.

21 Q And you were the first one there?

22 A Yes, sir.

23 Q And who else arrived next?

24 A Savannah and Will arrived next.

25 Q Were you there when they arrived?

1 A Yes.

2 Q And they checked in?

3 A Yes.

4 Q And who else were you expecting?

5 A The county administrator and his two

6 assistants.

7 Q His two assistants were?

8 A Shannon Herman and John Hansley.

9 Q Very good. And, ultimately, did they arrive?

10 A Yes, sir.

11 Q And, approximately, how long after, do you

12 recall?

13 A Probably a couple hours. As far as John and

14 Joe?

15 Q Yes, sir.

16 A Yeah, probably a couple of hours.

17 Q Did they arrive together?

18 A Yes.

19 Q Now, what did you do? What happened after --

20 A When they got there, we sat down at the lobby

21 area and ordered food and drinks.

22 Q And who is "we"?

23 A All six parties.

24 Q All right. And how long did you stay? When you

25 say the lobby area, can you describe the place you're

1 talking about?

2 A You go in, I believe you make a right from

3 that front desk, or something. It's a typical

4 restaurant, slash, bar, little seating area.

5 Q And who -- you ordered food?

6 A Yes, sir.

7 Q And some drinks?

8 A Yes, sir.

9 Q About how long were you there?

10 A Probably an hour or so. Maybe a little

11 longer. I can't recall exactly.

12 Q Did the bar -- did the restaurant lobby bar --

13 A Yes.

14 Q -- close at some point?

15 A Yes.

16 Q And where did you go after that?

17 A We went after that to an Irish pub that was

18 probably a 10-, 15-minute walk away from there.

19 Q And what did you do at the Irish pub?

20 A Sat, drank, and had a conversation.

21 Q Were all six of you together at this point?

22 A Yes.

23 Q And how long did you stay at the Irish pub?

24 A Had to be at least an hour or so, I don't

25 know exactly how long, but...

Testimony of Marcus Davenport

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- 1 Q Can you tell us what you did then?
- 2 A Basically, just talked. People got familiar
- 3 with each other, as far as knowing who each other
- 4 was.
- 5 Q Did you have drinks?
- 6 A Yes.
- 7 Q Was there a round a shots or two ordered?
- 8 A Yes, I'm sure.
- 9 Q Who ordered those?
- 10 A I can't say specifically.
- 11 Q What was the conversation topic, do you recall?
- 12 A Nothing specifically. Just casual
- 13 conversation.
- 14 Q After some period of time there you left?
- 15 A Yeah, I had to leave. I left my phone back
- 16 in my room, so I was gone maybe for about -- I
- 17 don't know. Round trip, 20 minutes to walk back
- 18 down and walk back up.
- 19 Q And you returned back?
- 20 A Yes.
- 21 Q And stayed for about how long?
- 22 A A few more minutes. I can't say. Maybe 30
- 23 or so.
- 24 Q Now, how many drinks did everybody have, do you
- 25 recall?

1 A Sorry, I can't recall.

2 Q Do you remember how many rounds of shots were

3 ordered?

4 A Not specifically.

5 Q And when you left, did you all leave together --

6 A Yes.

7 Q -- as a group?

8 A Yes.

9 Q When you walked out, were you the first person

10 out, the last person out?

11 A To my knowledge, I believe I like the last

12 person out. There's entryway obviously. You

13 can't fit probably two people through there if it

14 was even that big.

15 Q Okay. When you walked out onto the sidewalk, did

16 you notice anything unusual?

17 A Yeah, at that point, it kind of looked like

18 Will had stumbled down. I didn't know what caused

19 him to stumble at that point. That's what I

20 saw.

21 Q Where did you go after you left the pub?

22 A We left there and went back to the hotel.

23 Q And did you do anything further at the hotel?

24 Where did the group disperse to after that?

25 A We all got on the elevator, to my knowledge,

1 that I recall. I know I got on the elevator and
2 went back to my room.

3 Q And where was the defendant and Savannah Nabors
4 when you got on the elevator?

5 A They were still on the elevator.

6 Q Did you see them again later that night?

7 A No.

8 Q Hear anything from them?

9 A No.

10 Q No further communication?

11 A No, sir.

12 Q What time did you get up the next morning, do you
13 recall?

14 A Typically, I get up around 7:00-ish.

15 Q What did you do?

16 A Went down -- obviously, I got ready and went
17 downstairs for breakfast, and John and Joe were
18 already downstairs.

19 Q And did you join them?

20 A Yes.

21 Q And chat?

22 A Yes.

23 Q Who else joined you?

24 A Shannon Herman, and, after that, Will came
25 down shortly after that.

1 Q And what was the plan for the morning? What were
2 you supposed to do?

3 A We were going to discuss what we are there
4 for, and that was the potential raises, as well as
5 discuss the fleet.

6 Q Budgetary issues.

7 A Yes.

8 Q Was Savannah there?

9 A No.

10 Q Do you know where she was?

11 A I assumed in her room, but I didn't know at
12 that point.

13 Q Did you comment on why she wasn't present for
14 this?

15 A At some point, Will made the -- informed us
16 that she was feeling well.

17 Q So, did you all see eventually -- the five of you
18 without Savannah, did you have some sort of a meeting
19 that morning?

20 A Yes, sir. We started talking. And shortly
21 after that, we left to go grab some coffee.

22 Q And where did you all meet?

23 A Downstairs in the lobby in the breakfast
24 area.

25 Q And how long did you talk before -- I mean, at

1 that first initial session?

2 A Maybe 30 minutes or so. I'm really not
3 sure.

4 Q Not long?

5 A No, sir.

6 Q And what were the topics of conversation during
7 this first initial meeting?

8 A Just some initial -- like I said, she had a
9 lot of -- when I say "she," I'm talking about
10 Savannah. We had made packets and, kind of, passed
11 those packets around and so forth. Just, again,
12 what we were planning on doing that day and
13 discussing those issues.

14 Q But she wasn't there to explain the packets?

15 A No, sir. No, sir.

16 Q Does this look like --

17 A Yes, sir.

18 Q -- the packet --

19 A From what I can see, yes.

20 Q -- you all were talking about. What does it say
21 on the front?

22 A Greenville County Sheriff's Office 2017
23 Salary Adjustment Proposal.

24 Q So that was a proposal that you all were bringing
25 forward?

1 A Yes, sir.

2 Q And, basically, for the salaries, what were you
3 attempting to accomplish for the county?

4 A Trying to adjust to get us up to par to where
5 everybody else -- as far as retention, trying to
6 hold on to our deputies.

7 Q So there were basically suggestions or requests to
8 adjust certain salaries upwards?

9 A Yes. From master deputy up to lieutenant.

10 Q For example, the first page is lieutenants, what
11 were you attempting to get lieutenants up to?

12 A 30.50 an hour.

13 Q Which is how much a year?

14 A Sixty-three -- sixty-three four.

15 Q So that was the goal, to try to get lieutenants up
16 to sixty-three four?

17 A Yes.

18 Q And then you also had goals for the sergeants --

19 A Yes, sir.

20 Q -- as well?

21 A Yes. And master deputies.

22 Q And master deputies. I think you said after
23 meeting for some period without Savannah, did you all
24 decide to break?

25 A Yes.

- 1 Q Where did you go?
- 2 A Starbucks.
- 3 Q Did anybody -- had anybody tried to reach out to
- 4 Savannah at this point?
- 5 A I don't know if he did at that point. I know
- 6 later one, he did, basically to get her a
- 7 coffee.
- 8 Q When did you first see Savannah?
- 9 A Walking back to the hotel.
- 10 Q And how did she appear to you?
- 11 A She looked sick. A little disheveled.
- 12 Q And what are you thinking as see her coming down
- 13 the sidewalk towards you? What are you thinking is
- 14 wrong with her?
- 15 A Probably had too much to drink.
- 16 Q So, did she join the group at this point?
- 17 A Yes.
- 18 Q And join the discussions?
- 19 A Yes.
- 20 Q Where did you go when you returned back from
- 21 Starbucks?
- 22 A Back inside the hotel lobby. Over to the
- 23 side, there was, kind of, a quiet space nook area,
- 24 and that's where we conducted business.
- 25 Q And what did you discuss during this time

1 period?

2 A Salaries and vehicles.

3 Q How much longer did you meet for this period?

4 A Probably a couple hours before lunchtime. I

5 can't exactly say the specific time.

6 Q This is two and a half years ago, so nobody is

7 holding you to -- you weren't taking notes on time for

8 this, right?

9 A Right.

10 Q As a matter of fact, was this event even

11 significant to you at all?

12 A No.

13 Q Months afterwards?

14 A No, just like normal business.

15 Q So you don't have any reason to remember this?

16 A Nope.

17 Q Until a few months later?

18 A Correct.

19 Q Where did you go -- do you remember where you went

20 to lunch?

21 A I think it was something -- had the name

22 roost in it, or something of that nature. It was

23 wasn't too far. Maybe a 10-minute walk.

24 Q Who all went?

25 A Everybody.

1 Q Including Miss Nabors?

2 A Yes, sir.

3 Q About how long did you take to go to lunch?

4 A An hour or so. It was lunchtime in Charlotte
5 so however long it takes to get your food and so
6 forth.

7 Q During this time period when you're meeting in the
8 nook and then you're going to lunch and eating lunch
9 and you're walking back, did you notice anything
10 unusual or anything stand out to you about Miss
11 Nabors's appearance or how she behaved?

12 A Everything seemed normal.

13 Q Was she participating in the discussions?

14 A Yes, sir.

15 Q And about what time did you knock off the budget
16 discussions after you returned? What did you do after
17 you returned from lunch? Let me ask you that.

18 A We went back, started discussing again, and I
19 want to say, to the best of my knowledge, 4:30,
20 5:00, somewhere in there.

21 Q What was the plan for the evening?

22 A We were going to have dinner and go out to
23 the Epicentre, which is a complex close to where
24 we were staying. Different bars and karaoke bars,
25 and things of that nature.

- 1 Q And did you ultimately do that?
- 2 A Yes.
- 3 Q Do you remember where you ate for dinner, or what
- 4 kind of food it was?
- 5 A If I'm not mistaken, was an Italian
- 6 restaurant.
- 7 Q And, again, did all six of you attend dinner?
- 8 A Yes, sir.
- 9 Q And you had drinks at dinner?
- 10 A Yes, sir.
- 11 Q Now, how long did you stay at the Italian
- 12 restaurant?
- 13 A If I'm not mistaken, we had to wait for a
- 14 little while to actually get in, so maybe an hour,
- 15 hour and a half.
- 16 Q And where did you go after that?
- 17 A We left there and went over to a karaoke bar
- 18 at the Epicentre, which was not too far. Just
- 19 down the street.
- 20 Q Now, was -- did you all stay to go or did anybody
- 21 break off from the group for a little bit of time
- 22 during this period?
- 23 A Most of the time, I think we were together.
- 24 I think Will may have stopped off and got him some
- 25 dip, or something of that nature. What, in that

1 complex, everything is located right there.

2 Q So he left the group. Did he rejoin you?

3 A To the best of my recollection.

4 Q And do you remember the place you went to at the
5 Epicentre?

6 A Something Lizzy's, or something like that. I
7 can't remember the name of it.

8 Q How long did you stay there?

9 A A couple hours.

10 Q And were drinks being had?

11 A Yes, sir.

12 Q What was going on at this bar?

13 A Nothing. Just basically sitting at the table
14 talking, and observing people when they're doing
15 the karaoke thing.

