

EXECUTIVE ORDER NO.

2020-61

WHEREAS, the State Grand Jury has returned Indictments charging Kenneth Shane Stuart, Supervisor of Chester County, with one count of Trafficking Methamphetamine, Ten (10) Grams or More, in violation of section 44-53-375(C)(1) of the South Carolina Code of Laws, as amended; one count of Criminal Conspiracy, in violation of section 16-17-410 of the South Carolina Code of Laws, as amended; two counts of Distribution of Methamphetamine, in violation of section 44-53-375(B) 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, Kenneth Shane Stuart, as Supervisor of Chester 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, *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, under South Carolina law, moral turpitude “implies something immoral in itself,” *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and “involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man,” *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); 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, section 8-1-100 of the South Carolina Code of Laws, as amended, further 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, the aforementioned Indictments include one or more counts alleging or charging Kenneth Shane Stuart 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, 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 undersigned is authorized to suspend Kenneth Shane Stuart from the office of Supervisor of Chester County and appoint an individual to serve in his stead until he shall be acquitted; and

WHEREAS, Wylie Glenn Frederick, of Chester, South Carolina, is a fit and proper person to serve as Supervisor of Chester 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 Kenneth Shane Stuart from the office of Supervisor of Chester 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 8-1-100 and 8-1-110 of the South Carolina Code of Laws, I hereby appoint Wylie Glenn Frederick to serve as Supervisor of Chester County until Kenneth Shane Stuart is acquitted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Kenneth Shane Stuart 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 SEPTEMBER, 2020.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State