



CRIME & COURTS

Leon Lott: 'Prosecutors Need To Be Held Accountable'

Midlands' top cop: "The prosecutors are the ones who are really to blame."

by FITSNews  August 9, 2023  2

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ne of South Carolina's most prominent law enforcement leaders is calling out

O Palmetto prosecutors – especially those in the Midlands region of the state – for their role in the chronic coddling of violent offenders.

While I have long maintained corrupt judges deserve most of the blame for this increasingly dangerous accommodation, Richland County sheriff [Leon Lott](#) told me this week that those in charge of locking up these violent criminals must also be held accountable.

Last week, we reported on thrice-convicted drug trafficker [Robert Marks](#) – who has been on the streets for several years due to a controversial “pre-sentencing investigation” request made by powerful lawyer-legislator [Todd Rutherford](#) in connection with his case.

Rutherford, readers will recall, is a leader of the S.C. Judicial Merit Selection Commission ([SCJMSC](#)). This clique of influential lawyer-legislators decides which judicial candidates get to stand for legislative election each year. South Carolina is one of only two states in America in which the legislature chooses judges – a system which promotes [sweetheart plea deals](#), [anemic sentences](#), [ridiculous bonds](#), the perpetual [abuse of victims](#) and “mandatory minimum” sentences that wound up being [not-so-mandatory](#).

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The result of all this? Widespread [institutional corruption](#), material [erosions of public safety](#). And the transformation of an ostensibly independent judiciary into a [political annex](#) of the legislature.

Rutherford is Marks' attorney. He was also the attorney for convicted killer and gang leader [Jeroid J. Price](#), who was [unconstitutionally released](#) from the custody of the South Carolina Department of Corrections ([SCDC](#)) in March of this year – sparking a nationwide manhunt.

Price's unconstitutional release, [first reported](#) by this media outlet, highlighted the incestuous relationship between powerful lawyer-legislators, judges *and* prosecutors – and the growing danger it poses to public safety.

Marks' case underscores that danger ...

In addition to a litany of drug offenses, Marks has charges on his record for firing a weapon inside a dwelling, possessing a weapon during the commission of a violent crime and possessing a stolen weapon. Following an April 2016 arrest he was standing trial in December 2020 for this *third* cocaine trafficking offense – which carried a mandatory minimum sentence of twenty-five years. During these proceedings, though, S.C. fifth circuit solicitor [Byron Gipson](#) abruptly called off the trial and agreed to drop all of the charges against Marks if he pleaded guilty to a

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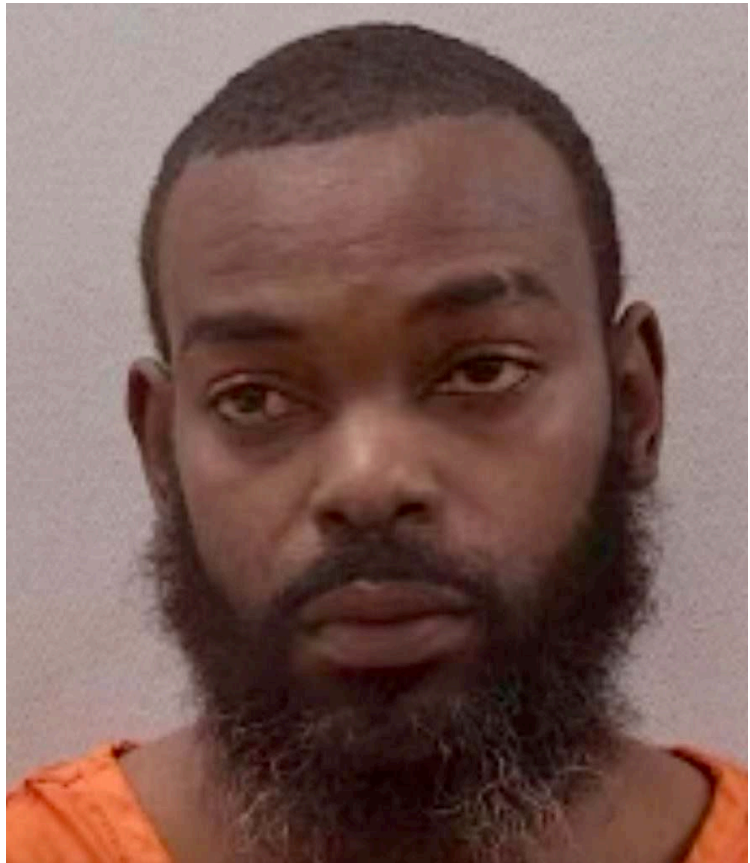
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lesser sentence of possession with intent to distribute.