16 Q Did you interact with people outside the group?

17 A I didn't, no.

18 Q Did anybody else?

19 A Yeah, I saw a couple people talking to
20 people. Yes, sir.

21 Q At some point, did Mr. Hansley leave the group?

22 A He did.

23 Q And where did he go?

24 A I assume back to the hotel. I didn't ask
25 him.

1 Q You just saw he was back?

2 A Yes, sir.

3 Q But the rest of you stayed there?

4 A Yes, sir.

5 Q And for some period of time?

6 A Yes, sir.

7 Q And do you know about how long you stayed after

8 Hansley left?

9 A Not off the top of my head. At least 48

10 minutes or so.

11 Q Where did you go after this place?

12 A There was another place inside the Epicentre

13 that we went to. Probably 15, 20 minutes that we

14 actually stayed there.

15 Q Was this a restaurant, a bar?

16 A No. Probably more of a restaurant, bar,

17 nightclub, right around in there.

18 Q And how long did you say you stayed there?

19 A Fifteen, 20 minutes. It wasn't very long.

20 Q Long enough to have a drink?

21 A Yeah, it was getting late. Yes, sir.

22 Q Was it getting close to closing time?

23 A Probably so. I would think so.

24 Q Where did you go after this place you were at for

25 a short period of time?

- 1 A Straight back to the hotel.
- 2 Q So now it's the five of you because Mr. Hansley
- 3 left?
- 4 A Correct.
- 5 Q And when you left the hotel, what level of
- 6 intoxication would you say -- what was everybody's
- 7 condition?
- 8 A Everybody was fine. I didn't see anybody
- 9 stumbling or falling down, anything like that.
- 10 Q Did you return to the hotel together as a group?
- 11 A Yes.
- 12 Q And when you got to the hotel, where did you go?
- 13 A Straight to the elevator and to my room.
- 14 Q Did you see the defendant and Miss Nabors?
- 15 A It's spend so long, but I want to say, again,
- 16 everybody was probably on the elevator and I know
- 17 I got off first.
- 18 Q When was the last time you saw them, on the
- 19 elevator in the lobby?
- 20 A When I exited, yes, sir.
- 21 Q What took place the next morning?
- 22 A Myself, Will, and Savanah went to breakfast,
- 23 again, back over towards the Epicentre, and,
- 24 basically, had a conversation about how do we
- 25 think the meeting went. Will we get this approved

1 and will we get that approved.

2 Q Did you notice anything unusual about either the
3 defendant or Miss Nabors's demeanor at that time?

4 A No, sir.

5 Q Nothing stood out?

6 A No.

7 Q Were you looking for anything?

8 A No, just sitting there talking about that and
9 eating breakfast.

10 Q After breakfast, where did you go?

11 A I went back to hotel and gathered my bag and
12 drove back to Greenville.

13 Q Do you remember about what time you left out of
14 the hotel?

15 A It was before noon, obviously, because of
16 checkout. About 10:00, 11:00. I'm not sure.

17 Q Describe for the jury -- when you went back, did
18 you drive back alone or one of two of them?

19 A No, I drove back solo.

20 Q So, describe for the jury, if you can, what was
21 the relationship as you observed it between the
22 defendant and Miss Nabors over the next six weeks?

23 A Again, my office was at the end of the hall.
24 When I had contact with them together -- well, if
25 I had contact with her, it was to set up a meeting

1 for him to go to, or some kind of correspondence,

2 As far as seeing them together, everything
3 seemed normal. I didn't see anything out of the
4 ordinary. Again, I wasn't looking for anything, but I
5 didn't see anything out of the ordinary.

6 Q When did you learn that there was an issue?

7 A Later on -- I guess it would have been April.
8 I learned there was an issue because one of the
9 captains, Ty Miller, a female, contacted me on a
10 Saturday and said, you know, Savannah wants to me
11 with me. I don't know what's going on. We may
12 have an issue.

13 Q And how long did Savannah remain employed at the
14 Sheriff's Office after that phone call from
15 Miss Miller?

16 A That would have been on Saturday. And, to my
17 knowledge, Monday she was gone. I didn't see her
18 again after -- well, I don't know when is the last
19 time I saw her. I know she was supposed to report
20 back to work on that Monday, but I never saw
21 her.

22 Q From the time she left to, say, about August, did
23 you have -- was Savannah Nabors on your radar for any
24 reason?

25 A No, sir. She seemed just like another

1 employee.

2 Q She's gone and that's that?

3 A Yes, sir.

4 Q When did she pop up on your radar next?

5 A When I was made aware of this blog, her
6 basically claiming a sexual assault that
7 happened.

8 Q Do you know about when that was?

9 A I don't know what the date was, but just
10 whenever the blog came out.

11 Q Did you have occasion to talk to the defendant, or
12 him to you, or to groups of people in the Sheriff's
13 Office about these accusations?

14 A Yes, sir.

15 Q And what was the nature of his comments?

16 A He denied any type of interaction.

17 Q Any kind of sexual interaction?

18 A Yes.

19 Q How many times did he deny?

20 A Several.

21 Q Ultimately, did you become aware that a lawsuit
22 had been filed?

23 A Yes.

24 Q Were you present at a press conference --

25 A Yes.

1 Q -- that Mr. Lewis had?

2 A Yes.

3 Q Do you recall that?

4 A Don't remember the ins and outs, but,

5 basically, him having a press conference about

6 what had transpired.

7 Q At that press conference, what did he say?

8 A I can't remember exactly, sir.

9 Q Did you acknowledge --

10 A Yes.

11 Q -- that there had been an a sexual relationship?

12 A Yes.

13 Q Did you also come to learn about this claim that

14 Savannah Nabors had that he had known her since she was

15 young and she had babysat for him?

16 A Yes.

17 Q What did you learn about that?

18 A That it was false.

19 Q During the time period February, March, did the

20 defendant share with you any -- did you have any

21 discussions with him about trying to get Savannah

22 Nabors a raise?

23 A Yes. He mentioned that she had been doing,

24 you know, good, hard work and he wanted to see if

25 he could go ahead and get her a raise.

1 Q And at this time point in time, she had been
2 working for how long?

3 A It wasn't very long. A few months.

4 Q Just one more question unrelated to
5 Savannah Nabors, but are there chaplains at the
6 Greenville County Sheriff's Office?

7 A Yes.

8 Q What do they do?

9 A Basically, serve as a spiritual guide for
10 deputies, our male and female deputies.

11 Q In the course of their duties, are they employees?

12 A We have one that is a full-time employee. He
13 was a chaplain. Left his church and decided to go
14 back to the criminal justice academy and get
15 certified, and now he is a full-time deputy and a
16 chaplain.

17 Q And he counsels officers?

18 A Yes, sir.

19 Q Does law enforcement -- is there some reason you
20 need a counselor in law enforcement?

21 A You see a lot of bad things. You hear a lot
22 of bad things. Just the nature of the beast, yes,
23 sir.

24 Q In the course of their duties, do the chaplains --
25 the one who is paid and employed as a deputy and some

1 of the volunteers, do they sometimes ride with the
2 deputies?

3 A Yes, sir.

4 Q And when you're riding with a deputy, are you
5 exposed to the same dangers they are?

6 A Yes.

7 Q And do those chaplains, or at least the one who is
8 certified as a law enforcement officer, does he have a
9 bulletproof vest?

10 A He does.

11 MR. BRACKETT: Court's indulgence one
12 moment. Thank you very much, Chief. I appreciate
13 it.

14 THE WITNESS: Yes, sir.

15 MR. BRACKETT: Please answer any
16 questions counsel for the defendant may have.

17 THE COURT: Cross-examination.

18 CROSS-EXAMINATION

19 BY MR. WISE:

20 Q Chief, how did the meeting go?

21 A It went well. Ultimately, we got -- our
22 goals were set, and ultimately we got what was
23 requested.

24 Q You all spent roughly 8:30 in the morning to 4:35
25 in the afternoon discussing it?

1 A Yes, sir.

2 Q And I'm correct in assuming that even when you all
3 went out to dinner, you all continued to discuss the
4 issues involving the budget of the sheriff's
5 department and the County?

6 A Yes, sir.

7 Q So it wasn't just 8:30 to 5:30 or 5:00?

8 A No.

9 Q It was basic topic of discussion when you all were
10 out eating?

11 A Yes, sir.

12 Q Do you remember anybody at one point in the
13 evening saying let's quit talking about the budget?

14 A I can't say. I'm sure it probably came up,
15 yes.

16 Q Do you know Joe Kernell knew Will Lewis before he
17 became sheriff?

18 A I don't know what the extent -- I'm not sure
19 what their relationship was.

20 Q Do you think the meeting in Charlotte was
21 beneficial to the sheriff's department?

22 A Yes, sir.

23 Q Did Will Lewis achieve some of his goals at that
24 meeting?

25 A Yes, sir.

1 Q The goals concerning raising salaries for
2 people?

3 A And vehicles, yes, sir.

4 Q Now, are you familiar at all with -- even
5 generally, the budgetary process with Greenville
6 County and the sheriff's department?

7 A Yes, sir.

8 Q All right. The sheriff doesn't raise money, does
9 he?

10 A No.

11 Q It's dependent upon whom for his budget? Who is
12 he dependent upon for his budget?

13 A County council.

14 Q So, literally, am my correct in saying literally
15 the sheriff's department can't spend money without
16 approving of the county council?

17 A Yes.

18 Q They can request money.

19 A Yes.

20 Q And they can request funding for different
21 positions.

22 A Yes.

23 Q But the money has to be approved by the county?

24 A That's correct.

25 Q So Savannah was late getting there, but was there

1 late morning and all afternoon?

2 A Yes, sir.

3 Q And she participated in discussions?

4 A Yes, sir.

5 Q And she was sitting next to him, next to Will?

6 A I can't remember, but somewhere close.

7 Yes.

8 Q Did you ever observe anything unusual in her
9 behavior with Mr. Lewis in any of those meetings?

10 A No.

11 Q All right. Now, do you think that the trip -- do
12 you think you could have accomplished what you did on
13 that trip sitting in an office in Greenville?

14 A Probably so.

15 Q All right. Would Joe Kernell have gotten to know
16 Will Lewis as well sitting in an office in Greenville
17 as he did on that trip?

18 A Probably not.

19 Q Okay. And the relationship between the Sheriff
20 and Joe Kernell is important to the sheriff's
21 department?

22 A Very much.

23 Q And if they get to know each other, that benefits
24 the sheriff's department?

25 A Yes.

1 Q And that could not have been accomplished in
2 Greenville then?

3 A It would be hard, but...

4 Q Over time, perhaps.

5 A Yes, sir.

6 Q But certainly not over two days?

7 A Right.

8 Q Okay. Now, you all went out the second night to a
9 place in Charlotte?

10 A Uh-huh.

11 Q Do you recognize this picture?

12 A Yeah, that's a picture that we took. Yes.

13 Q And that's the second night?

14 A Yes.

15 MR. WISE: I'd like to move this in as an
16 exhibit.

17 MR. BRACKETT: No objection.

18 THE COURT: Is that 1?

19 COURT REPORTER: 1, Your Honor.

20 (DFT. EXH. 1, Picture; 2nd night in
21 Charlotte, was marked and entered into evidence.)

