

SUPREME COURT OF SOUTH CAROLINA

In re Former Williamsburg County Magistrate & Former Greeleyville Municipal Court Judge Harvin

371 S.C. 150 (2006) · Decided November 20, 2006

SUMMARY

The South Carolina Supreme Court accepted an Agreement for Discipline by Consent concerning a former magistrate and municipal court judge who misappropriated traffic-fine payments and provided inaccurate information during the investigation. The Court imposed a public reprimand and prohibited the respondent from seeking or accepting a judicial position in South Carolina without prior written authorization.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Moore; Justice Waller; Justice Burnett; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	November 20, 2006
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary proceeding arising from an Agreement for Discipline by Consent between the respondent and the Office of Disciplinary Counsel.
PRECEDENTIAL VALUE	Published opinion; precedential value not expressly limited in the text.

TOPICS

administrative law

municipal law

PRACTICE AREAS

judicial discipline

professional responsibility

administrative law

municipal law

QUESTIONS PRESENTED

1. Whether the Court should accept the respondent's Agreement for Discipline by Consent and impose a public reprimand for admitted judicial misconduct.

2. Whether respondent's conduct violated the cited Canons of the Code of Judicial Conduct, the Chief Justice's Administrative Order concerning financial recordkeeping, and the Rules for Judicial Disciplinary Enforcement.

HOLDINGS

1. The Court accepted the Agreement for Discipline by Consent and imposed a public reprimand on the respondent.
2. Respondent's admitted conduct violated the specified Canons of the Code of Judicial Conduct, the Chief Justice's Administrative Order concerning financial recordkeeping standards for magistrates, and the applicable grounds for discipline under Rule 7(a), RJDE.

KEY QUOTATIONS

"We accept the Agreement for Discipline by Consent and issue a public reprimand." (153)

"A public reprimand is the most severe sanction the Court can impose when a judge no longer holds judicial office." (153)

FACTUAL BACKGROUND

While serving as a magistrate and municipal court judge, respondent instructed an out-of-state speeding violator to send a money order payable to him at his home address in exchange for payment of a higher fine for a different offense that would not affect her driving record. The ticket was later marked not guilty, no receipt existed for the payment, and respondent admitted using the money for personal bills. Investigators determined that respondent had engaged in similar conduct involving other tickets and that statements he gave under oath to the Office of Disciplinary Counsel were inaccurate.

PROCEDURAL HISTORY

The respondent admitted misconduct and consented to a public reprimand under an Agreement for Discipline by Consent pursuant to Rule 21, RJDE, and Rule 502, SCACR. The Supreme Court of South Carolina accepted the agreement, reprimanded the respondent, and prohibited him from seeking or accepting a judicial position in South Carolina without prior written authorization from the Court.

DISPOSITION

other

CASES CITED

- In re O'Kelley, 361 S.C. 30, 603 S.E.2d 410 (2004)
- In re Gravely, 321 S.C. 235, 467 S.E.2d 924 (1996)