

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Case Number: 2013-CP-10-3669
Appellate Case No : 2014-001977

Eugene Magwood Applicant/Appellant,

v.

J. Al Cannon, Jr. in his official capacity as
Sheriff of Charleston County, Investigator
Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law
Enforcement Division Respondents,

RECORD ON APPEAL

VOLUME II

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1 **A. Yes.**

2 Q. And have you investigated officers
3 from the detention center?

4 **A. Yes.**

5 Q. And do you believe that you've always
6 been fair to both sides in your investigation?

7 **A. Yes.**

8 Q. Have you ever been disciplined for one
9 of your investigations of the Charleston County
10 Sheriff's Office?

11 **A. No.**

12 Q. The handwriting sample that was
13 received or that was obtained closer to trial,
14 when you turn over your report to the prosecuting
15 agency, I believe you said earlier that part of
16 the reason was to determine if any further
17 investigation would be warranted?

18 **A. Yes.**

19 Q. Is that why the handwriting sample was
20 obtained later?

21 **A. Yes. By request of the Attorney**
22 **General's office.**

23 Q. Was the -- if the Charleston County
24 Sheriff's Office had obtained a handwriting
25 analysis as part of their Garrity investigation,

1 is that something that you were able to use in
2 the criminal investigation?

3 **A. No, I was not. And that was reviewed**
4 **by the Attorney General's office when the**
5 **decision was made to obtain separate --**

6 Q. So that's why a separate sample was
7 reviewed or obtained?

8 **A. Correct.**

9 MS. JACKSON: I don't believe I
10 have any further questions.

11 R-E-E-X-A-M-I-N-A-I-T-I-O-N

12 BY MS. FAJARDO:

13 Q. I have just a few. The memorandum of
14 Investigator Kelly --

15 **A. Uh-huh.**

16 Q. -- that's in your case file, did you
17 ask him to do that memorandum or did he
18 voluntarily send you that memorandum?

19 **A. I believe I may have requested a**
20 **statement from him or a summary of his meeting.**

21 Q. Okay.

22 **A. He voluntarily sent it or he sent it**
23 **to me, but I had requested that he prepare it.**

24 Q. And the interviews that you performed
25 in this investigation, is there any audio or

1 video?

2 **A. No.**

3 Q. Do you typically do any audio or video
4 of the interviews?

5 **A. No.**

6 Q. Can you refuse to obtain a warrant if
7 you don't believe that it is merited?

8 **A. I do not know if I've ever been in**
9 **that situation before.**

10 Q. And I believe Ms. Boney, and I don't
11 have the transcript in front of me, Ms. Boney
12 testified at the trial of Mr. Magwood?

13 **A. She did.**

14 Q. You were at the entire trial of
15 Mr. Magwood?

16 **A. I was.**

17 Q. And Ms. Boney testified that she may
18 have signed the lineup, but was very upset at the
19 time and couldn't remember?

20 **A. I don't recall specifically what she**
21 **stated on the stand.**

22 Q. Okay. Let me ask this, do you -- were
23 you surprised at Ms. Boney's testimony at trial?

24 **A. No.**

25 Q. Did you gain any new information after

1 her testimony?

2 MS. JACKSON: Objection to the

3 form.

4 **A. I don't recall specifics of her**
5 **testimony.**

6 MS. FAJARDO: That is all I

7 have.

8 MS. JACKSON: Thank you.

9 MS. FAJARDO: Thank you.

10 MS. JACKSON: He'll read and
11 sign. You can send it to me.

12 (This deposition concluded at 12:30 p.m.)

13

14 (Signature reserved.)

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, Nicole D. White, the officer before
whom the foregoing deposition was taken, do
hereby certify that the witness whose testimony
appears in the foregoing deposition was duly
sworn by me; that the testimony of said witness
was taken by me to the best of my ability and
thereafter reduced to typewriting under my
direction; that I am neither counsel for, related
to, nor employed by any of the parties to the
action in which this deposition was taken, and
further, that I am not a relative or employee of
any attorney or counsel employed by the parties
thereto, nor financially or otherwise interested
in the outcome of the action.

