

Remarks by Solicitor Rick Hubbard – Saluda County GOP Meeting

[Introductory Remarks]

I've been a prosecutor since I really got out of law school. I clerked with two different judges. I got out of law school in 1990, came down from the upstate. I'm from Simpsonville, went to Furman University, and then went to USC Law School.

Growing up, I always knew I wanted to go to law school. I was interested in government, I was interested in politics, but I didn't really know what I wanted to do. I got into politics when I was a young kid. I remember when a guy by the name of Ronald Reagan ran in 1976. I was 11 years old and I was telling my dad he needed to vote for that guy. My dad was brushing me aside, saying I was way too young to understand this type of stuff. But by the time I was in college and Reagan was running for a second term, Dad said, "You know what? I think you figured something out." When I told him I was going to law school, he said that was a good thing, too, because I argue all the time.

He said my mouth and my body don't go together. I need a job where I can argue but not worry about somebody beating me up. I need security. If y'all met my number two guy, he works out six days a week. He's huge. We've known each other for 30 years. I've always been the mouth; he's the muscle.

I joined this Solicitor's Office in 1994 with Donnie Meyers. Some of y'all may remember him. He prosecuted and held this position for 40 years. Within three weeks on the job, I tried my first case. Within three months, I was involved in my first murder trial. I've never kept up with how many trials I've tried or how many I've won or lost because I'm so competitive. I don't want what I do to be about a record. I want it to be about the case that's in front of me, doing what's right.

I met my wife through this job. She used to run all of our diversion programs—those are the second-chance programs—for people who got in trouble for the first time and had never been in criminal court before. They could go through one of our programs and come out and start their life up. She started the first drug court program in the state of South Carolina for addicts who are constantly getting in trouble. We know if we let them out of prison or jail, they're going to get in trouble again. The program she ran, and that continues to run, is roughly 90 percent successful. So we've had a good balance in both my home and our office.

There came a time I knew Donnie was going to be stepping down, and I had left briefly to go to the Attorney General's Office. I was working with Alan Wilson. I've known him for 30 years, known him before he went to law school. I went over to be his number two guy and was in training for that position when Solicitor Meyers made it clear he wasn't going to run again. I said, "Well, I'm coming home. I'm running." I ran and I took office in 2017.

Out here in Saluda, but also in McCormick and Edgefield, some of the dockets had been managed in a kind of old-fashioned way. The dockets had stacked up. We instituted a policy where we were going to hit the dockets really hard—not giving away cases, but

prosecuting hard, focusing on our violent cases to see if we can make people plead guilty because we leave such an impact by what we do in the courtroom.

Since the time I came on, the overall docket at any given time compared to today is almost a 60 percent reduction in what's pending. When I came on in 2017, there were around 360 warrants pending. Today, we checked—we've got court running right now down the road in the Saluda courthouse—and we have 117 warrants pending. That represents about 58 defendants pending here in General Sessions Court, not family court, not magistrates' court.

Typically, when we come out here, we come out eight to nine weeks a year and run court. We'll run a week, have a week off, and run another week. That gives everybody a chance to really absorb that docket and to send a message by what we're doing in that courtroom.

If we try one case, it may look like it's backing us up, but when people see the results of those trials, they say, "You know what, I think I want to plead guilty." That's how you drive a plea docket as opposed to just giving your cases away. You use your trials, hitting the hard cases, to make defendants understand that if you go to trial, there's a price to pay and it's an ugly one. So plead up.

Statistically, for most of the state, usually about one percent of the cases go to trial out of all that we have pending. Sometimes people plead guilty at the last minute. You'd be amazed how many people come in after they've been arrested, we've indicted them, and they say, "All right, I'll plead."

The reputation of this circuit—which is Lexington, but also Saluda, McCormick, and Edgefield; I represent all four counties—is that we mean business. Statewide, Saluda, Edgefield, and McCormick almost consistently have the best, most efficient dockets in South Carolina out of the 46 counties.

