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CJA JUDICIAL NEWSLETTER

JUNE 1992

SOUTH CAROLINA MAGISTRATES AND MUNICIPAL JUDGES

W. J. JOHNSON, JR.
EXECUTIVE DIRECTOR

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

JEANNE R. HERTZOG
JUDICIAL TRAINING COORDINATOR

MESSAGE FROM THE DIRECTOR

All of the state's summary court judges are to be commended for their desire and willingness to be an effective part of the state's criminal justice system. As we all know, the task is both arduous and demanding, as judges join ranks with law enforcement officers in obtaining the most up-to-date training.

This demand will be felt even more now that summary court judges' jurisdictions are being increased in criminal cases. Like law enforcement officers, judges constantly will be under intense public scrutiny and will have to maintain a high degree of readiness and proficiency. To that end, the South Carolina Criminal Justice Academy is here to help.

The Academy is aware that judges will continue to need adequate training. But further, judges also will be held accountable for that training, and the Academy has moved to the forefront to address those issues. The accountability problem especially is pertinent in how well judges'

training is both tested and measured. Recently, South Carolina Supreme Court Chief Justice David Harwell addressed the need for measuring judges' training, and the Chief Justice's order supporting summary court judge testing and measurement is a welcomed endorsement of the Academy's efforts to help provide better qualified members of the criminal justice community.

We at the Academy are pleased to contribute in any way we can, and I commend your association's advisory group for the foresight to move ahead into this vital area.

MESSAGE FROM THE TRAINING COORDINATOR

I encourage you to look at the Academy's Judicial Training Calendar for the remainder of 1992 and to send in your registration for classes that you plan to attend. The response to our classes held away from Columbia and at various locations throughout

the State has been positive, but we have had to cancel a few because of limited response. If there is a class that you plan to attend, register early. The registration deadlines are to assist us so that we can adequately predict the size of the classroom that is needed and the number of handouts to print. Overall, everything is going very well with many judges registering as soon as they receive the newsletter.

If your plans change after you have registered, we would appreciate it if you would call or send a note to either me or Sue Horton, who handles registration for the training classes. A few times each year, the classroom is filled and we have to close registration or compile a waiting list. If you notify us of your cancellation, it will allow someone to attend in your place.

Testing is going very well. We have used multiple choice and true/false format questions, and a high percentage of judges not only pass the test but pass by scoring far in excess of the minimum requirements. A score of 70% is satisfactory. If you have complaints about the difficulty level or what you believe to be an unfair question, please direct those comments to me, Rick Johnson, or a member of the Summary Court Judges' Association Advisory Committee for Judicial Training. The test is intended to be an aid in the learning process.

I apologize to the judges who were inconvenienced when I had to

reschedule the class that was held in Aiken in March and when we cancelled the class in Spartanburg in May. The cancellation was due to the low number who had registered; however, we will try to schedule a class in Spartanburg at another time.

I wish to thank Judge Dennis Phipps for making the Myrtle Beach Courtroom available to us in May, enabling us to schedule class there. He and his staff have welcomed us on numerous occasions, and we certainly appreciate their assistance.

Many individuals have volunteered to assist with the Traffic Laws and Procedures classes in June and I thank them in advance. Judge Bruce Rutland has agreed to be a guest instructor and Judges Carl R. Reasonover and Richard W. Chewning have agreed to participate in the panel discussion. In the next week or two, I will be contacting individuals in Greenwood and Charleston to finalize preparations for the classes in July. If you are interested in assisting at either location or know of someone who has expertise in these areas of instruction, please let me know. Thank you also to the judges who assisted with planning for this class by completing the survey that appeared in the newsletter last year.

A judicial training survey will be included in the September newsletter to assist us in selecting class topics for 1993. We ask that you complete the survey and mail it to us so that we can consider your training interests when we schedule next year's classes.



CRIMES OF MORAL TURPITUDE

In several recent classes, crimes of moral turpitude have been discussed. Crimes of moral turpitude involve an element of fraud, dishonest behavior, or a breach of one's duty to society. State v. Major and In the Matter of Gibson expanded upon this and identified certain conduct which is self-destructive as being "moral turpitude". A list of the crimes in South Carolina that have been identified as crimes of moral turpitude is printed below.

