

EXECUTIVE ORDER NO.

2021-41

WHEREAS, on September 23, 2021, the undersigned issued Executive Order No. 2021-35, suspending Barbara Crosby from office as a member of the Board of Trustees of Dorchester County School District No. 2, pursuant to article VI, section 8 of the South Carolina Constitution, after a Grand Jury convened in Dorchester County returned two Indictments charging her with Unlawful Neglect of Child or Helpless Person, in violation of section 63-5-70 of the South Carolina Code of Laws, as amended; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned's suspension of Barbara Crosby was effective immediately and "until such time as she shall be formally acquitted or convicted or until a successor is appointed or elected and qualifies as provided by law, whichever event occurs first"; and

WHEREAS, the Solicitor for the First Judicial Circuit recently notified the undersigned that the above-referenced charges against Barbara Crosby have been dismissed and that the aforementioned Indictments have been disposed of by entry of a *nolle prosequi*; and

WHEREAS, under South Carolina law, "a *nolle prosequi* upon charges extinguishes the State's prosecution upon those charges" and "treats charges *nol prossed* as if they never existed," *Mackey v. State*, 357 S.C. 666, 669, 595 S.E.2d 241, 243 (2004); and

WHEREAS, for the foregoing reasons, and in accordance with the cited authorities and other applicable law, the undersigned is required to rescind the previous suspension of Barbara Crosby from office as a member of the Board of Trustees of Dorchester County School District No. 2.

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 rescind the suspension set forth in Executive Order No. 2021-35 and

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reinstate Barbara Crosby as a member of the Board of Trustees of Dorchester County School District No. 2. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 9th DAY OF
DECEMBER, 2021.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State