22 BY MR. WISE:

23 Q Tell us who is depicted in that picture?

24 A That is myself and Savannah Nabors in that
25 picture.

1 Q Do you know who took it?

2 A No, I really don't.

3 Q She looks happy in that picture?

4 A Yes, sir.

5 Q Did you notice that night anything about her being
6 upset?

7 A No.

8 Q Anything at all unusual about her demeanor?

9 A No.

10 Q All right. The next morning did -- the final
11 morning when you all went to breakfast everybody
12 participated in the discussion?

13 A Yes.

14 Q Did she seem at all upset?

15 A No.

16 Q Did she seem standoff-ish to Will or anything?

17 A No.

18 Q Everybody get along?

19 A Yes.

20 Q Let me phrase it this way: If she had been
21 standoff-ish towards Will would that have been obvious
22 to you?

23 A Probably so.

24 Q Would it have been something that attracted your
25 attention?

- 1 A Yes, sir.
- 2 Q Because it wasn't there -- let me rephrase it.
- 3 So, if they had been standoff-ish, you think
- 4 you would have noticed it.
- 5 A Yes.
- 6 Q But it didn't happen?
- 7 A No, sir.
- 8 Q And nobody was -- either night was very much
- 9 intoxicated?
- 10 A I never saw them stumble. I didn't see any
- 11 obvious signs.
- 12 Q Everybody had been drinking?
- 13 A Yes, sir.
- 14 Q But that's it?
- 15 A Yes.
- 16 Q When you checked into the hotel, your room was
- 17 prepaid for, wasn't it?
- 18 A I don't remember. It seemed like it was
- 19 booked, though.
- 20 Q Do you know if the hotel asked you for a credit
- 21 card to put incidentals on?
- 22 A Probably so, that's their procedure.
- 23 Q Generally, it's a policy?
- 24 A It's a policy.
- 25 Q Because if it's prepaid, just the room is

1 authorized?

2 A Yes.

3 Q So, after -- let me go back to one other thing.

4 At a crime scene, a good crime scene person has a
5 crime scene log, don't they?

6 A Yes, sir.

7 Q And a crime scene log does what?

8 A Basically, it shows accountability, who was
9 inside and who wasn't.

10 Q Who walks past the line?

11 A Yes, sir.

12 Q All right. So if Savannah Nabors had walked into a
13 crime scene, she would have been on the crime scene
14 log?

15 A Should have been.

16 Q And you haven't had an opportunity to check to see
17 if she ever walk into a crime scene?

18 A That's not part of my duties as far as that
19 goes.

20 Q And nobody asked you to do that for this trial?

21 A No.

22 Q So Savannah Nabors came to the crime scenes?

23 A Yes.

24 Q But you don't have any knowledge that she actually
25 went into a crime scene?

- 1 A None that I witnessed.
- 2 Q And that's a bid difference, correct?
- 3 A Correct.
- 4 Q And, also, at many crime scenes, the press shows
- 5 up?
- 6 A That's true.
- 7 Q And wasn't it Savannah Nabors's obligation to deal
- 8 with them?
- 9 A Some of it, yes, sir.
- 10 Q All right. And that was one of her reasons for
- 11 being at the crime scene, so the Sheriff doesn't have
- 12 to deal with it?
- 13 A Yes.
- 14 Q And crime scenes frequently occur after working
- 15 hours?
- 16 A Yes.
- 17 Q And so she would be called out after working
- 18 hours?
- 19 A Yes.
- 20 Q And you know that occurred a good bit?
- 21 A To my knowledge, I've seen her on one.
- 22 Q You've only seen her on one?
- 23 A Yes.
- 24 Q But you heard -- that would be a proper question.
- 25 So you've seen her at one?

- 1 A Yes.
- 2 Q Now, when she left, who took her place?
- 3 A Addie Hampton.
- 4 Q And Addie Hampton stayed there for about a year or
- 5 so afterwards?
- 6 A Yes, sir.
- 7 Q And do you know if Addie Hampton got the raise
- 8 that was initially to be given to Savannah?
- 9 A I don't know.
- 10 Q You don't know?
- 11 A No.
- 12 Q Okay. Did Sheriff Loftis have a personal
- 13 representative, a personal assistant?
- 14 A No.
- 15 Q Sheriffs are asked to do a lot of things in the
- 16 community.
- 17 A Yes.
- 18 Q With schedules.
- 19 A Yes.
- 20 Q And it's important to have someone who can keep
- 21 your schedule straight?
- 22 A I'd agree.
- 23 Q And keep you on track as to where you got to be
- 24 and when?
- 25 A Yes, sir.

1 Q And Savannah Nabors showed up at command staff
2 meetings, didn't she?

3 A Yes.

4 Q And took notes?

5 A Yes.

6 Q And, as you mentioned, you've seen her at one
7 crime scene dealing with issues?

8 A Yes.

9 Q When the Sheriff made a speech, did she usually go
10 to those?

11 A Yes, sir.

12 Q All right. So she was basically the Sheriff's
13 right-hand person?

14 A Yes.

15 Q And if he went somewhere, she was expected to
16 go?

17 A Yes.

18 Q That would be correct?

19 A Yes.

20 Q And you all discussed salaries and vehicles. What
21 do you recall discussing about vehicles?

22 A To get our vehicle fleet up to par. We got a
23 lot of old cars. We're, basically, trying to get
24 some newer cars.

25 Q Was that receptive from Joe Kernell?

1 A Yes.

2 Q And do you remember whether or not Will Lewis
3 proposed something, as far as vehicles, that had not
4 been done previously with other sheriff's departments?

5 A I can't recall that portion.

6 Q Do you remember what -- do you recall anything
7 about what was said about replacing vehicles?

8 A We just want to get our fleet up to date,
9 yes, sir.

10 Q And did you want to do it differently than had
11 been done in the past?

12 A I can't remember the exact conversation on
13 it.

14 Q Okay. Will Lewis showed up at work every day that
15 you remember?

16 A Yes, sir.

17 Q Correct?

18 A Yes, sir.

19 Q Attendance was good?

20 A Yes.

21 Q And he had some different ideas for sheriff's
22 department, how it should run?

23 A Yes.

24 Q Did you think some of those ideas were a big
25 improvement?

1 A Yes.

2 Q And they made the sheriff's department run

3 better?

4 A Yes.

5 Q And, aside from this incident, Will Lewis's

6 performance as the Sheriff was certainly what you

7 would expect?

8 A Yes.

9 Q And --

10 MR. WISE: Just give me one second.

11 BY MR. WISE:

12 Q Were you there when Sheriff Simmons was sheriff?

13 A Yes.

14 Q He actually employed his wife?

15 A Yes.

16 Q In what capacity?

17 A I don't know. I was a master deputy, so I

18 wasn't involved in any of that.

19 Q Okay. You just knew she worked there?

20 A Yes, sir.

21 Q Okay. And there was some civilians that had

22 county cars that worked for the sheriff's department,

23 weren't they? Or do you know?

24 A There were only -- the only people that I

25 know would have civilians would be victim

1 advocates.

2 Q Victim's advocates.

3 A Yes, yes.

4 Q And they were civilians.

5 A Yes.

6 Q And they had county-issued cars.

7 A Yes, sir.

8 Q And they county-issued cars because they had to go
9 out on duties for the county?

10 A Yeah, depending if they were called or not.

11 Q And county-issued cars are issued for people who,
12 I guess -- I would assume primarily, after hours,
13 would have to go on business for the county?

14 A Yes, sir.

15 Q And that would make sense, wouldn't it?

16 A Yes, sir.

17 MR. WISE: Thank you. Nothing more.

18 THE COURT: Redirect.

19 MR. BRACKETT: Yes, sir.

20 REDIRECT EXAMINATION

21 BY MR. BRACKETT:

22 Q Working backwards. The victim advocates have cars
23 that Mr. Wise was just asking you about, what is the
24 job of a victim advocate?

25 A Basically, to be there for a victim if

1 somebody was a victim of a horrific crime or
2 something of that nature. Basically, a liaison.
3 Q And do they actually show up at the crime scene?
4 A Typically, no. I've never seen one out at
5 the crime scene. I've seen them go to hospitals
6 and things of that nature.
7 Q So they're required to go where the victim went?
8 A Yes, sir.
9 Q And what do they do for the victim?
10 A Some arrangements. Try to get them lodging,
11 if necessary. Food, things of that nature.
12 Q So they're there to assist?
13 A Yes.
14 Q And do crimes happen at any time of the day or
15 night?
16 A Yes.
17 Q So they're on call?
18 A Yes, sir.
19 Q Does the Sheriff's Office have PIOs?
20 A Yes.
21 Q What is a PIO?
22 A Public Information Officer. Their primary
23 job is to deal with the media.
24 Q Are the PIOs at the Sheriff's Office sworn law
25 enforcement officers?

- 1 A They are.
- 2 Q So they are badge wearing, gun carrying?
- 3 A Regular deputies, yes, sir.
- 4 Q And whose primary responsibility is it to deal
- 5 with the media?
- 6 A The PIOs.
- 7 Q Mr. Wise asked you about Miss Nabors's appearance
- 8 and she looked happy in that picture.
- 9 A Uh-huh.
- 10 Q Where was that picture taken, do you remember?
- 11 A That was at the first place we stopped at for
- 12 dinner on the second night.
- 13 Q After dinner?
- 14 A Yes, sir.
- 15 Q The karaoke --
- 16 A Yes, sir.
- 17 Q The karaoke bar --
- 18 A Yes, sir.
- 19 Q -- that you were at for a few hours?
- 20 A Yes, sir.
- 21 Q So you had some drinks?
- 22 A Yes.
- 23 Q She was in good spirits?
- 24 A Yes.
- 25 Q Was the defendant in good spirits?

- 1 A Yes.
- 2 Q Did you notice anything unusual about him?
- 3 A No.
- 4 Q Could you tell that he was upset about anything?
- 5 A No.
- 6 Q Mr. Wise asked you if the trip to Charlotte was
- 7 beneficial because Joe Kernell -- and who is he again?
- 8 A County administrator.
- 9 Q -- got to know Will?
- 10 A Yes.
- 11 Q He did get to know him as a result of this trip.
- 12 A Yes, sir.
- 13 Q And, finally, Mr. Wise asked you some -- a series
- 14 of questions that Mr. Lewis, the defendant, had some
- 15 good ideas?
- 16 A Yes, sir.
- 17 Q He did some good things?
- 18 A Yes.
- 19 Q And he asked you -- I think the quote was, "His
- 20 performance was what you would expect"?
- 21 A Yes.
- 22 Q Would you expect the Sheriff to be honest with
- 23 you?
- 24 A Yes, sir.
- 25 Q To tell you the truth about his relationship with

1 a subordinate?

2 A Yes, sir.

3 Q To tell you how he knew somebody?

4 A Yes, sir.

5 Q Did he do those things?

6 A No, sir.

7 MR. BRACKETT: Nothing further.

8 RECROSS-EXAMINATION

9 BY MR. WISE:

10 Q Do civilians ride along with sheriff's deputies on
11 occasion?

12 A Yes.

13 Q Do civilian ride-alongs?

14 A Yes, sir.

15 Q And, of course, if that car got called to a crime
16 scene, a civilian would show up?

17 A Yes.

18 Q Mr. Lewis was not honest with you originally about
19 his relationship with Savannah?

20 A No, sir.

21 Q But he eventually was.

22 A Yes.

23 Q Did you watch -- you don't remember watching the
24 press conference he held?

25 A Kind of stayed back, because I was little bit

1 upset about it.