Nicole D. White Date 4/21/14
Nicole D. White
Notary Public in and for the
State of South Carolina

My Commission expires September 11, 2017

Spectrum Reporting Services 843-849-0133

Spectrumaaa@gmail.com

1 E R R A T A S H E E T

2

3 RE: Magwood -vs- J. Al Cannon, Jr., et. al.

4 DEPOSITION OF: Charles Ghent

5

6 Please read this original deposition with
7 care, and if you find any corrections or changes
8 you wish made, list them by page and line number
9 below. DO NOT WRITE IN THE DEPOSITION ITSELF.

10 Return the deposition to this office after it is
11 signed. We would appreciate your prompt
12 attention to this matter.

13 To assist you in making any such
14 corrections, please use the form below. If
15 supplemental or additional pages are necessary,
16 please furnish same and attach them to this
17 errata sheet.

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SIGNATURE PAGE

SIGNATURE OF WITNESS

SUBSCRIBED and SWORN TO before me this
_____ day of _____, 2014

NOTARY PUBLIC

My Commission expires: _____

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

**AFFIDAVIT
OCA# 31080106**

Personally appeared before me, a magistrate of this County, one Special Agent Charles Ghent, State Law Enforcement Division, who, first being duly sworn, deposes and says that,

EUGENE MAGWOOD

Black, Male, DOB: 10/29/1954, SSN: 247-06-2891
, LKA: 2820 Bohicket Road, John's Island, South Carolina 29455.

did within this County and State violate the laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE
MISCONDUCT IN OFFICE**

Common Law

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That between November 01, 2007 and December 31, 2008 one EUGENE MAGWOOD did commit the offense of **MISCONDUCT IN OFFICE** in violation of the Common Law of South Carolina.

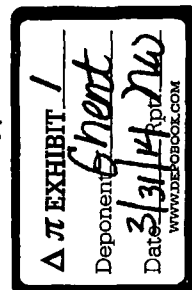
In that Magwood did, while employed as a Sheriff's Deputy with the Charleston County Sheriff's Office, submit an investigative report for Charleston County Sheriff's Office case #06-018918 against defendant Maurice Jerome Prioleau. That Magwood did knowingly and willfully provide false information in this investigative report in the form of a photo lineup purported to have been signed by a witness in the investigation. That in later pre-trial meetings with the Solicitor's Office, Magwood did knowingly and willfully provide false information to an Assistant Solicitor and an investigator for the Solicitor's Office regarding the investigation and the accompanying investigative report. All this was done was done in violation of his duties, of good faith, honesty, and accountability in his capacity as a public official, and was done against the peace and dignity of the State of South Carolina. Special Agent Charles Ghent, SLED, conducted an investigation obtaining evidence and statements from witnesses that attest to the same.

Sworn to and Subscribed before me
this 7 day of May, 2009.

Signature of Judge

SIA Charles Ghent
(AFFIANT)

Address: 6435 FAN ST
NORTH CHARLSTON, SC 29406
Phone: 843-797-3662



STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS
COUNTY OF CHARLESTON

EUGENE MAGWOOD, CASE NO. 2013-CP-10-3669
Plaintiff(s),

-vs-

J. AL CANNON, JR., in
His official capacity as
Sheriff of Charleston County,
Investigator Anderson,
Investigator Antonio, Charles
Ghent, and South Carolina
Law Enforcement Division,
Defendant(s).

THE DEPOSITION OF EUGENE MAGWOOD taken on
behalf of the Defendants, on Monday, March 10,
2014, commencing at 1:01 p.m. at the Law Offices
of Senn Legal, 3 Wesley Drive, Charleston, South
Carolina.