As far as life out here and the rate of crime, this is also one of the lowest crime-rate and safest areas. I think SLED did an evaluation; for violent crime and property crimes, Saluda County is considered one of the top five safest counties in the state of South Carolina, along with McCormick and Edgefield.

Lexington is my tough nut to crack. Whereas I have 117 warrants pending in a year out here, I have about 5,500 pending in Lexington. A lot of what we deal with is spillover from Richland County, but it's also because Lexington is growing so fast. It's harder to stay on top of. I don't do it all by myself.

Out here we have a dedicated group of prosecutors who do nothing but Saluda, Edgefield, and McCormick. They'll be running court all week this week. Next week they'll be prepping for the week that's coming up. When it comes time to go to Edgefield, they'll be ready to go. When it comes time to go to McCormick, they'll be ready to go. They'll be calling cases and running straight court. Meanwhile, Lexington is running every other week pretty much, sometimes every week, because we have so many cases.

Overall, I've got about 33 attorneys—prosecutors—in our office. I've got three dedicated to doing family court prosecution, and that includes out here. So a lot of juveniles that commit a crime, we don't bring them up to General Sessions Court; we prosecute them in family court. We also do some magistrate prosecutions, but very few; most of those are domestic-violence cases throughout the entire circuit.

Although I'm the head of the office and in charge of budgets and personnel—that's why I have a number two guy as well—I like to get in the courtroom. I typically try murder cases or complex, high-profile cases. People want to see the guy they elected, and I love to get in there. It might sound kind of crazy, but it's a relief for me to get away from the personnel and budget stuff. Those are the biggest headaches. Getting in the courtroom is pleasant for me.

When I got in the courtroom for the first time after several weeks of being hired, I was on my feet and within five minutes I realized I love this. Every time I've gotten on my feet in the courtroom, I feel that. I've had a raging fever in a capital murder case; I got on my feet and it's like it goes away. I feel like I just walked out of the gym and I'm ready to go. Of course, I'm exhausted after the trial. But that's what I do. I love leading from the front.

One of the people we hired on when I was a deputy solicitor running the Lexington office was David Stumbo. That's how I got to know David. He had just gotten out of law school and came over to Lexington and said, "Hey, do y'all have a job?" I said, "We don't," but we started talking and I said, "Man, I really like you." He ended up going over to the AG's Office and, when we had an opening, I called him and said, "David, you need to meet me for lunch." I put a sales pitch on him and we brought him over to Lexington.

David and I have prosecuted cases together. He's a fantastic prosecutor. He ended up going back to the AG's Office and ultimately running for solicitor. He had the same job I've had, but he represented Greenwood, Newberry, Abbeville, and Laurens counties. Last year, we had a meeting up in North Carolina. I pulled him aside with his wife and my wife and said, "David, you need to run for AG. You'll be a great guy. You're conservative, you're a good Christian man, but more than that, you're a good prosecutor. Law enforcement respects you. All the prosecutors respect you." I helped, I think, sway his wife. David got it. I think he's going to be a great AG. I've known him forever and it's great to be able to pick up the phone and know who my AG is.

That's what I do and what my office does. I'd love to have some questions from y'all.

[Questions and Answers]

Q: Where are you headquartered?

A: Of course, in Lexington—I'm in the courthouse there. Here in Saluda, we've got an office in this courthouse, a permanent office. In Edgefield, we've got a building right next to the courthouse, right on the square. It's a building that was built around 1904. It's right next to the old county courthouse and on the square. When you're driving in, you look at the courthouse and our office, the two-story building. So we've got that.

Q: How many attorneys are in your office?

A: Right now, it's about 33, but we've got around four openings. It's a funding issue to have those positions fully funded. Most everybody is doing General Sessions work. We have three people full-time doing that out here. Sometimes we'll come out and bring one or two others and really focus on specific cases and augment what they're doing out here.