(Click to view)



Robert Marks (Lexington County Detention Center)

Before this “lesser sentence” could be doled out, though, Rutherford went to one of the judges he appoints and cut another insider deal. On December 11, 2020, court records ([.pdf](#)) show Marks pleaded guilty to the lesser possession charge before former S.C. circuit court judge – and current U.S. fourth circuit appeals judge – [DeAndrea Benjamin](#), one of several Midlands-area judges with a reputation for doling out excessively lenient sentences to violent offenders.

Rather than impose a sentence, though, Benjamin ordered a “pre-sentencing investigation,” or PSI. A rare accommodation, PSIs are typically reserved in the event a

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judge “has reason to believe a defendant suffers from a mental disorder, retardation, substantial handicap.”



“I’ve NEVER seen one for a three-time drug trafficker who has already been to prison for drug trafficking,” one veteran prosecutor told me.

Lott spoke to me Tuesday about the Marks’ case.

“It’s a miscarriage of justice,” the sheriff told me. “There’s no reason for him to be on the streets.”

“That’s the crack in our criminal justice system,” Lott continued. “We’re not holding people accountable. So there’s no reason for them not to continue committing crimes.”

And while Lott referred to the Marks case as “another attempt by defense attorneys to keep people from being held accountable,” he made no secret about where he believes the blame for the fiasco truly lies.

“I don’t fault defense attorneys,” Lott said. “They are just trying to get the best deal possible for their clients. The prosecutors are the ones who are really to blame. Prosecutors need to be held accountable.”

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Lott called the justice system in his home county a “total failure” due to this persistent lack of accountability. According to him, prosecutors are “more concerned with numbers and getting cases moved” than they were with securing justice for victims.

Referring to the Marks’ case – and the unconstitutional release of Jeroid Price – Lott made it clear he believed the problem originated in the solicitor’s office.

“The common denominator is the prosecutor,” he said.

Several months ago, Lott and Gipson appeared with nearly three dozen police and prosecutorial leaders alongside S.C. attorney general [Alan Wilson](#). As our audience is aware, Wilson is [leading a push](#) to reform the Palmetto State’s judicial selection process. At this event, Lott spoke passionately about the

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need to fix the current victimizer-friendly system.



“Our citizens need help – they’ve been victimized every day,” Lott [said](#) at the time. “It’s about protecting our citizens. They’re asking for our help. We are all elected to serve the people – let’s do it.”

Gipson did not speak at Wilson’s event.

Asked this week whether he and Gipson had a different conception of criminal justice, Lott answered in the affirmative.

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Richland County sheriff Leon Lott strides to the podium to address the media during a press conference in March 2023 on the issue of judicial reform. *(Dylan Nolan/ FITSNews)*

“That’s accurate,” Lott said. “I believe in accountability. Reducing sentences and dismissing cases? That’s not part of it.”

Lott has repeatedly called out the current criminal justice system in the Palmetto State as a game of “catch and release” – one in which law enforcement officers repeatedly apprehend dangerous defendants only to see judges and prosecutors put them back out on the streets with virtually no consequences.

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During our conversation on Tuesday, Lott encouraged me and other citizens frustrated with the system to go see it for ourselves.