REPORTED BY: Nicole D. White

1 A-P-P-E-A-R-A-N-C-E-S:

2

3 Appearances for the Plaintiff:

4 By: Stephanie R. Fajardo, Esquire

5 THE FINNEY LAW FIRM, INC.

6 2117 Park Street

7 Columbia, South Carolina 29201

8 (803) 773-1415

9 Stephanie.r.fajardo@gmail.com

10

11 Appearances for the Defendant:

12 By: Robin L. Jackson, Esquire

13 SENN LEGAL

14 3 Wesley Drive

15 Charleston, South Carolina 29422

16 (843) 556-4045

17 Robin@smllawfirm.com

18

19 Also Present:

20 Investigator Anderson

21 Investigator Antonio

22 Charles Ghent

23

24

25

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1 (EUGENE MAGWOOD, having been first duly
2 sworn, testified as follows:)

3 E-X-A-M-I-N-A-T-I-O-N

4 BY MS. JACKSON:

5 Q. All right. Would you please state your full
6 name for the Record.

7 **A. Eugene Magwood.**

8 Q. All right. Mr. Magwood, what's your date of
9 birth?

10 **A. October 29th, 1954.**

11 Q. And do you have any nicknames that you go
12 by?

13 **A. Geno, Gene.**

14 Q. All right. Are you married?

15 **A. Yes.**

16 Q. What's your wife's name?

17 **A. Wanda Magwood. Wanda Yvette Magwood.**

18 Q. And how long have you been married?

19 **A. Twenty-two years.**

20 Q. Where do you live?

21 **A. 2820 Bohicket Road, John's Island.**

22 Q. All right. Have you ever been deposed
23 before?

24 **A. Yes.**

25 Q. Okay. How many times?

- 1 **A.** **I believe once.**
- 2 Q. One time?
- 3 **A.** **Yeah.**
- 4 Q. Okay. Well, you're doing great so far. A
- 5 few of the basic ground rules for a
- 6 deposition are that we give verbal -- we
- 7 verbalize questions and answers. We don't
- 8 just say uh-huh and huh-uh. And so far
- 9 you're doing great with that. If at any
- 10 time you nod your head or you say uh-huh or
- 11 huh-uh, I'm gonna say was that a yes or was
- 12 that a no.
- 13 **A.** **Right.**
- 14 Q. And I don't mean any disrespect, but we have
- 15 a court reporter here and I want to make
- 16 sure that later when we read your
- 17 transcript, that we all understood what you
- 18 meant when you were giving your response.
- 19 **A.** **Right. I understand.**
- 20 Q. Today is my one opportunity in the course of
- 21 this litigation to talk to you directly.
- 22 **A.** **Right.**
- 23 Q. Normally through litigation I would talk to
- 24 you by communicating with your attorney.
- 25 She would get information from you and then

1 forward it to me, but today you and I get to
2 talk directly. And so I -- it's not a quiz
3 and not a test. It's just my one
4 opportunity to find out what information you
5 have about your claims, your damages, and
6 some background information, okay?

7 **A. Right.**

8 Q. All right. If at any time you need to take
9 a break, you just let me know and I'll be
10 happy to take a break. The only thing that
11 I ask is if I have asked a question, that
12 you please answer the question that I've
13 posed and then I'll be happy to take a
14 break.

15 **A. Okay.**

16 Q. During those breaks you cannot have any
17 communication with your attorney about the
18 context of your testimony. If you do, then
19 it is fair game for me to ask about it when
20 we go back on the Record. Do you understand
21 that?

22 **A. Sure do.**

23 Q. If at any time you don't understand my
24 question, if you're not sure what I'm asking
25 you, please ask me to clarify it and I will

1 be happy to do so.

2 **A. I will.**

3 Q. Okay. In the reverse, if you answer my
4 question, then I will assume that you
5 understood it and that you're answering
6 truthfully; is that fair?