My ultimate goal is that the guy I've got managing the docket out here—a guy named Doug Fender—is able to expand his model. He's a genius at managing a docket, absolutely brilliant. I'd love someday for him to manage all the dockets, because, like I said, Lexington's the tough one. If he can crack that nut, I'd be home free. He's shown everybody this is the model of how you do it. We also have two lady prosecutors with him, Jackie and Cassie. They're over in Edgefield and they're fantastic. They've prosecuted murders. Jackie's got over 30 years' experience and Cassie probably has in the range of 15 to 20. They're not lightweights; they're heavyweight hitters. The judges love them. We have a good relationship with our judges. They respect what we do.

Q: Speaking as a former correctional officer, I don't know how much influence the Attorney General's Office has on the administration of the Department of Corrections—the hiring and training of personnel—but of all the government agencies I've ever worked for, the South Carolina Department of Corrections doesn't seem to attract, shall I say, cream.

A: Yes, sir, I've seen it too. The AG really doesn't have direct authority over that, but he can have some influence on it. He has to sign off on all lawyer positions there. More importantly, if he's got a good working relationship with whoever heads up the prison system—prior to this, it was Bryan Stirling, who's now the U.S. Attorney—we can sometimes have a joint idea on how to handle what's going on in the prison system that helps us as well.

One of the issues we've seen, particularly with big drug dealers, is that we'll send them to prison and they're essentially home-free over there. They're in with their gangs, they're untouchable, and they have phones because nobody was jamming their phones. We've been asking the federal government for years to allow jamming, and now it's finally started to happen. We've had hits put out on people and major drug deals all orchestrated from our jails. It's amazing.

You're right—the Department of Corrections has had serious problems. Just in the last few weeks, we've seen more people from the Department of Corrections arrested. It's an ongoing battle. They're trying to raise pay and qualifications, but it's tough to get people who want to be in that system because it's a tough system.

Q: I starved to death working there. When the battery went out in my car, I had to borrow money to buy a battery. I decided this is not where I need to be. I can't afford to work here.

A: It's a tough environment. You have to be called to it, I guess, because you're not going to make much money and it's a dangerous job. It doesn't matter where you are in the facility—it's dangerous.

Q: Is that funded and arranged through the county or through the state?

A: That's the state. Our local jails are county-funded, but the prison system is all state. Then we have federal prisons. Edgefield's got a federal prison out there as well, and that's all federal—only federal inmates go there.

Our inmates go to state facilities. When we try them and convict them, they go to Columbia initially and go through R&D—Reception and Evaluation. Then they determine where they go after that, depending on how violent the crime was, health issues, and other factors. They decide which institution is best suited for that particular person.

Over the last few years, they've tried to say that if you're in there for murder or something and serving a long time or life, the better you behave, the more you can move to a step-down facility where you have more freedom. Others may be locked up 23 hours a day.

Q: From my experience at MC, it seemed like SCDC went out of its way to find the least ambitious, laziest, and most inept people they could hire.

A: It does look that way sometimes. I think it's gotten a little bit better. They've tried really hard. Bryan Stirling did a lot to try to turn things around. The General Assembly liked him and respected him, so they started giving him more money. He worked closely with SLED and with prosecutors to figure out how we all work together, because we can still prosecute cases that occur within prisons within my circuit.

I have a state prison in McCormick. We'll have stabbings out there, we'll have rapes, and we prosecute those sometimes as well. We do a variety of prison-related prosecutions.

Q: So basically if there was a higher salary, they would get higher-caliber people?

A: Correct. That's a big part of it. For me, you want not just pay but quality of the work. The more professional you make a job, the more people are attuned to it because they want to belong to something that's very professional. I think that's where they've really tried to work on things as well.

Bryan's successor, the current director, is trying to do what Bryan was doing. I can't remember his name—I don't know him. I knew Bryan for many years before he got in. They're trying not just to increase money but to raise the standard of what it is to be a prison guard.

Q: The majority of the guards I worked with were some of the most dysfunctional people I've ever had the displeasure of working with. These people are supposed to have your back in case something goes down, and you're like, "I don't think so."