2 Q I understand.

3 A Yes.

4 Q But he owned up to it?

5 A Yes, sir.

6 Q And I think he apologized to the sheriff's
7 department for his actions?

8 A Yes.

9 MR. WISE: Thank you.

10 THE COURT: All right. Sir, you may come
11 down. May this witness be excused?

12 MR. BRACKETT: We would ask that the
13 witness be excused.

14 MR. WISE: No objection.

15 THE COURT: You're free to go. Thank you
16 very much.

17 MR. THOMPSON: May it please the Court,
18 Your Honor? The State would call John Hansley.

19 THE CLERK: Mr. Hansley, if you come to
20 the Bible. Please place your left hand on the
21 Bible and raise your right hand. Do you swear or
22 affirm to tell the truth, the whole truth, and
23 nothing but the truth, so help you God?

24 THE WITNESS: I do.

25 THE CLERK: Thank you. Please take a

Testimony of John Hansley

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1 seat and state your name for the record

2 THE WITNESS: I'm John Hansley, Deputy
3 County Administrator.

4 WHEREUPON:

5 JOHN HANSLEY,
6 after having been sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. THOMPSON:

9 Q Good morning, Mr. Hansley. How are you this
10 morning?

11 A Doing well.

12 Q Now, you said you were the Deputy County
13 Administrator. How long have you been with the
14 county?

15 A Started with the county when I got out of
16 college in 1977. Took a break. I was a Deputy
17 City Manager in Dayton, Ohio for a couple years.
18 Had an opportunity to come back here in '97, so
19 I've been with the County Administrator since
20 about 1977.

21 Q For a long time?

22 A Yes, sir.

23 Q County Administrator, you're not part of the
24 sheriff's department. That's separate. You're part
25 of the County itself, correct?

1 A That's correct. I'm the Deputy County
2 Administrator. I'm also with the Department of
3 General Services, which is finance, budget, HR,
4 fleet, procurement, and IT.

5 Q So, are you basically second behind Joe Kernell
6 who is the County Administrator?

7 A Correct.

8 Q And who else works closely with you and Joe
9 Kernell on that, and who else is next, kind of in
10 line, as far as rank goes there?

11 A We have Miss Holly Hooker, who is the
12 Assistant County Administrator, Public Works,
13 County Development, we have John Vandermus, who is
14 Director and Assistant County Administrator over
15 Public Safety, Shannon Herman, who is an Assistant
16 County Administrator over Strategic Planning, and
17 Nicole Wood, who is an Assistant County
18 Administrator over administration.

19 Q If you would, let's go back to Shannon. If you
20 would, tell me what is her position and what does she
21 do in your office.

22 A She is the Assistant County Administrator
23 over strategic planning. A lot of her duties deal
24 with the moving of the county going forward. She
25 also is now in charge of the public safety aspects

1 of emergency management, as well as EMS.
2 Q Has she also worked for the county for a fairly
3 long time?

4 A About 10 years.

5 Q All right. Now, as part of your duties, do you
6 sometimes meet with the -- some of the elected
7 officials or other officials within the county to
8 speak about budget issues?

9 A Yes.

10 Q Generally, where do you meet regarding budget
11 issues?

12 A Usually at County Square at our offices.

13 Q And County Square has rather large offices,
14 correct?

15 A Correct.

16 Q So there's places in there to, kind of, get away
17 and meet with people if necessary?

18 A Yes, sir.

19 Q And how did you become involved with this trip to
20 Charlotte? How did you find out about it?

21 A I was informed by the County Administrator
22 about a week beforehand that we were going on a
23 trip to Charlotte to discuss budgets.

24 Q So that was your boss, Joe Kernell, that informed
25 you of that?

1 A Correct.

2 Q So about a week before you realized you were going
3 to go, what was your understanding of what you were
4 going to be doing there?

5 A We had a new elected official in office.

6 Q Was that the defendant, Will Lewis?

7 A Yes.

8 Q Okay.

9 A The budget was developed by the previous
10 sheriff before his taking office. So this was an
11 opportunity to go over and talk about the budget
12 and how it was set up. Talk about the budget
13 process that we use. And also talk about items
14 that he, you know, had interest about changing or
15 modifying.

16 Q Was it common to go with an elected official out
17 the county to discuss the budget?

18 A That's the first that I've been out of county
19 to discuss a budget.

20 Q So this would also be the first time you were out
21 of state to discuss the budget?

22 A Correct.

23 Q Who all went from your office?

24 A The County Administrator, Joe Kernell, the
25 Assistant County Administrator, Shannon Herman,

1 and myself.

2 Q And the three of you, did you ride together to go
3 to Charlotte?

4 A We did.

5 Q And tell me, what time of day did you leave to go
6 to this?

7 A We had a council meeting that evening, so we
8 left probably about eight o'clock that evening,
9 arrived there about 10:00.

10 Q So you all attended the council meeting as part of
11 your duties and then left following that?

12 A Correct.

13 Q When you arrived there, what do you recall? Who
14 was there to greet you?

15 A When we arrived at the front, we went to the
16 front desk to check in. We didn't have the
17 arrangements, so we -- I'm trying to remember. We
18 -- let's see. I'm trying to -- I have to remember
19 who came down and helped us. It was --

20 Q Was it someone from the Sheriff's Office?

21 A Yes. Savannah, I'm sorry.

22 Q Savannah Nabors?

23 A Savannah Nabors came by and -- came around the
24 corner and she had the arrangements, so she helped
25 us.

1 Q Did you expect Savannah Nabors to be there?

2 A Not really.

3 Q Okay. And who were you expecting to be there when
4 you arrived?

5 A The sheriff and his command staff, Chief
6 Deputy Davenport, and maybe some of the other
7 command staff.

8 Q Okay. And had you ever met Savannah before this?

9 A I had met Savannah, yes.

10 Q And when did meet Savannah?

11 A She came by the county administrative suites
12 probably January or February and had an
13 opportunity to meet her.

14 Q Did the Sheriff bring her around at that point?

15 A Yes.

16 Q How did he introduce her at that point?

17 A His, I believe, administrative coordinator.

18 Q Did he tell you at any point how he had met her?

19 A I don't recall him telling us, but I do
20 recall that they had worked together at the
21 Banister law firm.

22 Q Now, when you all got there to Charlotte, I'm
23 assuming you went to your room after that, got settled
24 briefly?

25 A Correct.

1 Q And after that, what did you do?

2 A Miss Herman and I came back downstairs. We
3 had not had dinner that evening, so we got a meal
4 from the kitchen and had a drink and sat down at a
5 table with all the other individuals that were
6 there.

7 Q So all six individuals were there at that point in
8 time?

9 A Yes.

10 Q And did you have drinks -- you mentioned you had
11 drinks. Did everyone have drinks at the bar there?

12 A I believe so, yes.

13 Q And how long did you all stay there at the
14 hotel?

15 A I would say we were probably there --
16 probably left about 11:00.

17 Q Okay. Where did you go from there?

18 A A little Irish pub down the street.

19 Q Now, 11:00, is that when the hotel bar closed
20 down? Is that why you left?

21 A I believe the bar and the kitchen closed
22 down, yes.

23 Q Okay. When you went to the place down the street,
24 do you remember what kind of place it was?

25 A It was an Irish pub. I just remember that.

1 Q Was there anything going on on television while
2 you all were there?

3 A We had March Madness going on, or at least
4 basketball games.

5 Q Are you interested in basketball games? You watch
6 them?

7 A Yes.

8 Q So did you watch some of that while you were in
9 the bar?

10 A Yes.

11 Q Can you tell me, how was everybody acting when you
12 got to the bar? What was everyone doing?

13 A Everybody was just relaxing after coming in
14 from, you know, the drive up. Just having
15 discussions, talking about past, everybody's
16 backgrounds and all. Kind of get to know each
17 other kind of thing.

18 Q All right. What, if anything, did you notice
19 about the, kind of, back and forth between the Sheriff
20 and Savannah Nabors?

21 A I remember them being -- they're very
22 familiar with each other. I believe, maybe from
23 the course of working in the law firm before they
24 became part of the Sheriff's Office. They seemed
25 to be almost like the high school star quarterback

1 and the head cheerleader. They just had this
 2 familiarity about them, and just seemed to know
 3 each other very well.

4 Q What kind of things were they doing that made you
 5 think that? Was there giggling? What was it?

6 A They just had this, kind of, bubbly
 7 personality going on, and some giggling, yes.

8 Q Was there any physical contact between them at all
 9 that you noticed?

10 A Not at that particular time. There was some
 11 when we exited the pub,

12 Q Okay. And we will get to that in a minute. Did
 13 everyone have something to drink at the pub there that
 14 night?

15 A Yes.

16 Q Did they have multiple drinks?

17 A More than one, yes.

18 Q Did anybody buy rounds for anybody?

19 A Yes.

20 Q And who bought rounds, do you remember?

21 A That, I don't remember.

22 Q Okay. Did everyone take part in the rounds as far
 23 as you recall?

24 A I believe so.

25 Q Were there shots that were bought?

1 A Yes. Nothing big. Just some small shots,
2 yes.

3 Q Now, did you notice anyone being intoxicated at
4 the end of being in the bar that evening?

5 A No.

6 Q No one seemed intoxicated. Would you consider
7 anyone maybe buzzed, or having, like, you know, a good
8 feeling from the alcohol at that point?

9 A I believe everybody was feeling good. I
10 don't know about the -- I don't know about the
11 college buzz or whatever.

12 Q Okay.

13 A People were feeling good, yes.

14 Q Now, you mentioned there was some physical contact
15 between the defendant and Savannah Nabors as they were
16 leaving the pub. Describe what happened at that
17 time?

18 A I do remember when we were in the pub, one of
19 things, as people were talking about backgrounds
20 and stuff, Will was talking about he had done
21 survival training in the desert, and had to a dead
22 man carry of an individual for a mile or two
23 miles, somewhere in there. And upon leaving the
24 pub, he attempted to do the dead man lift with
25 Savannah.

1 Q So, did you actually see that happen?

2 A Yes.

3 Q Describe to us how that occurred?

4 A If I remember correctly, I walked outside the
5 pub. Either, it was the doorman of the pub or
6 maybe he a new arriver, I don't remember who the
7 other person is, and I believe there was -- Chief
8 Deputy Davenport was out there as well.

9 But Will went to do the deadman's lift.
10 Picked her up over his shoulders. I don't know if
11 he wasn't expecting to be so light or whatever,
12 but she almost went forward, and -- nobody fell,
13 but there was a stumbling where there could have
14 been a drop.

15 Q All right. Did anyone help them to prevent from
16 stumbling and falling down at that point in time?

17 A The doorman, and I remember -- I think I even
18 jumped out there just to keep something from
19 happening. Like I said, there was recovery, but
20 nothing happened. But there was a lot -- kind of,
21 a get ready just in case.

