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Executive order no. 2018-37

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WHEREAS, Daniel Edward Johnson, Solicitor for the Fifth Judicial Circuit, has been indicted by a federal Grand Jury convened in the Columbia Division of the United States District Court for the District of South Carolina on eleven counts of Wire Fraud, in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2; nine counts of Mail Fraud, in violation of 18 U.S.C. § 1341 and 18 U.S.C. § 2; one count of Conspiracy, in violation of 18 U.S.C. § 1349; and one count of Theft of Federal Funds, in violation of 18 U.S.C. § 666(a)(1)(A) and 18 U.S.C. § 2 ; and

WHEREAS, Daniel Edward Johnson, as Solicitor for the Fifth Judicial Circuit, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, 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, section 8-1-110 of the South Carolina Code of Laws, as amended, similarly provides that upon indictment 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 Governor shall suspend such officer and appoint one in his stead until he shall have been acquitted by the verdict of a jury” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, the aforementioned Indictment alleges that Daniel Edward Johnson “[u]s[ed] public funds to finance a private lifestyle” and “abused his position as elected Solicitor to siphon money from the Fifth Judicial Circuit of South Carolina” and includes one or more counts charging the unlawful misuse, embezzlement, or appropriation of public funds to private use; and

WHEREAS, Heather Savitz Weiss, of Columbia, South Carolina, is a fit and proper person to serve as Solicitor for the Fifth Judicial Circuit; and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

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 order that Daniel Edward Johnson shall be and hereby is suspended from his office as Solicitor for the Fifth Judicial Circuit until such time as he shall be formally acquitted or convicted. Accordingly, pursuant to article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, I hereby appoint Heather Savitz Weiss to serve as Solicitor for the Fifth Judicial Circuit until Daniel Edward Johnson shall be acquitted or until a successor is elected and qualifies in the next general election for Solicitor for the Fifth Judicial Circuit, whichever event occurs first.

This action in no manner addresses the guilt or innocence of Daniel Edward Johnson and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 19th DAY OF
SEPTEMBER, 2018.**

HENRY MCMASTER
Governor