- Housebreaking (1)
 - Larceny (1) (2)
 - Grand Larceny (1)
 - Robbery (2)
 - Auto Theft (3)
 - Receiving Stolen Goods (3)
 - Hit and Run Driving (4)
 - Forgery (5)
 - Making Illegal Whiskey (6)
 - Rape (7)
 - Assault With Intent to Ravish (8)
 - Lewd an Lascivious Conduct With Children (9)
 - Malicious Destruction of Personal Property (10)
 - Fraudulent Check (4)
 - Possession of Marijuana With Intent to Distribute (11)
 - Conspiracy to Distribute Marijuana (12)
 - Distribution of Marijuana (12)
 - Criminal Sexual Conduct With a Minor (13)
 - Arson (14)
 - Peeping Tom (15)
 - Manufacture of Marijuana (16)
 - Breaking Into Vehicle With Intent to Steal (17)
 - Possession of Cocaine (18)
 - Possession of Heroin (19)
 - Trafficking in Marijuana (Including the Conspiracy to Import) (20)
 - Assault and Battery With Intent to Kill (21)
 - Resisting Arrest (§16-9-320(2)) (22)
- (Also ABHAN in some cases)

* * * *

1. State v. Van Williams, 46 S.E. 2d 665 (S.C. 1948)
2. State v. Corn, 54 S.E. 2d 559 (S.C. 1949)
3. State v. Millings, 145 S.E. 2d 422 (S.C. 1965)
4. State v. Horton, 248 S.E. 2d 263 (S.C. 1978)
5. State v. Johnson, 248 S.E. 2d 313 (S.C. 1978)
6. Gantt v. Columbia Coca-Cola Bottling Co., 29 S.E. 2d 488 (S.C. 1944)
7. State v. Lee, 237 S.E. 2d (S.C. 1977)
8. State v. Chasteen, 97 S.E. 2d 517 (S.C. 1957)
9. In re McDonald, 239 S.E. 2d 83 (S.C. 1977)

10. State v. Perry, 364 S.E. 2d 201 (S.C. 1988)
11. State v. Lilly, 299 S.E. 2d (1983)
12. In matter of Ramsey, 301 S.E. 2d 470 (1983)
13. State v. McFarlane, 306 S.E. 2d 611 (1983)
14. State v. Yates, 310 S.E. 2d 805 (1982)
15. State v. Harris, 358 S.E. 2d 713 (1987)
16. State v. Drakeford, 350 S.E. 2d 391 (1986)
17. Rowe v. McCrory, 353 S.E. 2d 130 (1986)
18. State v. Major, 391 S.E. 2d 235 (1990)
19. In Matter of Gibson (Opinion Dated 06/18/90)
20. Green v. Hewett, (S.C. Supreme Court Opinion No. 23457, 08/12/91)
21. Horton v. State, (S.C. Supreme Court Opinion No. 23511, 11/12/91)
22. State v. Hall, (S.C. Court of Appeals, No. 17207, 11/12/91)

S.C. CRIMINAL JUSTICE ACADEMY
JUDICIAL TRAINING CALENDAR

JUNE 17 or 19 (W, F)

Traffic Laws and Procedures
SCCJA, Columbia, SC

JULY 14 or 17 (T, F)

Traffic Laws and Procedures,
JULY 14, (T) Piedmont Technical
College, Greenwood, SC

Traffic Laws and Procedures,
JULY 17, (F) S.C. Wildlife & Marine
Resources Division Center, James
Island, SC

Traffic Laws and Procedures will be taught four times. The registration deadline was May 20. If you have not registered but would like to attend, you may call to see if we have any cancellations.

SEPT. 10 or 15 (TH, T)

Civil Trials and Civil Procedure
SEPT. 10 (TH) Aiken Technical
College, Aiken, SC

SEPT. 15 (T) S.C. Wildlife & Marine
Resources Division Center,
James Island, SC

OCT. 21 or 23 (W, F)

Civil Trials and Civil Procedure
SCCJA, Columbia SC

Civil Trials and Civil Procedures will be taught four times. Registration will be limited to Magistrates. Please register for one of the four dates listed. **THE REGISTRATION DEADLINE FOR CIVIL TRIALS AND CIVIL PROCEDURE IS AUGUST 10.**

NOV. 6 or 17 (F, T)

