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Date: 3/1/2016 9:22:55 AM
Subject: Fwd: moral turpitude

Sent from my iPhone

Begin forwarded message:

From: Bob Cook <BCook@scag.gov>
Date: March 1, 2016 at 9:21:00 AM EST
To: "'Pisarik, Holly' (HollyPisarik@gov.sc.gov)" <HollyPisarik@gov.sc.gov>
Subject: moral turpitude

Holly, at the request of the Governor's Office, I have done some preliminary research and this is what I find: felony DUI is likely not a crime of moral turpitude and failure to file a tax return likely is such a crime. We have numerous opinions and there are SC cases saying DUI is not a crime of moral turpitude. While we have not addressed felony DUI, cases in other jurisdictions say it is not. I would like to look at this a little more.

On the other hand, we have a prior opinion regarding failure to file back in the 90's which concludes that offense is a crime of moral turpitude. It is based upon a McLeod opinion which concluded the same thing regarding the parallel federal offense. The later opinion acknowledges there is a split of authority on the question in other jurisdictions.. My quick research of other jurisdictions bears this out- some cases say it is-some say it isn't- and some say it depends upon the facts, looking to whether there is a pattern of such behavior. Since the individual was charged with three consecutive years of failure to file, together with the fact we have at least two prior opinions, it would be our opinion that a court would likely conclude that failure to file tax returns is a crime of moral turpitude.

What is the next step? If we write a formal opinion at the Governor's request, the writing process will take several days (probably first of next week).Bob

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