

EXECUTIVE ORDER NO. 2019-36

WHEREAS, on April 17, 2018, the undersigned issued Executive Order No. 2018-15, suspending William D. Lewis from the office of Sheriff of Greenville County, pursuant to article VI, section 8 of the South Carolina Constitution, following his indictment by a Grand Jury convened in Greenville County for Misconduct in Office and Obstruction of Justice; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, Executive Order No. 2018-15 stated that the undersigned's suspension of William D. Lewis was effective immediately and "until such time as he shall be formally acquitted or convicted"; and

WHEREAS, pursuant to section 23-11-40(C) of the South Carolina Code of Laws, as amended, the undersigned previously appointed Johnny Mack Brown, of Travelers Rest, South Carolina, "to serve as Sheriff of Greenville County until the suspended sheriff is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first"; and

WHEREAS, a Grand Jury convened in Greenville County subsequently returned several superseding indictments charging William D. Lewis with additional offenses, including one or more counts of Misconduct of a Public Officer, in violation of section 8-1-80 of the South Carolina Code of Laws, as amended; Misconduct in Office; Obstruction of Justice; and Perjury; and

WHEREAS, on October 24, 2019, William D. Lewis was convicted of one count of Misconduct of a Public Officer, in violation of section 8-1-80 of the South Carolina Code of Laws, and public records reflect that one or more additional charges may still be pending at present; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that upon conviction of an "officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, as charged, Misconduct of a Public Officer, in violation of section 8-1-80 of the South Carolina Code of Laws, is "a crime involving moral turpitude" for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, in addition to the foregoing, section 8-1-80 of the South Carolina Code of Laws requires that “[t]he presiding judge before whom any public officer convicted under this section is tried shall order a certified copy of the indictment to be immediately transmitted to the Governor who must, upon receipt of the indictment, by executive order declare the office to be vacant” and the resulting vacancy “must be filled as in the case of the death or resignation of the officer”; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution and section 8-1-80 of the South Carolina Code of Laws, the office of Sheriff of Greenville County shall be declared vacant and the vacancy shall be filled as provided by law; and

WHEREAS, with regard to county sheriffs, section 23-11-40(B) of the South Carolina Code of Laws provides, in relevant part, that “[i]f any vacancy occurs in the office more than one year prior to the next general election for county sheriffs, the Governor shall appoint some suitable person . . . until a special election is held to elect a sheriff to hold the office until a sheriff is elected and qualifies in the next general election for county sheriffs”; and

WHEREAS, the next general election for the office of Sheriff of Greenville County is scheduled to be held on or about November 3, 2020; and

WHEREAS, Johnny Mack Brown, of Travelers Rest, South Carolina, is a fit and proper person to continue to serve as Sheriff of Greenville County “until a special election is held to elect a sheriff to hold the office until a sheriff is elected and qualifies in the next general election for county sheriffs,” pursuant to section 23-11-40(B) of the South Carolina Code of Laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare vacant the office of Sheriff of Greenville County and appoint Johnny Mack Brown to serve as Sheriff of Greenville County “until a special election is held to elect a sheriff to hold the office until a sheriff is elected and qualifies in the next general election for county sheriffs,” in accordance with section 23-11-40(B) of the South Carolina Code of Laws. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 25th DAY
OF OCTOBER, 2019.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND

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October 25, 2019

Secretary of State