A: The bigger problem today, I think, is really with juveniles and the juvenile facilities. What you'll find out on county council, too, is that if the sheriff arrests a juvenile and puts them in the county facility, generally a county facility can't hold a juvenile. He has to take them to the state juvenile facility, and they charge the county until we prosecute—around \$100 a day, something like that.

It's incredible. It's almost like, "All right, we've got to do something with this case—bump it ahead of everybody else and take care of it."

My sister is an instructor in the juvenile division. She teaches English and science. One of the most violent people I've ever prosecuted was a little 16-year-old girl. She was very small but scared all the guards, the men too. When we had her in our county jail, we moved her over to try her. She took over the whole women's wing, even though there were a lot of bigger, more violent women. She was like the child of the devil, I'm going to tell you.

When she said she was going to put a hit on somebody, she had the connections. She was one of those who had no sense of remorse. One of the scariest people I've ever dealt with. That was a few years ago.

I've prosecuted countless murders. I've done multiple capital cases. The last one I did in Lexington involved a father who killed his five kids. Their ages were from one to eight. It was associated with synthetic marijuana—bath salts or something—but what he ended up saying was that he wasn't high at the time. He had psychologists from all over the country coming in saying he was insane. We had a state doctor look at him who said, "No, he's just mean. Just mean."

Q: Did he say why he did it?

A: He said the first child's death was an accident when he was spanking the child. This child was one he had been abusing. DSS had dropped the ball on this child. The child had gone through so much. He said, "I accidentally killed the child and then I thought about calling the cops, but then I knew they'd arrest me for murder," which shows he knew right from wrong.

Then he watched an episode of a movie where a man in prison is shown what happens to inmates who hurt young kids. He decided he was going to get rid of the other four. He didn't want his ex-wife to have the kids, but said, "I was just sending them to be with Jesus with their brother, so it wasn't really a bad thing." Our jury didn't agree with that.

He went through Alabama and they caught him in Mississippi. He dumped the children's bodies in Alabama. It's one of the most traumatizing cases we've tried. I had to take my team of seasoned prosecutors and staff to counseling after that because, with kids, it's so much more difficult.

My wife came and watched that trial and I wasn't thinking anything about it. At the next trial, I asked, "Do you want to come sit in that case?" She started crying. I realized I hadn't

taken care of my wife. I exposed her to all of that and I'd been taking care of everybody but her. She was taking care of me. It's tough.

Q: Do you notice any trends since you've been in office since 2017? Is crime going down? Do you notice certain types of crimes increasing? We're fairly good in this area with our court docket and with lower crime than other places, but are there any certain crimes or types of crimes? I know we have a large illegal population in Saluda County. Has that caused our crime to go up any at all?

A: Honestly, from what we're seeing, it hasn't. One reason is if they commit a crime against another person, that victim often doesn't want to come forward. There's a lot of unreported crime in the undocumented, illegal-alien community. Even though there is a federal law saying that if you've been victimized, even though you're here illegally, the law will protect you—we don't want someone taking advantage of these folks and just wholesale committing crimes—we haven't seen a lot of reported cases.

Another reason is probably because ICE is picking them up. We've met with ICE. The only thing we've asked is that when we have a really violent case, they don't ship the defendant out of the country before we try them. If they ship them out of the country, they can just come right back. If they commit a violent crime, we want them to pay for it. That's been the big message with ICE. We've had a great working relationship with ICE. Local law enforcement works well with them.

Probably one of the biggest trends I've seen is in the drug business. We've seen our murder cases and property crimes drop down since COVID, believe it or not. Lexington alone had 22 murders in 2019–2020. Last year we had four in Lexington, which is unheard of. I'd never had that few. We've already passed that; we're probably at five or six right now in Lexington alone. We might have another one tonight in Saluda—I've got to talk with Josh about what his call was about.

