

TO: ALL MEDIA OUTLETS, FOR IMMEDIATE RELEASE

FROM: THE SOUTH CAROLINA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Recently, one of South Carolina's Supreme Court Justices has come under fire from the prosecutors in this state for stating what should be obvious: that the South Carolina Supreme Court will not tolerate prosecutorial misconduct. A recent article in *South Carolina Lawyer's Weekly* discussed the "outrage" from South Carolina's solicitors over remarks made by South Carolina Supreme Court Justice Donald W. Beatty at the Solicitor's conference this fall. Apparently, the Solicitors in this state are "outraged" that a member of the Court tasked with disciplining lawyers would dare to suggest that the Court will not turn a blind eye to witness intimidation and tampering, selective and retaliatory prosecutions, perjury and the suppression of evidence. Justice Beatty's warning that "Your bar licenses will be [in] jeopardy. We will take your license," has struck a nerve. As the saying goes, a hit dog will holler.

It has been reported that Ninth Circuit Solicitor, Scarlett A. Wilson, sent a letter to South Carolina Attorney General Alan Wilson that contained a summary of Justice Beatty's remarks and asked for action to be taken. Since then, it appears that thirteen of South Carolina's sixteen solicitors have joined the call asking that Justice Beatty be disqualified from hearing appeals in criminal cases and disciplinary matters involving prosecutors.

Perhaps when he appeared at their conference, a case from Solicitor Wilson's own circuit was fresh on Justice Beatty's mind. With *In re: Nelson*, decided on October 23, 2013, the Supreme Court had to address the misconduct of one of Solicitor Wilson's assistant solicitors engaging in *ex parte* communications with a juror during a criminal trial and then providing misleading answers to specific questions from the trial court regarding those communications. Or maybe he was remembering the case of *State v. Inman* decided in December of 2011. In an opinion authored by Justice Beatty, the *Inman* Court found that prosecutors had engaged in witness intimidation against a defense expert, but did not overturn the trial court's denial of a motion for mistrial because the defendant had failed to show prejudice from that misconduct. Either way, it should concern all South Carolinians that the prosecutors in this state get so upset when they are reminded that they have an ethical duty not to win at any costs, but rather to administer justice.

We are blessed in South Carolina to have many solicitors and prosecutors who take their duty seriously and work very hard to ensure that their offices seek justice over court room victories. However, the people of South Carolina would be better served if these "outraged" solicitors would use Justice Beatty's remarks to help them clean up their own houses instead of assailing the integrity of a judge who has shown no sign of anti-prosecutor bias in his rulings. Given that, the South Carolina Association of Criminal Defense Lawyers supports any efforts by the Court to ensure that all lawyers remember their ethical duties. It never hurts to be reminded of the grave responsibility we all face in bringing justice to the courts of South Carolina.