7 **A. That's fair.**

8 Q. All right. Are you taking any medications
9 today?

10 **A. None today.**

11 Q. Okay. Do you normally take medications?

12 **A. Yes.**

13 Q. What do you take meds. for?

14 **A. Simvastatin for type two diabetes.**

15 Q. And why didn't you take it today?

16 **A. Just forgot.**

17 Q. Okay. Do you think that that's gonna have
18 any affect on your ability to give a
19 deposition?

20 **A. No, no.**

21 Q. Any other medication?

22 **A. Januvia.**

23 Q. What's that for?

24 **A. They say I've got slight high blood**
25 **pressure.**

1 Q. Okay. Anything else?

2 A. **There's something for cholesterol. I don't**
3 **remember what it is, the name of it.**

4 Q. Okay. Anything else? '

5 A. **That's it.**

6 Q. Okay. And did you take your high blood
7 pressure or your cholesterol medication
8 today?

9 A. **I just forgot about those. Didn't take it.**

10 Q. Okay. Your prior deposition, what kind of
11 case was that?

12 A. **I don't remember. This has been probably**
13 **eight, ten, I don't know what it is, but I**
14 **think it had something to do with an**
15 **aggravated assault.**

16 Q. Were you deposed as a police officer?

17 A. **Yes. Yes.**

18 Q. Okay. All right. Have you ever been
19 deposed other than in your official capacity
20 as a law enforcement officer?

21 A. **No.**

22 Q. All right. All right. Have you ever been
23 married other than to Wanda?

24 A. **Yes.**

25 Q. And what was your former spouse's name?

- 1 **A. Paula Darlene Heyward.**
- 2 Q. And what years were you married?
- 3 **A. I don't remember. I know it was more than**
- 4 **30 years ago.**
- 5 Q. Okay.
- 6 **A. I don't remember.**
- 7 Q. Do you know where she is now?
- 8 **A. No, I don't know where she's at.**
- 9 Q. Do you know if she's remarried?
- 10 **A. The last I heard from my daughter -- my**
- 11 **daughter, she was, but I don't know anything**
- 12 **other than she's married.**
- 13 Q. You and Paula have a child?
- 14 **A. We've got three.**
- 15 Q. Okay. How long were you married to her?
- 16 **A. Ten years.**
- 17 Q. Okay. And do you and Wanda have children?
- 18 **A. No.**
- 19 Q. Okay. So you have three children?
- 20 **A. Right.**
- 21 Q. Okay. What are their names and ages?
- 22 **A. Eugene Jr. is 32, Latisha is 33 and Anthony**
- 23 **is 31.**
- 24 Q. And do any of them live in Charleston
- 25 County?

- 1 **A.** **No.**
- 2 Q. Where do they live?
- 3 **A.** **Texas.**
- 4 Q. All three of them?
- 5 **A.** **All three of them.**
- 6 Q. Okay. Do you have any family members who
- 7 live in Charleston County over the age of 18
- 8 other than your wife?
- 9 **A.** **I've got a lot of family living here in the**
- 10 **Charleston area.**
- 11 Q. What last names?
- 12 **A.** **Magwood and there's Robinson, Cohan, Smith,**
- 13 **Brown, there are Heywards, as well. That's**
- 14 **about all I can remember. Those are the**
- 15 **main ones that I'm in contact with.**
- 16 Q. Is your wife from the Charleston area?
- 17 **A.** **No. My wife is from Elmira, New York. My**
- 18 **current wife is -- yeah, from city of**
- 19 **Charleston.**
- 20 Q. And what is her maiden name?
- 21 **A.** **Corbin, C-O-R-B-I-N.**
- 22 Q. Okay. All right. In order to prepare for
- 23 your deposition today, did you speak with
- 24 anyone besides your attorneys?
- 25 **A.** **No.**

1 Q. Did you review any documents?

2 A. I look over some of my notes, but just
3 briefly and I didn't look -- I didn't look
4 over the whole case file.

5 Q. Did you review any videos or audio tapes?

6 A. No.

7 Q. You said you looked at some notes, were
8 those notes that you've prepared during the
9 course of the original investigation or
10 notes that you prepared in this litigation?