Criminal Domestic Violence
and Orders of Protection,
Nov. 6 (F) Technical College of
the Lowcountry, Beaufort

Criminal Domestic Violence
and Orders of Protection,
Nov. 17 (T) Greenville Technical
College, Greenville, SC

DEC. 16 or 18 (W,F)

Criminal Domestic Violence
and Orders of Protection,
SCCJA, , Columbia, SC

Criminal Domestic Violence and Orders of Protection will be taught four times. Register for one of the four dates listed. **THE DEADLINE FOR CRIMINAL DOMESTIC VIOLENCE AND ORDERS OF PROTECTION IS OCTOBER 9.**

ADDITIONAL INFORMATION ON CLASSES:

JUNE 17 or 19 (W, F)

JULY 14 or 17 (T, F)

Traffic Laws and Procedures will be taught at the Academy in Columbia in June and Greenwood and James Island in July. The class will include a discussion of DUI, Implied Consent, DUS, the S.C. Commercial Driver License Act and other new laws, Speeding Violations, the Point System, the Habitual Offenders Law, Pretrial Concerns and Discovery, and recent case decisions. The classes in June will be taught by Jeanne Hertzog along with Judge Bruce Rutland, Lexington County's Chief Magistrate Judge and Anne Wicker of the S.C. Department of Highways and Public Transportation. A panel discussion will be

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included, and the panelists have agreed to answer questions relating to their area of expertise. Panelists in June include:

Andrew Jordan	Supervisor, Implied Consent, SLED
Larry Spearman	Instructor, SC Criminal Justice Academy
Judges Carl R. Reasonover, and Richard W. Chewning	Municipal Court Judges
Otto Brown	Chief Auto Analyst, S.C. Department of Insurance
Al Roberson and Horace Smith	ADSAP, S.C. Commission on Alcohol and Drug Abuse

I will attempt to coordinate a panel discussion in Greenwood and James Island in July as well, utilizing experts in those areas of the State.

JULY 14, 1992 (T)

Classes will be taught at Piedmont Technical College, Greenwood, Room 127-B. The emergency contact number for the date of class only is 941-8416.

JULY 17, 1992 (F)

Class will be taught at the S.C. Wildlife Resources Division Center in the Auditorium, 217 Fort Johnson Road, James Island, (See the map that is provided in the newsletter.) The emergency contact number for the date of class only is 795-6350.

SEPT. 10 or 15 (TH, T)

OCT. 21 or 23 (W, F)

Civil Trials and Civil Procedures will be taught in Aiken and James Island in September and in Columbia in October. This class is limited to Magistrates. It will be taught by Lynne Rogers, an attorney at the S.C. Criminal Justice Academy. The class will include a discussion of the Rules of Civil Procedure.

NOV. 6 or 17 (F, T)

DEC. 16 or 18 (W, F)

Criminal Domestic Violence and Orders of Protection will be taught in Greenville and Beaufort in November and in Columbia in December. It will include a discussion of the Criminal Domestic Violence Act and the Protection from Domestic Abuse Act. Also discussed will be the responsibilities of judges and law enforcement officers in responding to these cases. The classes will be taught by William C. Smith, Director of Legal Services at the S.C. Criminal Justice Academy.

NOV. 6, 1992 (F)

