

EXECUTIVE ORDER NO.

2024-18

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, 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, in light of the subsequent Indictment returned by a federal Grand Jury, and in accordance with article VI, section 8 of the South Carolina Constitution, on March 1, 2024, the undersigned issued Executive Order No. 2024-06, declaring 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”; and

WHEREAS, on March 5, 2024, the Office of the Attorney General dismissed the above-referenced Indictments filed in Marlboro County, with the accompanying notations reflecting dispositions of “*nolle prosequere* w[ith] leave to restore due to Federal Prosecution on same facts”; and

WHEREAS, under South Carolina law, “a *nolle prosequere* upon charges extinguishes the State’s prosecution upon those charges” and “treats charges *nol prosequere* as if they never existed,” *Mackey v. State*, 357 S.C. 666, 669, 595 S.E.2d 241, 243 (2004); *see also Matter of Oxner*, 440

S.C. 5, 10 n.5, 889 S.E.2d 586, 589 n.5 (2023) (“[N]olle prosequi’ is not a term of art; it is simply an archaic way to describe a dismissal without prejudice.”); and

WHEREAS, on August 19, 2024, following a trial before the United States District Court for the District of South Carolina on the 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, the Jury returned a verdict of Not Guilty, *see* Verdict Form, *United States v. Lemon*, No. 4:24-CR-00068-JD (D.S.C. Aug. 19, 2024), ECF No. 104; 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 Charles B. Lemon from the office of Sheriff of Marlboro 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 rescind the suspension set forth in Executive Order Nos. 2024-06 and 2021-42 and reinstate Charles B. Lemon as Sheriff of Marlboro County. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 21st DAY OF
AUGUST, 2024.**

HENRY DARGAN MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State