

State of South Carolina
Executive Department



FILED

MAR 01 2024

Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO. 2024-06

WHEREAS, on December 14, 2021, the undersigned issued Executive Order No. 2021-42, suspending Charles B. Lemon from the office of Sheriff of Marlboro County, pursuant to article VI, section 8 of the South Carolina Constitution, after a Grand Jury convened in Marlboro County returned two Indictments charging him with one count of Assault and Battery of a High and Aggravated Nature, in violation of section 16-3-600(B)(1) 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, in accordance with article VI, section 8 of the South Carolina Constitution, Executive Order No. 2021-42 stated that the undersigned's suspension of Charles B. Lemon was effective immediately and "until such time as he shall be formally acquitted or convicted"; and

WHEREAS, pursuant to section 23-11-40(C) of the South Carolina Code of Laws, as amended, the undersigned previously appointed Larry McNeil, of Bennettsville, South Carolina, "to serve as Sheriff of Marlboro County until Charles B. Lemon 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, on or about January 24, 2024, a federal Grand Jury convened in the Florence Division of the United States District Court for the District of South Carolina returned an Indictment charging Charles B. Lemon with one count of Deprivation of Rights Under Color of Law, in violation of 18 U.S.C. § 242 and 18 U.S.C. § 2; and

WHEREAS, upon consideration of the circumstances presented, to include the particularized facts alleged in the federal Indictment and the statutory definition and classification of the offense, the undersigned has determined that the aforementioned Indictment charges Charles B. Lemon with "a crime involving moral turpitude" for purposes of article VI, section 8 of the South Carolina Constitution, *see, e.g., Koon v. United States*, 518 U.S. 81, 110 (1996) ("As noted above, 18 U.S.C. § 242 offenses may take a variety of forms, but they must involve willful


violations of rights under color of law. . . . [W]e must conclude it is not unusual for a public official who is convicted of using his governmental authority to violate a person's rights to lose his or her job and to be barred from future work in that field. . . . Public officials convicted of violating § 242 have done more than engage in serious criminal conduct; they have done so under color of the law they have sworn to uphold.”).

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 declare that Charles B. Lemon shall remain suspended until such time as he shall be formally acquitted with respect to all pending charges or convicted of one or more of the above-referenced charges, or all of the aforementioned indictments are otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever occurs first. This action in no manner addresses the guilt or innocence of Charles B. Lemon 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 1st DAY OF
MARCH, 2024.**


HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State