Overall, those crimes have come down. One shift I've seen is in the drug business. It used to be meth cooked locally. Years ago, people would cook it up out in the woods and you could smell it for a mile away, so cops knew to go to the smell. Then we passed laws limiting the antihistamines and decongestants they used in their recipe. We saw people doing what they call one-pot cooking, cooking it right there, sometimes sitting in the parking lot of Walmart.

Now all that's pretty much gone. It's the Mexican cartels. You have high-grade, very cheap meth throughout the country now, and fentanyl, which most of that seems to be coming from China but coming through Mexico. We're seeing a lot of that—high-grade meth and then fentanyl and opioids we hadn't seen before.

We just got the first conviction in South Carolina last week for someone selling fentanyl that they knew would kill somebody, and someone did die from it. It's the first homicide-by-fentanyl prosecution in the state of South Carolina. We handled that last week.

Q: Have you seen an impact from border policies? We read that the Trump administration is doing a lot to stop drugs at the border. Are things still going up?

A: The drugs are still coming in. he has done an awful lot—he has shut down the border to a trickle. It was wide open under the Biden administration. It really was. It was a free-for-all, which made it very easy to get drugs in and out of the country as well.

But drugs—that's a sophisticated business, a very sophisticated business. They know how to bypass the border. They have tunnels, very extensive tunnel systems, to get into the U.S. and to get that stuff distributed throughout the country. The way I've been trained by my gang guys is that they meet with gangs and cut deals to make those gangs their distributors. Sometimes you even have opposing gangs doing business together. It's a business; it's just a very violent one.

We've got around 20,000 miles of coastline. It's a hard thing to patrol. Drugs come through the air, under the ground, through the ocean. We're still a free country, so our borders are always jammed up with people trying to come in.

I had to go to Canada when we were picking up one of my murder defendants up there. Talking to the officers up there, I was stunned just seeing the crowds in Canada coming into the U.S. I know Mexico would make that look like child's play.

Q: My question is, you know, the Republican Party last year came closer than ever to real judicial reform. As a person who tries cases in the courtroom, what do you feel about the caliber of judges we're putting on the bench in South Carolina?

A: Many of the judges I deal with are fine, but it's not because of the system we use to elect them. The system we have—I've been against it and opposed to it forever. I've been on the record long before this past election.

The biggest issue I've seen is when a legislator stands in front of a judge in a courtroom representing a defendant. If he needs a continuance, he gets it because that judge knows, "That guy holds my robe." That's a horrible system. Even when you have a good legislator—whether it's civil or criminal court—and he's doing his job and the judge rules for him, it makes the judge look crooked and it makes the legislator look crooked, even if they've done their jobs. Everybody sitting in that courtroom says, "I saw what just happened."

My experience is the biggest problem has not been so much the judges but just a handful of legislators who use the system to say, "This is how it needs to run." They come in and say, "I'm not trying my case this month. Not happening. I need another extension." So a case gets booted for a year. I wrestled with one guy and it took five years to try a case. It was brutal. I had to tell the victim's father, "Look, the judge in this case is a good guy. But he has to think, 'Do I want to continue in my job or not?'" It makes him look bad.

I know that judge was on the spot. I've talked to judges, and many of the judges—like the ones we have in this circuit—I get along with great. They do a great job. But it's unfair for them to have a legislator down there, while I'm there with my victims and the legislator is

there with a defendant who's done something horrible, and that guy walks out the door when others don't.

Q: Are you familiar with Alan Wilson's plan for making new judges?

A: I am. Allan and I have talked a lot about judicial reform. I've talked a lot about it with David Stumbo. I think the focus for me has been more on our legislators—just a few of them—but the system overall looks bad. When the legislature can hire, set the pay, and fire a judge at will, you have an employer–employee relationship. That's what needs to change.

There are a lot of judges who've become judges because they really were called to do that and they're good at it. But their integrity, when they have a legislator in front of them, is called into question sometimes even when they do the right thing, and that shouldn't happen.

Q: So essentially we don't have three separate branches of government?