11 A. Well, it was from the original case file.

12 Q. Have those been produced?

13 A. Yes.

14 Q. Okay. All right. When were you hired by
15 the Charleston County Sheriff's Office?

16 A. For the law side 2000 and 1998 was at the
17 detention center.

18 Q. And did you work at the detention center
19 until you were hired on the law side?

20 A. Yes.

21 Q. And what part of the year was that?

22 A. You know, I don't remember.

23 Q. Did you attend the Criminal Justice Academy
24 in 2000 or 2001?

25 A. I think it was 2001, I'm not sure.

- 1 Q. And did you graduate from the Criminal
2 Justice Academy the first time through?
- 3 **A. Yes.**
- 4 Q. All right. Had you worked in law
5 enforcement in any capacity before the
6 Charleston County Detention Center in 1998?
- 7 **A. Yes.**
- 8 Q. Where did you work?
- 9 **A. City of Charleston Police Department.**
- 10 Q. How long did you work for Charleston Police
11 Department?
- 12 **A. I believe it was six years.**
- 13 Q. And what capacity?
- 14 **A. As a patrol officer.**
- 15 Q. Okay. When did you go to work for them?
- 16 **A. I don't have any foggiest idea. I don't**
17 **remember.**
- 18 Q. Okay. When did you leave the City of
19 Charleston?
- 20 **A. Sometime in 1988.**
- 21 Q. Okay. Why did you leave?
- 22 **A. The main reason for leaving was I didn't**
23 **feel like I wanted to work for Chief**
24 **Greenburg anymore.**
- 25 Q. Did you have any reprimands while you were

1 there?

2 **A. Yeah. Allowed a friend of mine to use the**
3 **phone once and that was it.**

4 **Q. Okay. What did you do between 1988 and**
5 **1998?**

6 **A. Okay, I wasn't working. I had injured -- I**
7 **had injured my lower back and wasn't working**
8 **at all.**

9 **Q. How did you injure your back?**

10 **A. Was in a car wreck.**

11 **Q. Was that after you left the police**
12 **department?**

13 **A. No. That was when I was with the police**
14 **department.**

15 **Q. Was it an on-the-job injury?**

16 **A. Yes.**

17 **Q. And you were out of work for ten years**
18 **because of that?**

19 **A. No, no, it wasn't that. Most of that time**
20 **after I left in '88 I had the back injury,**
21 **then I went back to -- I worked for Pegasus**
22 **Security and I think maybe six years. I'm**
23 **not sure. And during that time I was going**
24 **to Trident Tech.**

25 **Q. Okay. And did you graduate from Trident**

1 Tech.

2 **A. Yes.**

3 Q. With a degree in --

4 **A. Criminal justice.**

5 Q. What year was that?

6 **A. I graduated in '95.**

7 Q. Okay. All right. Were you still working at

8 Pegasus right up until you went to work for

9 the detention center?

10 **A. Yeah. A year and a half prior to going to**

11 **the detention center I worked as security**

12 **supervisor for Roper Hospital.**

13 Q. Downtown?

14 **A. Right.**

15 Q. Okay. Did you leave Pegasus to go to Roper?

16 **A. I was working there, as well.**

17 Q. You were working --

18 **A. As a matter of fact, I was working both of**

19 **the jobs and going to school part-time.**

20 Q. So were you still working at Pegasus when

21 you took the job at the detention center?