22 Q Were you familiar prior to this with a dead man's
23 carry or a fireman's carry, what it was?

24 A I've seen it done on, you know, television
25 shows and stuff like that.

1 Q So was it obvious that Savannah was prepared for
2 him to do that, or did he just do it?

3 A I don't think she was quite prepared for
4 that, but it's...

5 Q So, literally, what does he have to do to try to
6 lift her up over his head? Did he just pick her up
7 like this (indicating)?

8 A No. You reach down and you grab the legs,
9 pull the body over the shoulders. Like I said, it
10 almost -- I don't know if it was just because she
11 was so light, but, kind of -- she almost went
12 forward. Almost fell.

13 Q He literally lifted her up, like, onto his
14 shoulders and tried to do that?

15 A Correct.

16 Q Had you ever seen someone in a position of sheriff
17 or any county administration doing that with their
18 assistant?

19 A No.

20 Q Do you find that to be unusual?

21 A Being -- well, just being in management, the
22 first thing I thought was Workers' Comp.

23 Q You thought she might get injured from falling
24 from that point?

25 A Yes, sir.

1 Q Now, going back while you were in the pub and the
2 conversations you all had, did anyone dominate those
3 conversations?

4 A The sheriff, or Mr. Lewis.

5 Q Can you tell me the impression you got from him at
6 that point in time and how he was speaking?

7 A He is a gentleman that is very sure of
8 himself. He is very confident in himself, a
9 little arrogant.

10 Q Is that how he was coming across as he was
11 speaking that night?

12 A Yes.

13 Q All right. He would talk about him being in the
14 military and the fireman's carry. And was it
15 survivalist training?

16 A I believe so, yes, sir.

17 Q So, kind of, bragging his abilities at that point
18 in time?

19 A Yes, sir.

20 Q Now, after you left, at that point in time,
21 what -- let's go back. What was Savannah's reaction to
22 almost being dropped in the fireman's carry?

23 A If I remember correctly, she took it all in
24 stride. There wasn't any real shock. There was a
25 little bit of laughter.

1 Q Kind of laughed it off?

2 A Yes, sir.

3 Q And you all went back to the hotel from there?

4 A Yes.

5 Q When you all went back to the hotel where you did

6 everyone go?

7 A We all hopped on the elevator started to go

8 back to our rooms.

9 Q You got off the elevator. Were other people on it

10 when you got off?

11 A Yes. I was the first one off.

12 Q So you got off and went straight to your room at

13 that point?

14 A Yes.

15 Q After you got back to your room, did you have

16 occasion to call home that evening?

17 A I did.

18 Q And you're married, right?

19 A Yes.

20 Q You called your wife?

21 A I did.

22 Q And what, if anything, did you tell her about your

23 thoughts on the Sheriff and Savannah Nabors?

24 A I did mention to her that I thought -- it

25 just seemed odd that -- you know, the reaction and

1 things that were going on that meaning. It just
2 seemed odd. I did mention to her it's almost like
3 the star quarterback and the cheerleader scenario
4 back in high school. The flirtiness, the
5 familiarity with each other.

6 Q So it made enough of an impression on you that you
7 told your wife about that?

8 A Yes.

9 Q Now, in the morning, what time were you all
10 supposed to start the meeting?

11 A We were going to meet at nine o'clock.

12 Q And did you go down for breakfast prior to that?

13 A We did.

14 Q And who all was at breakfast when you go there?

15 A Mr. Kernell, Miss Herman, Marcus Davenport,
16 and myself. We had breakfast about 7:30.

17 Q And the Sheriff didn't come down for breakfast
18 with you at that time?

19 A No, sir.

20 Q How about Savannah Nabors, did she come down to
21 breakfast?

22 A No, sir.

23 Q All right. When it came time for the meeting
24 around 9:00, did the defendant, Will Lewis, show up at
25 that time?

1 A Yes, he did.

2 Q Did Savannah show up?

3 A Yes, sir.

4 Q And where did you all meet?

5 A We met in the Hyatt House in downtown
6 Charlotte. They had a large open lobby area, and
7 there was a space up toward the front that was not
8 occupied but had a lot of seating near the windows
9 and we utilized that space.

10 Q And when you met, at that point, what was the
11 discussion that morning initially?

12 A The initial discussion was about the budget
13 process. Again, when Will came on board, the
14 Sheriff's budget had already been developed by the
15 previous sheriff. He was still getting his ideas
16 about how he wanted to operate his office compared
17 to the old office.

18 So the first hour, hour and a half, somewhere
19 in there, we talked about how the budget is developed,
20 the budget procedures that we utilized, how we move
21 forward in the process, how we go through the council,
22 and how we get it approved. So it was more of a
23 learning experience.

24 Q So, kind of, educating the new sheriff on how the
25 budget works?

1 A Correct.

2 Q So, at that point, he's not providing any

3 proposals to you?

4 A It's more -- it's just more information back

5 and forth, give and take as far as how the system

6 goes. So, yes, sir. No, he did not provide any

7 information at that time.

8 Q And I would assume you had that conversation with

9 pretty much every new official; is that correct?

10 A We will, yes.

11 Q And, again, any need to go outside of the county

12 to do that?

13 A No, but I will say, he wanted to get away

14 from the phones, get away from the distractions.

15 But normally, we normally have it at County

16 Square.

17 Q Okay. And there's other places within the county,

18 too, to have those meetings, correct?

19 A Oh, yes, sir.

20 Q And places within the county that you can get away

21 from phones?

22 A Yes, sir.

23 Q Are there numerous places you could do that?

24 A I know my divisions will take -- a lot them

25 will go up to Pleasant Ridge, which is up on

1 Highway 11. It's a camp that's run by the rec
2 department. We also use some of the neighborhood
3 clubhouses. Like, Holly Tree has allowed us to
4 use their clubhouse when we were there teaching
5 our department, so there are places within the
6 county.

7 Q All right. Now, did you notice during that time,
8 is there any time that people were looking at their
9 phones or checking anything while they were in the
10 meeting?

11 A I don't recall that.

12 Q Okay. But you all had your phones with you at the
13 time?

14 A Absolutely.

15 Q Now, when did that meeting -- that portion of the
16 meeting end? About when do you recall that ending?

17 A It would have been sometime between 10:30 and
18 11:00. I think we took a break about 11:00,
19 11:15, 11:30, somewhere in that area, and went
20 down to Starbucks had some coffee.

21 Q So Starbucks isn't in the hotel, right? You had
22 to go, like, a block away?

23 A Yes. It's just outside of the hotel, down in
24 the dwarf.

25 Q Was Savannah with you at that point in time?

1 A No, sir.

2 Q When did Savannah join you all?

3 A We had -- we had went and got some coffee.

4 We were walking back, bringing them back to the

5 hotel, and we met her on the sidewalk.

6 Q Had the defendant gotten a coffee for Savannah at

7 that point as well?

8 A He did.

9 Q And what, if anything, did you notice about

10 Savannah's appearance when you saw her?

11 A I just remember walking up the sidewalk, had

12 her sunglasses on, and met us about halfway.

13 Q Did she continue to wear those sunglasses after

14 you went inside?

15 A At the very beginning of the meeting, yes,

16 she still had her glasses on.

17 Q So for some period of time she kept them on after

18 she went inside?

19 A Yes.

20 Q And, at that part of the meeting, what did you all

21 discuss?

22 A If I remember correctly, at that point in

23 time, Savannah Nabors brought down box that had a

24 lot of material that the Sheriff wanted to go over

25 himself. It included information about salaries

1 or salary adjustments he would like to make to the
2 staff. It included information about the fleet.
3 The vehicle-type material or changes he would like
4 to see in the fleet. And there might have been
5 something else. I can't remember the other
6 portion, but there were some other items he wanted
7 to discuss as well.

8 Q And after you all discussed that, what happened
9 next?

10 A During -- after we had that discussion, that
11 lasted up until about, 12:00, 12:30, we went to
12 lunch.

13 Q So a brief period of time. I guess when you get
14 back from Starbucks, when you start again, what is
15 that, like, 11:00?

16 A We started back probably -- I guess we
17 started back maybe 11:30.

18 Q Okay.

19 A Broke for lunch. We probably had lunch about
20 1:00 -- I'm thinking about 1:00. I actually
21 looked at my receipts, because I have the receipt
22 from the lunch place. It was at 2:12.

23 Q Would that be the time you asked for the check,
24 around 2:12?

25 A Correct.

1 Q All right. So, you didn't spend very long
2 initially with that portion of the meeting, correct?

3 A No.

4 Q Just a little bit of time before you all went to
5 lunch?

6 A Correct.

7 Q At lunch, did you notice -- did you still see,
8 kind of, the same high school contact again between
9 the Sheriff and Savannah Nabors?

10 A At lunchtime, Miss Nabors was sitting to my
11 left. Miss Herman is to my right. That's about
12 the only time I talked to Savannah. The sheriff
13 was, if I remember right, he was on her left, and
14 the chief deputy.

15 Again, it was more discussion -- if I
16 remember correctly, he was talking more like things
17 that he was looking at doing for the office. Savannah
18 was talking to me. And, like I said, it was the only
19 time I really had a chance to talk to her. And she
20 was talking about how she and her husband were looking
21 to buy a house that part way between Spartanburg and
22 Greenville because they wanted to get something that
23 was between both jobs.

24 Q Okay. And at that point in time -- again, it was
25 more professional, I guess, at that point in time?

1 A Yes.

2 Q As for the contact between them, they weren't
3 giddy, giggling.

4 A No. It was a working -- I mean, it was still
5 a working lunch. We were still talking something
6 about the office.

7 Q Now, after that lunch, what did you all do?

8 A We went back to the hotel, sat down, talked
9 more about budgetary issues. One of the things we
10 talked about was the communication system, radio
11 system. At that time, we were looking at an
12 opportunity to either build a \$30 million radio
13 system with the county or transfer to the
14 Palmetto 800 system. So we talked about the ins
15 and outs of that system. We talked about some
16 other just strategic matters and finished about
17 four o'clock.

18 Q So about four o'clock you all finished. So if you
19 got your check around 2:12, about what time would you
20 have started the meeting after that?

21 A From the restaurant back, probably just a
22 10-minute walk so we were -- 2:30.

23 Q 2:30. So about an hour and a half after that you
24 all met?

25 A Yes.

1 Q And for the length of the meeting and the topics
2 you discussed, was this something you could have done
3 within the county?

4 A Yes.

5 Q Was there anything that stood out to you about
6 this meeting that made it extra special as to why it
7 should be somewhere else at that point in time?

8 A No, not at this time. No, sir.

9 Q Now, after you all get back and you finish the
10 meeting, what did you do during that point in time
11 between entering and breaking?

12 A Most of us went back, took care of catching
13 up with emails, catching up with phone calls and
14 voice mails.

15 Q Okay. And what time did you all gather, do you
16 recall, to go to dinner?

17 A I believe we -- 6:30 or 7:00. I know we went
18 down to a restaurant. Again, just the amount of
19 time at the restaurant, I think we got our bill,
20 looking at the receipts, it was about a little
21 after 8:00 when we actually got the bill, so I
22 guess we were there from 7:00 to 8:00 or 6:30 to
23 8:00.

24 Q Okay. And did you have any contact with the
25 defendant or Savannah Nabors, between the time you broke

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1 at the end of the meeting until the time you went to
2 the dinner?

