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Executive order no. 2019-15

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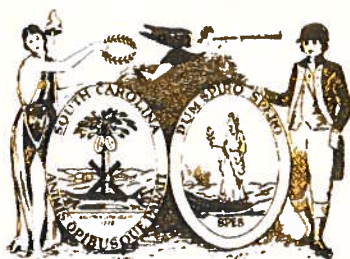
State of South Carolina

Executive Department

FILED

APR 24 2019

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO.

2019-15

WHEREAS, the State Grand Jury has indicted William Kenney Boone, Sheriff of Florence County, for two counts of Embezzlement of Public Funds, in violation of section 16-13-210 of the South Carolina Code of Laws, as amended, and one count of Misconduct in Office, in violation of the Common Law of South Carolina; and

WHEREAS, William Kenney Boone, as Sheriff of Florence County, South Carolina, 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, article VI, section 8 of the South Carolina Constitution also 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

WHEREAS, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws, as amended, requires 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 includes one or more counts charging William Kenney Boone with "embezzlement or the appropriation of public or trust funds to private

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use,” “a crime involving moral turpitude,” or both, for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, section 23-11-40(C) of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “[i]f any vacancy occurs in the office [of sheriff in any county of this State] at any time and is created by suspension by the Governor upon any sheriff’s indictment, the Governor shall appoint some suitable person . . . to hold the office 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, William C. Barnes, of Florence, South Carolina, is a fit and proper person to serve as Sheriff of Florence County.

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 suspend William Kenney Boone from the office of Sheriff of Florence County until such time as he shall be formally acquitted or convicted. Accordingly, pursuant to article VI, section 8 of the South Carolina Constitution and sections 8-1-110 and 23-11-40(C) of the South Carolina Code of Laws, I hereby appoint William C. Barnes to serve as Sheriff of Florence County until William Kenney Boone 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.

This action in no manner addresses the guilt or innocence of William Kenney Boone 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 24th DAY OF APRIL, 2019.

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

HENRY MCMASTER
Governor

ATTEST:

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

MARK HAMMOND
Secretary of State