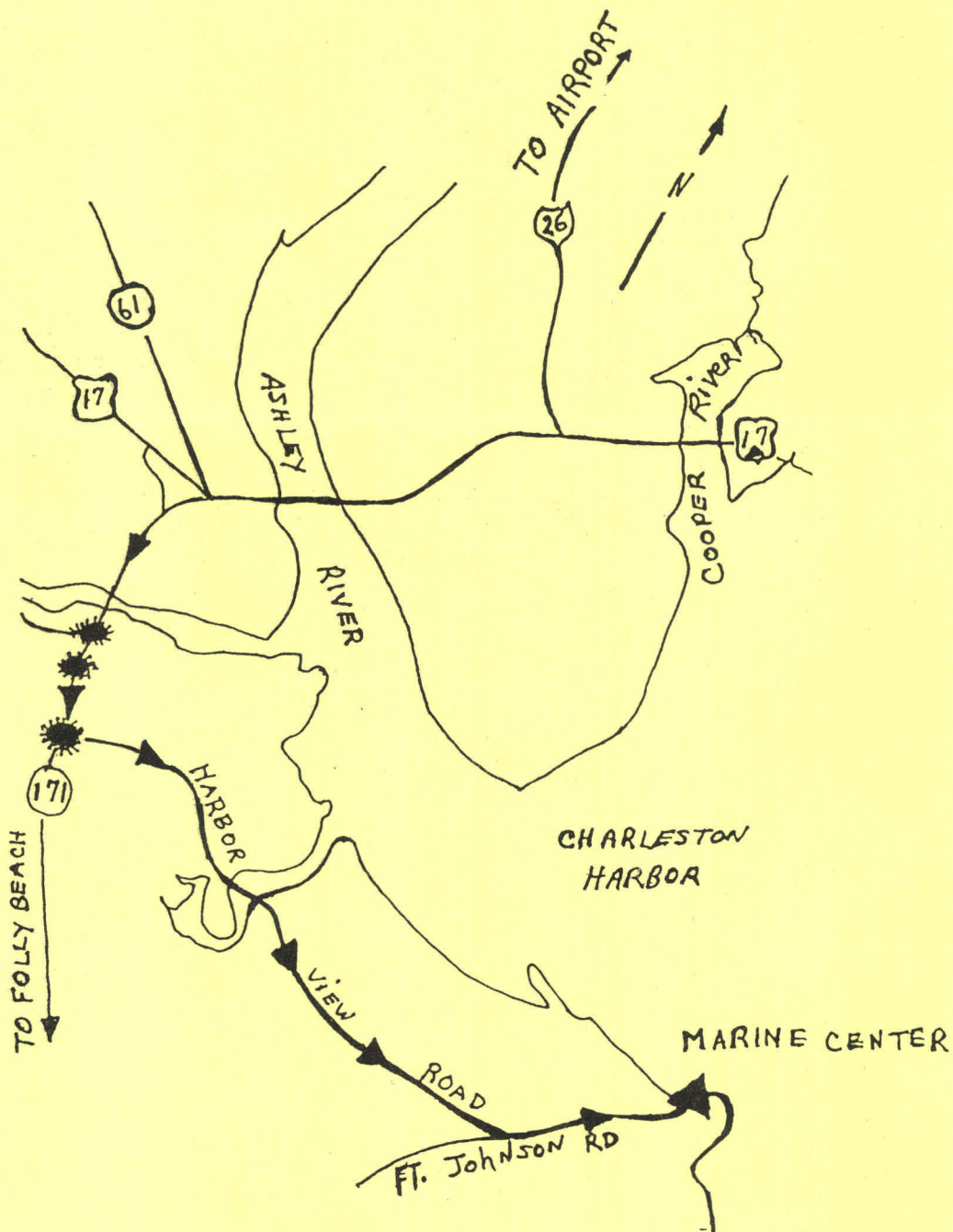
Class will be taught at the Technical College of the Lowcountry in Beaufort, Building 1, Room 201. Emergency contact for the date of class only is 525-8205.

NOV. 17, 1992 (T)