3 A No, sir.

4 Q Now, when you all go to dinner, tell me, do you
5 all have drinks with dinner at that point in time?

6 A Yes, sir.

7 Q All right. And did everybody have something to
8 drink at that point?

9 A I believe so.

10 Q Did it stay in, kind of, a business atmosphere, or
11 did you all just start relaxing at that point?

12 A It was still business.

13 Q Okay. And so was the behavior between the
14 defendant and Savannah at that time still fairly
15 professional?

16 A Yes.

17 Q And after dinner, what did you all do? Where did
18 you go?

19 A After dinner, we went to the Epicentre around
20 the Colosseum where they play basketball. There's
21 a little place called the Tin Roof.

22 Q Is that a bar?

23 A Yes.

24 Q How is that, kind of, set up? What is like
25 inside?

1 A Very plain. Stand up tables. Bar. It's
2 basically a sports -- to me, it looked like a
3 sports bar.
4 Q Again, March Madness was going on. Was there
5 basketball and things --
6 A There was.
7 Q All right. Were there other patrons in there that
8 you all interacted with during that time?
9 A That we interacted with?
10 Q Yes.
11 A Not really interacted, I don't think. There
12 were some people around the side of the table that
13 were -- that would -- there were two guys that
14 were interacting with Savannah one time. And we
15 did run into one gentleman who was kind of a -- I
16 don't know if you would call him a panhandler, or
17 whatever, but he came by the table and was trying
18 to get funds, money, or whatever. And finally,
19 the bouncer at the Tin Roof escorted him out.
20 Q How did Will Lewis react to the two guys that came
21 up to talk to Savannah?
22 A My recollection is, he just made sure that
23 they knew his presence. He was, kind of, making
24 sure that they saw that he was there and was near
25 Savannah or by her. The panhandling-type of guy, I

1 remember Will, kind of, used more of his
2 professional, kind of, the law enforcement bravado
3 and asked him to leave the table, and he did.

4 Q Now, the other two guys, they weren't a
5 panhandler, right?

6 A No. They were there having drinks and
7 watching the basketball game as well.

8 Q So were they hitting on Savannah?

9 A If I remember correctly, I think one of them
10 tried to give her a phone number or get her phone
11 number.

12 Q Okay. And so, during that period of time, is
13 there any interaction between Savannah and the
14 defendant? Again, as you described the night before,
15 seemed like the high school type of thing, or anything
16 that like, that you noticed that night?

17 A That evening, other than the Sheriff --
18 Mr. Lewis standing, showing his, I'm here at the
19 table, I was more focused on basketball.

20 Q So you didn't notice any --

21 A No, sir.

22 Q -- high school acting?

23 A Not at that time, no, sir.

24 Q Did the defendant buy rounds for folks again that
25 night?

1 A Yes.

2 Q All right. And do you recall, was he saying
3 anything about celebrating something or doing
4 anything?

5 A We did. While we were there, found out that
6 it was Savannah's birthday, so we were celebrating
7 her birthday.

8 Q Is that one of the reasons he bought rounds that
9 night?

10 A Yes.

11 Q And had you known it was Savannah's birthday prior
12 to that?

13 A No.

14 Q What, if anything, went through your mind at that
15 point in time?

16 A Based on my thoughts and when I went got back
17 to the room, because I left the Tin Roof about
18 eleven o'clock and went back to the hotel, my
19 wife -- we were doing some kitchen renovations so
20 I wanted to make sure I got home so she wasn't
21 spending too much money. When I got back to the
22 hotel about eleven o'clock, I did mention to her
23 that something just didn't click, and I think I
24 knew the reason why we were in Charlotte. I said,
25 I think we were there for her.

1 MR. WISE: Objection, Your Honor. That's
2 speculation.

3 THE COURT: All right. Sustain the
4 objection.

5 MR. THOMPSON: Your Honor, he can testify
6 to what he perceived it to be. That's not
7 speculative. That's his perception at the time.

8 THE COURT: But it's -- I've sustained
9 the objection. Move on.

10 BY MR. THOMPSON:

11 Q So, again, you perceived things enough to your own
12 point that you thought enough to call your wife and
13 tell her about it, correct?

14 A Yes.

15 Q And so, you mentioned you left before everyone
16 else. You came back. You didn't go to the other
17 place after the Tin Roof, correct?

18 A No, sir.

19 Q And after you got back, went to your room, talked
20 to your wife, did you go back out after that?

21 A No, sir.

22 Q And I guess went to bed at that point?

23 A Correct.

24 Q And what did you do then the next day?

25 A The next morning, got up. Mr. Kernell,

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1 Shannon and I had breakfast about 7:30. Checked
2 out of the hotel about 9:00, and we were back in
3 Greenville at the offices 10:30 or 11:00.

4 Q And did you see Savannah or the defendant that
5 morning?

6 A No, sir.

7 Q So you didn't see them at all that last morning?

8 A No.

9 Q Was Marcus down there when you left?

10 A I believe -- if I remember right, I believe
11 he had breakfast with us as well.

12 Q So the three people who came from the County
13 Square were with you and Marcus at breakfast?

14 A I believe so, yes.

15 Q Now, can you tell me, roughly, what is, kind of,
16 the entire Greenville County budget? The
17 sheriff's department budget. Not the entire county.
18 The sheriff's department Budget?

19 A Anywhere between 45, 47 million.

20 Q So it's a rather large budget?

21 A It takes up 27 percent of the county's
22 budget, general fund budget.

23 Q Okay. Does it include a travel fun -- or travel
24 portion of the budget?

25 A Yes, it does.

- 1 Q And is that just, like, allocated, kind of, a lump
- 2 sum to the sheriff's department?
- 3 A There is an account set up for travel
- 4 allowances and for training, and it has a separate
- 5 appropriations accounting.
- 6 Q After that money is given to the
- 7 sheriff's department, do you all have any more control
- 8 over it after that?
- 9 A No.
- 10 Q So if the Sheriff wants to go someplace that he
- 11 needs to be for the sheriff's department, he can just
- 12 use those funds as he deems appropriate?
- 13 A Correct.
- 14 Q And he doesn't have to have any approval from
- 15 County Square, you, or Joe Kernell?
- 16 A No.
- 17 Q And is that true as well for obtaining hotel
- 18 rooms, the number of hotel rooms that he made if he
- 19 travels somewhere, he has complete control over?
- 20 A Correct.
- 21 Q He does not have to gain any approval from County
- 22 Square or you, Joe Kernell, or anybody else there?
- 23 A No.
- 24 Q And, again, the funds that make up the place where
- 25 these funds come from, what funds are they that paid

1 for this fund for the travel for the sheriff's
2 department?

3 A It comes from the general fund, which are
4 public funds. The majority of the funds are tax
5 dollars, followed by funds that we get from county
6 offices through fees and bonds, intergovernmental
7 funds that come from the State, and miscellaneous
8 income and stuff from investments.

9 Q Is that the same thing for the other parts of the
10 sheriff's department budget, whether it be equipment
11 or other things, they all come from public funds?

12 A From the general funds, yes.

13 Q Okay. So in having those funds, did you all have
14 to approve the trip to Charlotte when the Sheriff said
15 he wanted to go?

16 A No.

17 Q So that's simply his discretion, correct?

18 A Correct.

19 Q And did you have to approve the number of hotel
20 rooms, or anything about those?

21 A No.

22 Q And, to your knowledge, there isn't any accounting
23 policy that requires people, when they go out, to
24 share hotel rooms; is that correct?

25 A No, sir.

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1 MR. THOMPSON: Court's indulgence. Thank
2 you. No further questions. Please answer
3 anything the defense has for you.

4 THE COURT: Cross-examination.

5 CROSS-EXAMINATION

6 BY MR. WISE:

7 Q Mr. Hansley, you took your county car to
8 Charlotte, or did someone else?

9 A I do not have a county car.

10 Q Who drove to Charlotte?

11 A The county administrator.

12 Q And he took a county car?

13 A Correct.

14 Q And if the county administrator said, I'm not
15 going to Charlotte, the meeting would never have taken
16 place.

17 A I guess if a party had gone up there, it
18 would have been a party of one.

19 Q All right. There wouldn't have been any point to
20 going to Charlotte if you all weren't going?

21 A That, I don't know.

22 Q Okay. So you said you all got there to discuss
23 the budget and so forth.

24 A Correct.

25 Q And you talked about changes in the fleet

1 operation of the sheriff's department?

2 A That was one of items.

3 Q What was that concept, do you remember?

4 A I think if I remember, in the booklet that

5 Miss Savannah Nabors handed us, they were looking

6 at changing some of the vehicles we had to

7 Explorers and to Chargers and to some pick-up

8 trucks.

9 Q Was there a discussion about how to change how

10 cars were purchased?

11 A There might have been.

12 Q Okay. And you also mentioned by changing the

13 radio system.

14 A Correct.

15 Q All right. And what was that basically?

16 A The Sheriff's Office for years had built

17 their own radio system.

18 Q Uh-huh.

19 A The 911 system was looking at a new building,

20 new towers, and the price tag at that time was

21 \$30 million. That \$30 million did not include the

22 operations or the maintenance of those towers.

23 And so we were also looking at the possibility of

24 switching over to the Palmetto 800, the

25 interoperable system.

1 Q The what?

2 A The interoperable system, so that way the
3 Sheriff's Office, EMS, public safety, public works
4 areas could also communicate interoperably with
5 other counties and with the lower part of the
6 state.

7 Q And that's a good idea, it sounds like?

8 A We've done that, yes.

9 Q You've done it since then?

10 A Uh-huh.

11 Q And it cost the county some money to do that?

12 A Less than \$30 million.

13 Q All right. But it's still -- and it benefited the
14 sheriff's department and the county to do it?

15 A It benefited the taxpayers, yes.

16 Q Okay. Now, you all met downstairs about 8:30?

17 A We had breakfast at 7:30.

18 Q 7:30. The first morning.

19 A Correct.

20 Q And the meeting started roughly around 8:30,
21 9:00?

22 A Correct.

23 Q And Mr. Lewis was there about 9:00?

24 A Correct.

25 Q I can't imagine anything more boring than sitting

1 around discussing budgets, but you all spent a lot of
2 time with it?

3 A We spent some time talking about the budget.

4 Q And you mentioned, even when you all went to
5 lunch, you all continued to talk about the budget?

6 A Correct.

7 Q And when you went out at night that night, did you
8 all continue to talk about the budget?

9 A We talked about the budget in his department
10 at dinner, yes.

11 Q Even at dinner?

12 A Yes.

13 Q So this wasn't just a 8:30 to 4:00 or 5:00
14 meeting?

15 A No, we did talk about things.

16 Q It was pretty extensive.

17 A We did a lot of talking.

18 Q And it sounds like you accomplished a lot?

19 A I'm guessing we did.

20 Q And you had not met Will Lewis before that?

21 A I met the Sheriff.

22 Q Had you had any real interactions with him?

23 A We had other meetings, yes.

24 Q But they had been how long?

25 A Most of our meetings probably last anywhere

1 from 30 minutes to an hour.

2 Q Okay. But you had never spent literally hours and
3 hours with him?

4 A No.

5 Q He runs the biggest budget under the county's
6 budget?

7 A One of the largest, yes.

8 Q Is that correct?

9 A Correct.

10 Q Is there any department that has a bigger budget
11 than he has?

12 A Depends on how you combine them. Like,
13 public works, they're budget is pretty big. We
14 have landfills and everything else, but they are
15 different funds.

