

State of South Carolina
Executive Department

FILED

MAR 30 2023

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2023-06

WHEREAS, on May 16, 2022, the undersigned issued Executive Order No. 2022-15, suspending Matthew Durham from office as a member of Oconee County Council pursuant to article VI, section 8 of the South Carolina Constitution after a Grand Jury convened in Oconee County returned Indictments charging him with one count of Unlawful Neglect of Child, in violation of section 63-5-70 of the South Carolina Code of Laws, as amended, and one count of Domestic Violence, Second Degree, in violation of section 16-25-20(C) of the South Carolina Code of Laws, as amended; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned's suspension of Matthew Durham was effective immediately and "until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first"; and

WHEREAS, the Office of the Attorney General recently notified the undersigned that the above-referenced charges against Matthew Durham have been dismissed and that the aforementioned Indictments have been disposed of by entry of a *nolle prosequi*; and

WHEREAS, under South Carolina law, "a *nolle prosequi* upon charges extinguishes the State's prosecution upon those charges" and "treats charges *not proseed* as if they never existed," *Mackey v. State*, 357 S.C. 666, 669, 595 S.E.2d 241, 243 (2004); 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 Matthew Durham from office as a member of Oconee County Council.

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 No. 2022-15 and

March 30, 2023

reinstate Matthew Durham as a member of Oconee County Council. This Order is effective immediately.



**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 30th DAY OF
MARCH, 2023.**



HENRY MCMASTER
Governor

ATTEST:



MARK HAMMOND

Secretary of State