

State of South Carolina
Executive Department

FILED

OCT 27 2020

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2020-68

WHEREAS, on November 21, 2019, the undersigned issued Executive Order No. 2019-37, suspending Robert Anderson Strickland, Jr. from the office of Sheriff of Colleton County, pursuant to article VI, section 8 of the South Carolina Constitution, following his indictment by a Grand Jury convened in Colleton County with one count of Domestic Violence, Second Degree, in violation of section 16-25-20(C) of the South Carolina Code of Laws, as amended; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, Executive Order No. 2019-37 stated that the undersigned's suspension of Robert Anderson Strickland, Jr. 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 Charles Lytle Ghent, of Edisto Beach, South Carolina, "to serve as Sheriff of Colleton County until Robert Anderson Strickland, Jr. 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, on February 13, 2020, the State Grand Jury returned two indictments charging Robert Anderson Strickland, Jr. with seven counts of Misconduct in Office, in violation of the Common Law of South Carolina; two counts of Use of Official Position or Office for Financial Gain (Ethics Act Violation), in violation of section 8-13-700 of the South Carolina Code of Laws, as amended; three counts of Embezzlement, in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; one count of Use of Public Funds, Property, or Time to Influence Election (Ethics Act Violation), in violation of section 8-13-1346 of the South Carolina Code of Laws, as amended; one count of Distribution of a Schedule II Controlled Substance, in violation of section 44-53-370 of the South Carolina Code of Laws, as amended; and one count of Distribution of a Schedule IV Controlled Substance, in violation of section 44-53-370 of the South Carolina Code of Laws; and

WHEREAS, on October 23, 2020, Robert Anderson Strickland, Jr. pleaded guilty to one count of Assault and Battery, Third Degree, as a lesser included offense of Domestic Violence, Second Degree; one count of Misconduct in Office; and one count of Breach of Trust with Fraudulent Intent, in violation of section 16-13-230 of the South Carolina Code of Laws, as amended, having waived presentment of an indictment to the State Grand Jury charging the latter offense; and

WHEREAS, as part of the aforementioned resolution of the charges against him, Robert Anderson Strickland, Jr. executed an "Agreement to Permanently Relinquish South Carolina Law Enforcement Certification," in which he agreed to, *inter alia*, "hereby resign as Sheriff of Colleton County"; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, *inter alia*, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, "the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted," and "[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, article VI, section 8 of the South Carolina Constitution further provides, in relevant part, that "[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted" and "[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws, as amended, similarly requires that upon indictment and conviction of any officer who has the custody of public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, "the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, section 8-1-100 of the South Carolina Code of Laws, as amended, also provides that "any state or county officer who is indicted in any court for any crime may, in the discretion of the Governor, be suspended by the Governor, who in event of suspension shall appoint another in his stead until he shall be acquitted" and "[i]n case of conviction, the office shall be declared vacant by the Governor and the vacancy filled as provided by law"; and

WHEREAS, one or more of the aforementioned counts and offenses to which Robert Anderson Strickland, Jr. pleaded guilty charged him with "embezzlement or the appropriation of public or trust funds to private use," "a crime involving moral turpitude," or both, for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution and sections 8-1-100 and 8-1-110 of the South Carolina Code of Laws,

the office of Sheriff of Colleton County shall be declared vacant and the vacancy shall be filled as provided by law; and

WHEREAS, with regard to such vacancies in office, section 23-11-40(A) of the South Carolina Code of Laws provides that “[i]f any vacancy occurs in the office of sheriff in any county of this State less than one year prior to the next general election for county sheriffs, the Governor may appoint some suitable person who must be an elector of the county and who, upon qualifying, according to law, is entitled to enter upon and hold the office until a sheriff is elected and qualifies in the election and is subject to all the duties and liabilities incident to the officer during the term of his service in the office”; and

WHEREAS, the next general election for the office of Sheriff of Colleton County is scheduled to be held on or about November 3, 2020, and Charles Lytle Ghent is a fit and proper person to continue serving as Sheriff of Colleton County “until a sheriff is elected and qualifies in the election,” pursuant to section 23-11-40(A) 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 Colleton County and appoint Charles Lytle Ghent to serve as Sheriff of Colleton County until a sheriff is elected and qualifies in the next general election, in accordance with section 23-11-40(A) 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 27th DAY OF OCTOBER, 2020.

A handwritten signature in black ink, appearing to read "Henry McMaster", written over a horizontal line.

HENRY MCMASTER
Governor

ATTEST:

A handwritten signature in blue ink, appearing to read "Mark Hammond", written over a horizontal line.

MARK HAMMOND
Secretary of State