16 Q Right. And you had a new sheriff?

17 A Correct.

18 Q And it's important for the function of the county
19 for the county administrator people, including
20 yourself and Joe Kernell, and the department heads to
21 get to know each other?

22 A Correct.

23 Q And if they don't get along or really know each
24 other, it hampers operation of the county?

25 A It's good if you have good relations, yes.

- 1 Q And you develop good relationships over time?
- 2 A Correct.
- 3 Q And you develop good relationships, literally, by
- 4 socializing together too?
- 5 A That helps.
- 6 Q Such as the event in Charlotte?
- 7 A That helps, Yes.
- 8 Q It certainly helps.
- 9 A Right.
- 10 Q And there was nothing illegal about going to
- 11 Charlotte to have this meeting, was there?
- 12 A No.
- 13 Q If there had been, you wouldn't have gone.
- 14 A Correct.
- 15 Q When Savannah was there, you said she had a box
- 16 full of stuff that she had put together for the
- 17 meeting?
- 18 A Yes.
- 19 Q About the budget?
- 20 A Correct.
- 21 Q It was handed down and discussed?
- 22 A Right.
- 23 Q And it was proposed salary increases?
- 24 A Correct.
- 25 Q And proposed dealings with the vehicles?

- 1 A Correct.
- 2 Q She had put that in that proposal?
- 3 A She brought the proposals, yes.
- 4 Q And when you saw Savanah on the morning of
- 5 the first morning there, anything unusual about the
- 6 way she interacted with the Sheriff?
- 7 A No.
- 8 Q Did she seem in a good mood?
- 9 A I didn't see anything that would have
- 10 indicated she wasn't.
- 11 Q She certainly didn't appear to be standoff-ish
- 12 toward the Sheriff?
- 13 A No.
- 14 Q All right. And the picture in front of you, which
- 15 is Defendant's Exhibit 1, do you recognize when that
- 16 was taken?
- 17 A Not really.
- 18 Q All right. Is that Savanah?
- 19 A That was Savanah and Chief Deputy Marcus
- 20 Davenport.
- 21 Q Right. Do you recall that being taken the second
- 22 night you all were there?
- 23 A No.
- 24 Q Okay. It may have been done after you left?
- 25 A I don't know. Or I could have been watching

1 basketball.

2 Q You could have been.

3 All right. Who was playing, do you remember?

4 A I think Michigan was one of the teams. I
5 don't recall.

6 Q All right. So you said that when -- when you
7 checked into the hotel, it had been prepaid?

8 A Not been prepaid, but they made the
9 reservations.

10 Q All right. So, did you give them your credit card
11 for the hotel room?

12 A At the end, yes.

13 Q Excuse me?

14 A At the end, yes.

15 Q What do you mean "at the end?"

16 A When we came in, like I mentioned, when we
17 came up to the front desk to try to check in, all
18 the rooms are under Savannah's name.

19 Q Okay. And she had reserved them with her credit
20 card?

21 A Or reserved them, yes.

22 Q Did the hotel ask for a credit card to put what
23 they call incidentals on?

24 A I paid for our room, yes.

25 Q Excuse me.

1 A I paid for my room, yes.

2 Q I know you paid for your room ultimately. But

3 when you checked in, did you give them your credit

4 card to pay for your room?

5 A Yes.

6 Q Or was it done later?

7 A I can't remember, but they definitely had my

8 credit card.

9 Q And your room was put on the County

10 Administrator's credit card?

11 A My room was put on my personal card.

12 Q So the sheriff's department didn't pay for your

13 room?

14 A No.

15 Q Or Joe Kernell's room?

16 A No.

17 Q Or Shannon's room?

18 A No.

19 Q So those were expenses of the county?

20 A They came out of Shannon's, and the County

21 Administrator's came out of the county

22 administrator budget, mine comes out of the

23 finance budget.

24 Q Okay. So whatever budget they got separated into,

25 right?

- 1 A Right.
- 2 Q So the sheriff's department only paid for the
- 3 sheriff's department's rooms, and another county
- 4 agency paid for the other three rooms?
- 5 A Separate departments paid for their rooms.
- 6 Q All right. And you knew ahead of time that the
- 7 sheriff's department may be reserving the rooms, but
- 8 the county was going to pay for the rooms, correct?
- 9 A We were all county offices, so the sheriff's
- 10 department paid for their rooms. Our department
- 11 paid our rooms.
- 12 Q Well, all county -- so different budgets paid for
- 13 different rooms.
- 14 A Correct.
- 15 Q That would be an accurate way of putting it?
- 16 A Different departments. They are all -- the
- 17 Sheriff's Office, county administrative, we're all
- 18 part of the general fund.
- 19 Q Right.
- 20 A So they are all departments of the general
- 21 fund.
- 22 Q So different departments paid for different rooms.
- 23 A Correct.
- 24 Q All right. But the sheriff's department didn't
- 25 pay for all of them?

1 A No.

2 Q Now, the sheriff is the highest ranking law
3 enforcement officer in Greenville County, but does the
4 sheriff, per se, have any money to spend?

5 A Under the way the home rule is set up, the
6 county is the one who appropriates the funds. But
7 once the county appropriate the funds, the sheriff
8 has full discretion over those dollars.

9 Q Once they are appropriated.

10 A Right.

11 Q So if the sheriff wants to creates a new position
12 that isn't in the budget, he has to go to Joe Kernell
13 to talk about it?

14 A We would talk about it, yes.

15 Q And it would actually have to be approved by the
16 county?

17 A The sheriff has, by the court -- if I
18 remember correctly, the Supreme Court, the
19 sheriff, he has all hiring and firing discretion
20 on his budget.

21 Q I understand that.

22 A So to say the county administrator is the one
23 that hires him, that's not --

24 Q I understand the sheriff hires them. But if he
25 has a new position that's not in the budget

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1 officially, the county administrator would have to
2 approve that money?

3 A Well, a lot times we don't approve additional
4 funds because we allow the sheriff to reallocate.

5 Q Reallocate.

6 A Like he was doing in the proposal he
7 presented up in Charlotte.

8 Q And that's things that's discussed with the county
9 administrator too?

10 A Correct.

11 Q And that's another reason you have to have a good
12 working relationship between the county administrator
13 and the sheriff?

14 A Correct.

15 Q Okay. Now, you said that when they were leaving
16 one of the clubs the first night, Will tried to put
17 Savanah on his shoulders in a dead man's carry.

18 A Correct.

19 Q And he stumbled but didn't fall.

20 A Correct.

21 Q And two people went to help him but didn't need
22 to?

23 A Correct.

24 Q So a person with less agility, she would have
25 fallen?

1 A Probably so.

2 Q Probably would have.

3 And the second night you all went out, did
4 you notice anything unusual about the relationship
5 between Will and Savannah Nabors?

6 A Just again, they just seemed like, you know,
7 the high school quarterback and the head
8 cheerleader.

9 Q And you knew they had known each other for a
10 number of years?

11 A Correct.

12 Q And they worked together for a number of years at
13 the Bannister law firm?

14 A Correct.

15 Q So being familiar with each other wasn't unusual
16 to you?

17 A No, they seemed very familiar with each
18 other.

19 MR. WISE: Okay, give me one second.

20 BY MR. WISE:

21 Q When a bill comes in -- an expense bill comes in,
22 what agency looks over that bill to make sure it's all
23 proper?

24 A The way it's set up with our system, the
25 sheriff's Office has two individuals in their

1 office that will input an invoice.

2 Q When you "input," what do you mean?

3 A The financial system that we use, the
4 software that we use, we have a series of
5 approvals that have to be done. So that first
6 invoice that would come in from a trip would be
7 given to one of their individuals down there, a
8 financial analyst. She would put that into the
9 system. And then after that, it would go up to
10 the next approval level, which would have been, at
11 that time, it was a lieutenant and a sergeant who
12 had the next approval level. So you had the two
13 people who could input it at the sheriff's Office,
14 two people who approve it at the sheriff's Office.
15 It would come into the finance sweep where our
16 accounts payable people would review it and make
17 an approval, and then it would go down to the
18 treasury's office for the actually cutting of the
19 check. So there's multiple levels of looking at
20 checks.

21 Q Multiple levels of approving expenditures by
22 county employees?

23 A Correct.

24 Q And if someone at one of those levels detects
25 something that should not have been charged to the

- 1 county, what will they do?
- 2 A They would kick it out.
- 3 Q They would kick it out and require them to do
- 4 what?
- 5 A Whatever is necessary. If they need more
- 6 materials, then ask them to provide more
- 7 materials. If it was something that was
- 8 inappropriate, we would kick it out and the
- 9 payment wouldn't be allowed.
- 10 Q And if it's on the county credit card and it's
- 11 kicked out, then the individual who signed for it has
- 12 to reimburse them for it, so to speak?
- 13 A More than likely, under the circumstances,
- 14 yes.
- 15 Q And, on occasion, that's done?
- 16 A It has happened, yes.
- 17 Q I mean, you found things that wasn't -- this isn't
- 18 a real county expense. You got to pay us back for
- 19 what that charge is on the credit card.
- 20 A Yes.
- 21 Q Is that correct?
- 22 A Yes.
- 23 Q And that's -- no one gets upset if that happens.
- 24 A No, sir.
- 25 Q Because it happens?

1 A It does happen.

2 Q People make mistakes. And occasionally hotels
3 make a mistake in billing, correct?

4 A It happens.

5 Q And it's simply corrected by inter-department or a
6 department memo or some sort?

7 A There's definitely steps that we would take,
8 yes.

9 Q Do you know if Will Lewis returned the per diem
10 check he was given?

11 A I don't know that.

12 Q You don't know one way or the other?

13 A No.

14 MR. WISE: All right. Thank you. That's
15 all I have.

16 THE COURT: Redirect.

17 REDIRECT EXAMINATION

18 BY MR. THOMPSON:

19 Q Were you all actually given per diem checks for
20 this trip?

21 A I don't recall. I know on our side, we do
22 not get per diem checks.

23 Q So you don't even know if he received a per diem
24 check?

25 A No.

1 Q This Charlotte trip, it was set up by the
2 defendant, Will Lewis, right?

3 A By the sheriff's Office, yes.

4 Q So, the defense mentioned something to do about if
5 Mr. Kernell had not gone, he couldn't have had this
6 meeting. My question though is: Would you all have
7 just gathered someplace in Greenville after if he
8 couldn't go to Charlotte?

9 A That would have been an option, yes, sir.

10 Q All right. And that's usually what is done, is it
11 not?

12 A Yes.

13 Q And I guess, just to clarify it, you said you all
14 paid for your rooms, the county group that went, and
15 then the sheriff's Office paid for the sheriff's
16 Office?

17 A Correct.

18 Q And I think you just split the bills at
19 restaurants and things like that as well?

20 A I covered on the dinner. I believe both
21 lunch and dinner I took up. I did the expenses
22 for the county administrator the assistant county
23 administrator, Shannon and myself.