“Go to 1701 Main Street and sit in the courtroom on the days they are taking pleas,” Lott said, referring to the Richland County judicial center. “You will see catch and release is alive and well.”

According to the sheriff, recent attention drawn to this issue has positively impacted some judges – especially at the magistrate level. And especially as it relates to bonds.

“I see some progress on the bonds,” he said. “The problem has gotten the attention of our magistrates.”

But Lott quickly noted “we still have a ways to go,” and that the perspective of law enforcement must be better incorporated into prosecutorial plea negotiations.

“We need to be part of that decision-making process,” Lott said. “We’re the ones who are with the victims. We’re the ones who see the victims. We’re the ones who see the dead people.”

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ABOUT THE AUTHOR...



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[**Will Folks**](#) is the founding editor of the news outlet you are currently reading. Prior to founding FITSNews, he served as press secretary to the governor of South Carolina. He lives in the Midlands region of the state with his wife and seven children.

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2 COMMENTS



SubZeroIQ

REPLY

🕒 August 13, 2023 at 8:27 am

What? Not one comment in four days so far on such a subject you, FITS, and Leon Lott (“LL”) and

other hypocrites are trying to whip up hysteria about?

Lott is your new Eric Bland (“EB”) and, God willing, you shall be as embarrassed about having parroted LL as you have been about parrotting EB and his Sanctimonious Sandi Smith (“SSS”) about her teen-age prostitute son who REALLY committed suicide by walking into incoming traffic after his delusional plans to “rule the world” by blackmailing powerful people failed. The hit-and-run which killed Stephen Smith received more investigation than that which killed Princess Diana, Emad Fayed, and Chauffer Pierre; but that was not enough for the Murdaugh-hating EB and SSS.

No comment at all till now?

Apparently everyone, including me, fears that if they stand up to LL, he will have one of his bad-driving deputies turn the blue lights on them for no reason, then shoot them as they try to find a safe place to pull in, and IF THEY SURVIVE THAT, and get taken to the fearsome Alvin S. Glenn Detention Center (“ASGDC”), where LL will spread rumors about them so they will get stabbed by other inmates; then LL gets to investigate the ASGDC stabbing and NEVER ONCE does LL acknowledge that the stabbings have increased because ASGDC is overcrowded because of LL’s over-arresting people and terrorizing all

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jurists who obey the Eighth Amendment's prohibition against excessive bail.



Yes, I, too, fear LL will do something like that to me AGAIN. But courage is NOT absence of fear; it is overcoming one's fears to do what is right.

And is LL doing what is right?

I have PERSONALLY spoken to him about one Larry Wayne Mason ("LWM") impersonating a deputy and showing up with a Richland County Sheriff's Department badge in the VERY PUBLIC funeral service for Derrick El Dada. Did LL do anything? Noooooooooooooo.

I have also PERSONALLY spoken to LL about that LWM's by-now 30-year "unsolved" death of LWM's second wife, Ella Faye Kizer Mason ("EFKM") by a gun-shot wound to the head with LWM's gun in LWM's home and LWM's sole presence. Later, LL's Chief Deputy Wilson told me, in the presence of one of LL's captains, "I don't think it was a suicide, I think he killed her."

But Wilson punted to Keel; and Kell said no more about it than he is saying about the result of the "second autopsy" commanded by EB and SSS.

Why does that matter to me? For one recent thing, LWM brazenly stole my truck from my own land but the law-enforcement-agency ("LEA") report I filed and only later received a copy of was marked "NO

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INVESTIGATION.”

Why? Because a previous report I had made about a man known to LEAs (but not then known to me) as a convicted PWIDer-crack cocaine stood in my parking lot LOUDLY threatening to rape me and grabbing his crotch at me and shooting birds at me while accosting my car, that report by me against the man who turned out to be Cory/Corey Lamont Curry was marked by El Dada before his own accidental death 5 years later as “1060” or whatever their code is for “nut case, do not investigate.”

