

TO: ALL MEDIA OUTLETS, FOR IMMEDIATE RELEASE

FROM: THE SOUTH CAROLINA ASSOCIATION OF CRIMINAL DEFENSE
LAWYERS

DATE: January 22, 2014

Every year, South Carolina public defenders along with criminal Defense attorneys and prosecutors have separate conferences during the same week. South Carolina Supreme Court Justices are invited to speak during the education programs.

Recently, the Solicitor's Association invited Justice Donald Beatty to their conference. Summaries of his remarks indicate he focused on prosecutors' unique ethical duties, not just as advocates, but their higher duty under American jurisprudence "to seek justice".

Unfortunately, a minority of prosecutors across South Carolina and the United States have failed our society through a "win-at-all-cost" mentality.

Justice Beatty reminded our prosecutors they are not to break the law nor breach their ethical duties while doing their jobs. To do otherwise would bring the risk of properly being held accountable by the South Carolina Supreme Court. Rather than appropriately thanking the Justice for reminding them of their duties and pledging to do better, certain solicitors reacted with indignation and attitude. Ill advised comments were made that Justice Beatty, because he viewed prosecutorial misconduct as aberrant, unlawful behavior, had somehow disqualified himself as a judge in South Carolina's court system. This is wrong and we feel we must speak to defend Justice Beatty.

We are lawyers across the State of South Carolina who have had the privilege of serving as President of the South Carolina Association of Criminal Defense Lawyers. We are writing as individuals, small businessmen, public defenders, ex-prosecutors, and active participants in both the criminal justice system and our local communities in South Carolina. We have faith in the law as a basis for our civilization and protection of our families. As Chief Justice John Roberts put it during his confirmation hearing before the United States Senate, judges must be free to act as impartial umpires in our society without fear of partisan criticism as a threat to their jobs. Justice Beatty has proved himself through his years of service to be someone of unquestioned integrity and judicial scholarship. While we may not like all of his legal opinions in cases before the Court, we recognize his fundamental sense of fairness and adherence to the rule of law while paying due homage to the actions of the General Assembly, past decisions of the Supreme Court, and the rules all judges must guide their conduct by.

The chief judge of the United States Court of Appeals for the Ninth Circuit, the well-respected Alex Kozinski, just last month wrote in an opinion decrying an epidemic of prosecutorial violations of the law that "Only judges can put a stop to it." We are confident in Justice Beatty's dedication to applying the law justly and fairly and commend him to the people of the State of South Carolina.

[Signatures on following page]

Bobby G. Frederick
Myrtle Beach

Samuel C. Bauer
Hilton Head Island

James A. Brown, Jr.
Beaufort

C. Andrew Carroll
Charleston

Symmes W. Culbertson
Greenville

John D. Delgado
Columbia

John E. Duncan
Lexington

Leland B. Greeley
Rock Hill

James B. Huff
North Augusta

Patrick J. McLaughlin
Florence

George W. Speedy
Camden

Heath P. Taylor
West Columbia

Christopher A. Wellborn
Rock Hill