

State of South Carolina

Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905



Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

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Solicitor Wilson's Statement Regarding Charges Against Lenard L. McKelvey from 2001

Many news outlets have contacted my office regarding an incident involving Lenard L. McKelvey which is alleged to have occurred over 17 years ago. Criminal charges against Mr. McKelvey were resolved in 2002 pursuant to a plea agreement between the State of South Carolina and Mr. McKelvey. The State allowed Mr. McKelvey to plead guilty to Contributing to the Delinquency of a Minor and agreed to dismiss the remaining charge. The plea was negotiated because the alleged victim in the matter did not cooperate with the prosecutor. The prosecutor made this agreement because of the victim's absence and the lack evidence available at the time. While the tools and technology of justice have evolved, in cases involving personal violence, the State must have the witnesses to prosecute. Too often, the key witnesses will not come forward in support of criminal prosecution. Trying a tough case is no problem; trying an impossible case is not ethical.

South Carolina law is clear that once a defendant enters plea negotiations and a plea agreement is accepted by the court, due process requires the State to honor the agreement. We are duty bound to honor the agreement in this case. The State's prosecution has ended and the dismissed charge against Mr. McKelvey will not be resurrected. The law presumes that Mr. McKelvey is innocent of the dismissed allegation.

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