A: We don't, in South Carolina. South Carolina is a throwback to the 1800s where the legislature dominated government. That's why we have a weak governor's position. Coming out of the Civil War, when we redid our constitution, it was by design. We figured if the Yankees came in here again and appointed a governor, put somebody in place, the legislature would be the powerful branch and we would run the courts. That's how we've done it.

Once you invest power somewhere, it's hard to get it out. The biggest problem I've found with judicial reform is the lawyer-legislators. They all feel like you're attacking them and calling them corrupt. For many of them, I haven't even used the term "corrupt," although everybody else is asking, "Well, what do you call it?" It's just a horrible system and it makes them look bad.

Allan's got some very good ideas and he's made some heavy inroads where, as prosecutors, we haven't been able to. They always see us as just whining because they think we're complaining about losing cases. I say, "We win most of the time. We're not whining. This is just wrong."

Q: As a county chairman, I talk to chairmen in other counties and I really do think the Republican Party is focused on that issue.

A: I hope so. It has surprised me how much influence we can have, particularly in elections. The Republican Party can have a bigger impact than prosecutors ever could. When I'm talking to lawyer-legislators, we're talking courtroom talk and they just see me as a combatant. But if they know their constituents and the grassroots are saying, "This is a bad system," then regardless of how it affects their pocketbook or what they think of the system, they're going to make changes.

That's where we really need the Party. We need the state Republican Party to step in as well—but with the backing of all 46 counties saying, "This is what we want," so local

legislators feel it. Allan's got a very balanced system: you strengthen the executive function of the governor, letting him appoint people to the screening committee. There should be no legislators on that screening committee. They should be term-limited.

The screening committee should say, "Here's who has come through," and the governor picks. If he picks badly, everyone knows who to blame—it's the governor. You pick a bad judge, you can't complain about bad judges, because you put them on.

Right now, if you have a bad judge, everybody says, "I didn't vote for them," and no one knows if they did or not. It's horrible.

Q: Rick, how is your office funded? Is it divided between the counties?

A: We have county funding and state funding. With Edgefield, McCormick, and Saluda, years ago there was an agreement reached for joint funding. It's by percentage, and I can't remember what Saluda's percentage is. I submit a budget and all the counties get to see what I'm doing. Generally it's been like clockwork as far as getting it done. We've not had any blowback.

You may see "Tri-County" and that's what that is. That agreement goes way back because many years ago McCormick was so poor they weren't contributing at all. I think everybody sat down and came to a percentage agreement. Edgefield carries the most because it's the larger county. I think they're close to 30,000 people, Saluda is roughly 20,000, and McCormick is barely 10,000 people. They've actually grown. I think their biggest industry is a retirement industry out on the lake. That's how we do it, and then we get state funding as well.

Q: So does your office struggle to keep up with your workload?

A: I won't say "struggle," because we're, at any given time, either first or second place as far as efficiently moving our dockets. But we work nonstop. It's brutal. Any weekend you go in, our people are working. With that many people living in the circuit, you've got that many more crimes being committed.

You've got to be committed to it because these folks can make a lot more money doing something else. For me, it's a calling. I love this job. I love doing what I do. I didn't grow up with money, so I didn't know what it was like to have a lot of money anyway. I get paid well now as a solicitor, but in all my years with Donnie I never asked for a raise. I just worked hard and he took care of me.

My ultimate goal is not just what the dockets look like when I leave, but to have an office full of top-tier prosecutors who will step right in and take this office and go where I couldn't take it—continuing to focus on violent crimes, keeping our crime rates down if we can by telling criminals, "It doesn't pay to play here. Go somewhere else." That's my goal.

Everybody's names will be forgotten at some point in this world, but the method of doing business is what I want to live on.

[Closing]

Any other questions? Y'all know I'm a talker—you can tell.

Well, I want to tell you thank y'all for having me. It's been a long time coming.

So thank you, Madam Chairman, for having me, and thank you all for having me here.
Thank you for feeding me. Thank you for the banana pudding. I'm going to tell my wife I
had good banana pudding tonight!

Thank you.