24 Q Okay. And, as far as Savannah Nabors's position,
25 you all didn't have to allocate funds for

1 Savannah Nabors from the county, correct?

2 A Funds were already available from within the
3 sheriff's Office in the budget.

4 Q So he already had funds within his budget that he
5 could reallocate to pay her?

6 A Correct.

7 Q So that's his discretion to do?

8 A Well, he -- that's correct.

9 Q That wouldn't need approval from your office?

10 A I believe, if I remember correctly, he did
11 mention to the county administrator on what he was
12 planning on doing. But, again, you get to that
13 line where we appropriate funds, we put a budget
14 out there. But the hiring and firing of positions
15 of individuals, that's a discretion of the
16 sheriff.

17 Q So, he's the one who approved it? In other words,
18 the sheriff approved it?

19 A I would think so, yes.

20 Q You all didn't have much of anything that you
21 could either approve or disapprove?

22 A By the time the paperwork came up to HR, it
23 was done.

24 MR. THOMPSON: Okay, thank you.

25 MR. WISE: Just a couple questions.

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1

2 BY MR. WISE:

3 Q Miss Nabors, was actually hired in December of
4 2016, wasn't she?

5 A I believe she was. She was at the beginning
6 of the year. Either December or January, yes.

7 Q And she worked, I think, under a different
8 department of the sheriff? Excuse me. She worked
9 under a department other than the sheriff's department
10 when she was initially hired in early December?

11 A Correct. We -- it was -- I thought the
12 gesture from Sheriff Steve Loftis was very nice.
13 We had an incoming new sheriff who, in previous
14 years, all the sheriffs had been somebody who had
15 grown up and come through the ranks of the
16 sheriff's Office.

17 In this case, we had a new sheriff coming on
18 board. Mr. Lewis wanted to get on board, get to know
19 things. The sheriff, the actual sheriff still in
20 office had no objection to that. He just didn't want
21 him going down to the law enforcement center, so we
22 made arrangements put them in an office in County
23 Square.

24 Q Sheriff Lewis and Savannah Nabors?

25 A Correct.

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1 MR. WISE: Thank you.

2 THE COURT: All right. Sir, you may come
3 down. May this witness be excused?

4 MR. THOMPSON: Yes, Your Honor.

5 MR. WISE: No objection.

6 THE COURT: All right. Thank you very
7 much, sir.

8 All right. Ladies and Gentlemen of the
9 Jury, we will take a short break at this time.
10 It's 11:30. Probably about a 10-minute break.
11 Just relax in the jury room and don't talk about
12 the case while in the jury room. Thank you very
13 much.

14 (Jury exits the courtroom at 11:32.)

15 THE COURT: All right. Solicitor, what
16 is your schedule at this point?

17 MR. BRACKETT: The witnesses took a
18 little longer than we thought they would.

19 THE COURT: I understand.

20 MR. BRACKETT: We have two more witnesses
21 now that we could do, and then break for lunch. I
22 believe they are going to be short witnesses.

23 THE COURT: You believe not as lengthy as
24 this one?

25 MR. BRACKETT: Not as lengthy as that

1 one,

2 THE COURT: That's fine. Ten minutes.

3 (A break was taken from 11:33 a.m. to 11:53 a.m.)

4 THE BAILIFF: Please come to order.

5 Court is now in session.

6 THE COURT: Anything before we bring the
7 jury in?

8 MR. BRACKETT: Yes, sir. One matter.
9 It's been called to my attention from people who
10 are watching the proceedings in the courtroom,
11 apparently they're being live-streamed over the
12 Internet and people all over can see them, the
13 cameras behind us. Apparently their mics are
14 sensitive enough to pick up our conversations at
15 counsel table, which is not good. Obviously,
16 these are the privileged, work product
17 conversations.

18 THE COURT: Where are the microphones?

19 MR. BRACKETT: I'm not sure. I'm not
20 sure how it all works.

21 THE COURT: There's one here.

22 MEDIA: That's the only one we have.

23 MR. BRACKETT: Is there a microphone on
24 the camera?

25 MEDIA: I don't believe it's on.

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1 MR. WISE: And your mic is not on.

2 MR. BRACKETT: This microphone should be
3 off. I'm not sure how it's happening.

4 MEDIA: It's my understanding we are only
5 allowed one microphone and that's up at the witness
6 stand.

7 MR. BRACKETT: Well, they're texting us
8 saying we can hear what you're saying at counsel
9 table. So that's obviously --

10 THE COURT: Touch yours. See if yours is
11 on.

12 THE BAILIFF: It's off. We cut it off.
13 Up here. Apparently, it's been off.

14 THE COURT: I don't know.

15 MR. WISE: Do you have the ability to put
16 a headset on and listen through that mic? Because
17 if you put a headset on and listen to that mic,
18 they can sit there and talk and you can tell us if
19 you can hear what they're saying.

20 MEDIA: Sure.

21 THE COURT: That's just strange. What?

22 MR. WISE: That's --

23 MR. BRACKETT: We have two witnesses
24 left. I don't think it's going to be -- maybe
25 it's something we can work on over lunch. I'm not

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1 worried about it right now. I don't think there's
2 going to be any huge -- but going forward --

3 MEDIA: I'll take care of it.

4 MR. BRACKETT: We may say something that
5 shouldn't be out in the public.

6 MR. WISE: I agree.

7 THE COURT: Let me know if I need to take
8 any action.

9 MR. BRACKETT: Yes, sir. We'll ask
10 somebody to continue to monitor that at our
11 office.

12 We're ready to go forward.

13 THE COURT: Defense ready?

14 MR. WISE: Defense ready, Your Honor.

15 THE COURT: Bring the jury, please.

16 (Jury enters the courtroom at 11:58 a.m.)

17 THE COURT: All right. Ladies and
18 Gentlemen, we will continue with the trial.

19 State, call your next witness.

20 MR. BRACKETT: Thank you, Your Honor.
21 The State will call Sheriff Chuck Wright.

22 THE COURT: Sheriff Wright, if you would
23 please place your left hand on the Bible and raise
24 your right hand. Do you swear or affirm to tell
25 the truth, the whole truth, and nothing but the

1 truth, so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Thank you. Please take a
4 seat and state your name for the record.

5 THE WITNESS: My name is Sheriff Chuck
6 Wright. I'm from Spartanburg County.

7 WHEREUPON:

8 SHERIFF CHUCK WRIGHT,
9 after having been sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. BRACKETT:

12 Q Good afternoon, Sheriff. How are you?

13 A I'm doing great.

14 Q You are the sheriff of Spartanburg County; is that
15 correct?

16 A Yes.

17 Q How long have you been the sheriff?

18 A Since 2005, so right at 16 years.

19 Q Very good. How long have you been in law
20 enforcement altogether?

21 A Thirty-three.

22 Q Now, do you know the defendant in this case?

23 A Professionally. I don't know him
24 personally.

25 Q How many times did you interact with him when he

1 was in office?

2 A Before he was in office, a couple times.

3 After, maybe three or four. You know, I was busy.

4 He was busy.

5 Q After he took office, did you communicate with him
6 occasionally about areas of mutual interest?

7 A Yes, sir.

8 Q And did he contact you at some point -- are you
9 familiar with the National Sheriff School that takes
10 place in Reno, Nevada?

11 A Yes, sir, I am.

12 Q Have you ever attended that?

13 A No, sir, I never have.

14 Q Did you receive any communications from him or
15 questions from him regarding that sheriff's school?

16 A I remember a text. I was in Oklahoma. I
17 really don't remember the dates or the year. I
18 think you showed me something there.

19 Q Let me show you, and I'm glad you brought your
20 readers because the writing is, kind of, small on
21 there. Can you look at that and see if that refreshes
22 your memory?

23 A Yes, I remember this text. I was in Oklahoma
24 with son. It looks like it was in March of
25 '16.

1 Q March the 16th?

2 A March of 2016. Let me see.

3 Q Take a closer look?

4 A I'm sorry. 2017.

5 Q All right. Very good.

6 A It is small.

7 Q It is very small.

8 Now, what was the sheriff -- what was

9 Mr. Lewis asking you?

10 A It says from Mr. Lewis, "Do you have any

11 reason at all to go to the National Sheriff's

12 Conference in Reno?" I replied, "I never did.

13 Some say it's great. I hadn't lost anything

14 there," so...

15 Q And what did he say?

16 A In this text it says, "Good to know. I'm

17 declining."

18 Q Very good. Did he talk to you about that at all

19 after that?

20 A I don't remember speaking to him anymore

21 about that afterwards.

22 Q Now, you've been sheriff since 2005?

23 A Yes, sir.

24 Q How do you keep your schedule? Do you have

25 somebody who assists you, an administrative staff

1 person?

2 A I do. It's a secretary. Her name is
3 Vickie Biggs. She is -- she aggravates me to
4 death on emails, text messages to make sure I'm at
5 the place I need to be. That's the reason I hired
6 her.

7 Q Very good. Can you describe her job duties? Does
8 she work in the office? How does she work?

9 A She works in the office, and she gets there,
10 a lot of times, earlier than she's supposed to and
11 stays later than she should. But, yes, it's
12 Monday through Friday from about 8:30 to 5:00,
13 5:15.

14 Q Do you have any administrative person --

15 MR. WISE: Your Honor, I would object to
16 this line of questioning. I don't see the
17 relevancy of it because that's the sheriff's
18 department in Spartanburg, which is totally
19 different from the sheriff's department in
20 Greenville.

21 THE COURT: Well, I'll let you ask him
22 about it. Overruled.

23 BY MR. BRACKETT:

24 Q Do you have anybody who -- an administrative
25 person who follows you around and takes notes?

1 A No, sir.

2 Q And lastly, Sheriff, you said you've been in law
3 enforcement for how long?

4 A Thirty-three years.

5 Q And you are a statewide leader, is that fair to
6 say?

7 A The people of Spartanburg County pay my
8 salary and they are my first priority.

9 Q They keep electing you?

10 A Sir?

11 Q And they keep electing you?

12 A Thank God, yes.

13 Q Now, how important, based on your 34 years and
14 understanding law enforcement, how important is
15 integrity in law enforcement?

16 A I think it's very, very important.

17 Q And in law enforcement leadership?

18 A I tell my staff all the time that nobody
19 really cares how smart you are. They want to know
20 what you'll do for them and how you're going to
21 lead them, so they have to be able to trust you.
22 Integrity is one of my main priorities, of course.

23 MR. BRACKETT: Thank you, Sheriff.

24 Please answer questions from opposing counsel for
25 Mr. Lewis may have.

Testimony of Chuck Wright
CROSS-EXAMINATION

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1

2 BY MR. WISE:

3 Q And part of integrity is stepping up and taking
4 responsibility when you wrong, right?

5 A I'd say so. Yes, sir.

6 Q And that's important?

7 A Yes, sir.

8 Q And let me see that text message, if I may. So he
9 wrote you an email in March and said --

10 A Excuse me, sir. He texted, not email.

11 Q Texted you.

12 A Yes, sir.

13 Q I confuse the two. And he asked you, does he have
14 any reason to go to the National Sheriff's Conference
15 in Reno.

16 A Yes.

17 Q Talking about Mr. Lewis?

18 A That's what I recall, yes, sir.

19 Q And you simply said, "I never did. Some say it's
20 great."

21 A That's correct.

22 Q And, at that point, he said he was declining.

23 A Yes, sir.

24 Q And that was March 16th of 2017; is that correct?

25 A That's where I got messed up with the 16.