LL did not investigate the brazen theft of my own truck from my own land in July 2023.

In August 2023, someone else brazenly stole one of LL’s department’s SUVs from LL’s department’s own training center. What did LL do? He put out a PSA telling people to be careful and NOT stop for blue lights from a stolen Richland County Sheriff Department’s (“RCSD”) SUV? REALLY?!?! Really?! Really! How is a member of the public supposed to know if that is a real RCSD SUV driven by a real RCSD person or the stolen one driven by a fake LEA officer?

And would have happened to someone who guessed wrong and did not stop for real blue lights thinking they were blue lights from

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the stolen SUV?

Clean your own house first, LL.



And for the thinking person, here is a copy of what I posted of FITS' WIR yesterday but is too good to not repeat here:

“No shame is worth losing your life” means NOTHING and will NOT deter suicides or anything else without creation and cultivation of CULTURES of COURAGE and of intelligent FORGIVENESS.

It is my care for your children, FITS, and for all other people's children that makes me take the time to analyze why just saying, “no shame, blah, blah, blah,” to children will do no more to prevent teen suicides than “this is your brain on drugs” PSAs of the 1980s and 1990s did to prevent drug abuse.

First, it was most likely NOT “shame” but fear of incarceration that made Gavin shoot himself.

Second, of course if there were no gun so easily available to Gavin, he probably would not have shot himself.

Third, the moment Gavin texted a photo of his penis (if that is what he did) to one he thought was a teenage girl, Gavin had committed a crime. What good would it have done to him to talk to the suicide prevention hotline, or even to his own father, in the face of ever toughened laws?

Would his father have used his

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influence to get Gavin a reduced sentence? Isn't that what YOU, FITS, rail against all the time? Suppose that was a REAL teenage but mean girl having fun and was not expecting the sex text but once she got she decided to report the sex-texter. What would Gavin's law do for the other Gavins in such situation? The law would not impose ANY liability on a real teenager who received a sex-text and reported it, or even tried to extort the sender.

Suppose, too, the roles were reversed and Gavin had needed some money for something for which he dared not ask his father. Suppose then. Gavin got the idea to sextort a rich but gullible friend of his. Gavin's law would INCREASE the chance of Gavin (and that is shorthand for future teenagers in Gavin Gaffney's situation before he shot himself) shooting himself knowing he now faces years in prison in his tender years. I have NOT forgotten that when you interviewed Gavin's father and I commented that, just as the Democrats' proposed solution to every problem is to throw money at it, the Republicans' solution to every problem is to throw prisons and deportations at it, Representative Gafney IMMEDIATELY attacked me based on my lawful immigrant status. But in this VERY video you



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announced that you went to the Governor's School of Math and Sciences (which, even if true, may not mean much given this state's "best" in math and sciences are not really that good); so, I hope you still learned to calculate probabilities; or I will settle for your having learned that a science of probabilities exists. We know from that science that the probabilities are much higher that children will follow what their parents and teacher show the children than what the children are told.

"Do as I say, not as I do," does NOT work on children or teenagers, or even most adults.

So, start by picking up something BIG, something YOU did wrong which you have been denying or hiding; admit it in public; and don't just say, "there, I said it, leave me alone now," but offer a plan of amends to the people you hurt. Your children deserve no less. And I deserve better than the wisdom I so generously share being met by vacuous xenophobia.



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SubZeroIQ

REPLY

🕒 August 14, 2023 at 8:08 pm

When you, FITS, said on your 12 August 2023 WIR video, "government run school," I thought you said "Governor school," and I assumed you meant the Governor School for Math and Science. So, I

had thought you were a better a hi
school student than you really wer...
OTHERWISE: Tomorrow, God
willing, there are TWO Murdaugh-
related hearings in Charleston
federal court: the Fleming
sentencing in the morning and the
Nautilus v. Murdaugh civil suit in
the afternoon (or flip that). Will you
be there to COVER either or both?

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