

State of South Carolina

Executive Department

FILED

DEC 18 2020

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO.

2020-76

WHEREAS, the State Grand Jury has returned a twenty-four-count Indictment charging Dalhi Nanette Myers, a member of Richland County Council, with two counts of Misconduct in Office, in violation of the Common Law of South Carolina; ten counts of Use of Official Position or Office for Financial Gain (Ethics Act Violation), in violation of section 8-13-700 of the South Carolina Code of Laws, as amended; ten counts of Embezzlement, in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; one count of Drawing and Uttering a Fraudulent Check, value more than \$5,000.00, in violation of section 34-11-60 of the South Carolina Code of Laws, as amended; and one count of Use of Campaign Funds for Personal Expenses (Ethics Act Violation), in violation of section 8-13-1348 of the South Carolina Code of Laws, as amended; and

WHEREAS, Dalhi Nanette Myers, as a member of Richland County Council, 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 Indictment includes multiple counts charging Dalhi Nanette Myers 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 Dalhi Nanette Myers from office as a member of Richland County Council, representing District 10, and appoint an individual to serve in her stead until such time as she shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first; and

WHEREAS, Cheryl D. English, of Hopkins, South Carolina, is a fit and proper person to serve as a member of Richland County Council in the office and seat representing District 10.

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 Dalhi Nanette Myers from office as a member of Richland County Council, representing District 10, until such time as she shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. 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 Cheryl D. English to serve as a member of Richland County Council in the office and seat representing District 10 until such time as Dalhi Nanette Myers shall be formally acquitted or convicted 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 Dalhi Nanette Myers 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 18th DAY OF DECEMBER, 2020.

A handwritten signature in blue ink, appearing to read "Henry McMaster".

HENRY MCMASTER
Governor

ATTEST:

A handwritten signature in blue ink, appearing to read "Mark Hammond".

MARK HAMMOND
Secretary of State