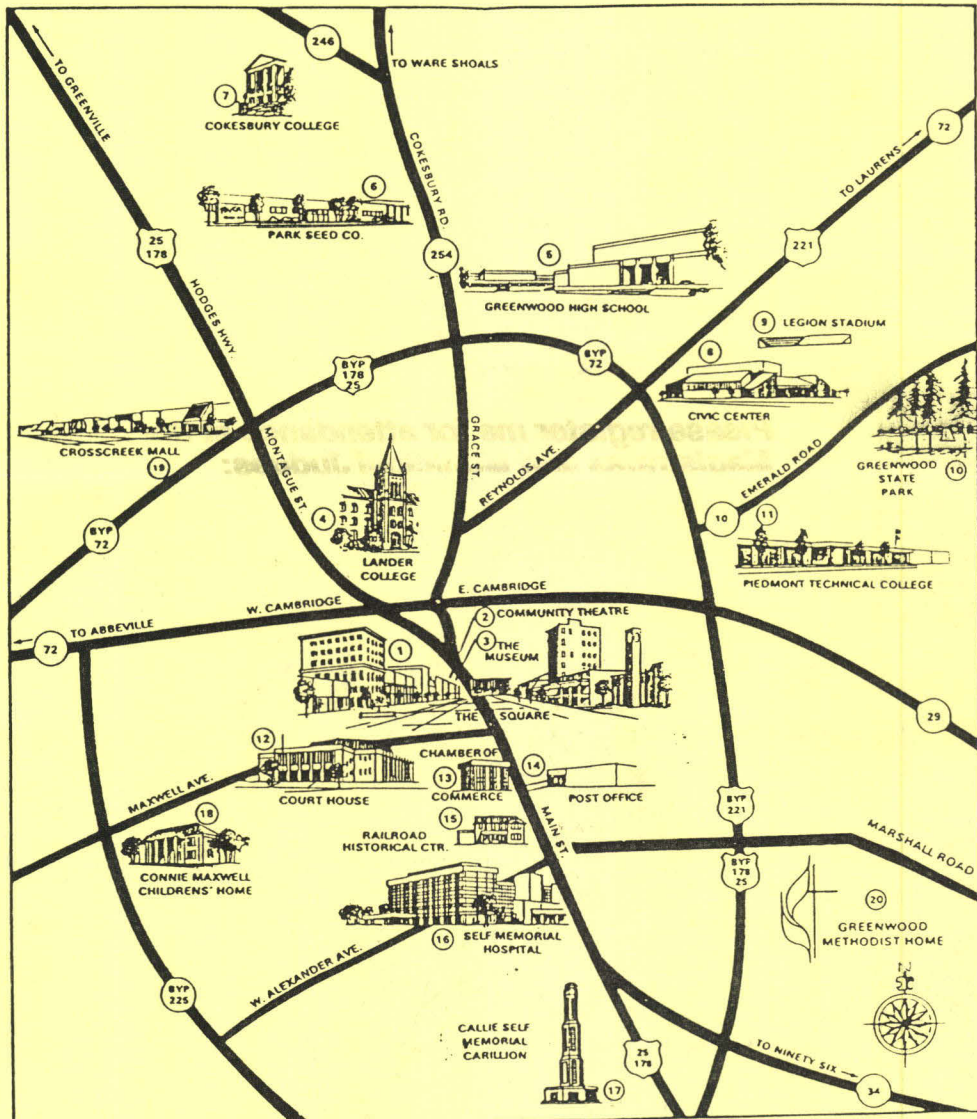
Class will be taught at the Greenville Technical College in Greenville, Room ET-116. Emergency contact for the date of class only is 250-8060.

DIRECTIONS TO THE S.C. WILDLIFE & MARINE RESOURCES DIVISION CENTER

If traveling south on Interstate 26, take Highway 17 West until Highway 171. Go south on Highway 171 until Harbor View Road. Turn left on Harbor View Road then turn left on Ft. Johnson Road. The Center is at 217 Fort Johnson Road.



DIRECTIONS TO PIEDMONT TECHNICAL COLLEGE



**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
JUDICIAL TRAINING
REGISTRATION FORM**

Information for registrants: All classes begin promptly at 9:00 a.m. unless otherwise noted. Registration forms that are mailed to us should be regarded as accepted and confirmed. When a duplicate class is offered (same material taught on two separate dates), list your preferred date in the space below. To register for a two-day conference format class, list one or both dates below depending on your planned attendance.

PLEASE TYPE OR PRINT:

NAME: _____ SS# _____

ADDRESS: _____
(street) (city) (state) (zip)

COUNTY: _____ PHONE: _____

MAGISTRATE MUNICIPAL JUDGE OTHER

Please register me for attendance at the following Voluntary School(s) for Magistrates and Municipal Judges:

TOPIC	DATE
_____	_____
_____	_____
_____	_____
_____	_____

If classroom space is filled on the date you indicated above, are you able to attend on the alternate date?

YES NO

YOU WILL BE NOTIFIED IF YOU ARE SCHEDULED FOR THE ALTERNATE DATE.

MAIL TO: Judicial Training Division
S.C. Criminal Justice Academy
5400 Broad River Road
Columbia, SC 29210

NOTE: LUNCH WILL BE AVAILABLE "AT NO CHARGE" FOR ALL PARTICIPANTS IN JUDICIAL TRAINING AT THE ACADEMY.

**1992 JUDICIAL TRAINING INFORMATION
AND REGISTRATION FORM ENCLOSED**



South Carolina Criminal Justice Academy

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