22 **A. No.**

23 Q. Only Roper?

24 **A. Only Roper. And then -- well, I was working**

25 **at Pegasus and working Roper from 2:00 to**

1 10:00 and I was going to school in the
2 mornings, so when I left Pegasus was
3 initially just working with Roper and going
4 to school and after I got the job with the
5 detention center I kept going to -- I kept
6 going to Trident Tech, then I left Roper
7 until I graduated. Well, up until 1988 I
8 was working for Roper.

9 Q. Okay.

10 A. So what I'm trying to say is prior to going
11 to the detention center I was at Roper.
12 Then while I was -- while I'm still with
13 Roper I worked Pegasus Security and then
14 part of going to school. And then in 1995 I
15 graduated from Trident Tech. and I was still
16 working up until Roper up until I came on --
17 went to the detention center in 1998.

18 Q. Did you stop working for Pegasus when you
19 graduated?

20 A. Yeah. I stopped work for Pegasus.

21 Q. When you graduated?

22 A. Just before. I think it was just before.

23 Q. And so how many years did you work at Roper
24 Hospital?

25 A. Year and a half, two years, maybe three.

1 **I'm not sure how long I was there.**

2 Q. All right. Walk me through your time at the
3 Charleston County Sheriff's Office starting
4 in 2000, your positions that you held?

5 A. **I was road deputy for, I believe, a year and**
6 **a half.**

7 Q. Okay. And then what?

8 A. **Then I went to the detective office.**

9 Q. And you worked in the detectives office the
10 rest of your career?

11 A. **Right.**

12 Q. All right. Now, I know at some departments
13 they have the detectives split up into
14 property crimes, murder, robbery, things
15 like that. Did you have a specialty area?

16 A. **When I first started the detective office**
17 **they had me in person's crime.**

18 Q. Okay.

19 A. **And from there, I don't know how long it**
20 **was, I'm sure it was less than a year, they**
21 **had me working everything.**

22 Q. Okay. And was that the case for all
23 detectives?

24 A. **I don't know what all detectives, I can only**
25 **tell you they had me working everything.**

1 Q. Okay. Would you work with other detectives
2 on cases?

3 **A. Yes.**

4 Q. And did those detectives also work different
5 types of cases?

6 **A. Well, when I work with the one, wasn't**
7 **something specific. Maybe a person, maybe**
8 **-- you know, I even work with the guys,**
9 **we've done some stuff with the sex offender**
10 **registry, done some stuff with me the other**
11 **guys in person's property. I even worked**
12 **with the guys on white collar crimes, helped**
13 **them out with things.**

14 Q. Okay. All right. And what have you been
15 doing for employment since you left the
16 sheriff's office?

17 **A. I've been working with a company out of --**
18 **security company out of Sumter, Security**
19 **Management.**

20 Q. And how long have you worked for them?

21 **A. Just for the past couple years.**

22 Q. All right. You were arrested on May 7th of
23 2009, so we're talking about a five-year
24 period. Have you worked with this company
25 out of Sumter?

1 **A. No.**

2 Q. When did you start with them?

3 **A. I started after I was exonerated from the**
4 **sheriff's office.**

5 Q. So after your trial in June of 2011?

6 **A. Right.**

7 Q. Okay.

8 **A. Right.**

9 MS. FAJARDO: Make sure she
10 finishes the question because it
11 looks -- the Record is messy if she
12 hasn't finished her question when
13 you answer.

14 MS. JACKSON: And she can't
15 take us down at the same time.
16 She'll start yelling at me.

17 BY MS. JACKSON:

18 Q. And have you worked there consistently since
19 2000 -- since sometime after your trial in
20 2011?

21 **A. I'm working part-time.**

22 Q. But have you been employed there
23 consistently?

24 **A. Right.**

25 Q. And what do you do for that company?

- 1 **A.** **Just regular security officer.**
- 2 Q. Where?
- 3 **A.** **At the Coast Guard base.**
- 4 Q. How many hours do you work per week?
- 5 **A.** **Thirty-two.**
- 6 Q. Okay. Do you have the power of arrest?
- 7 **A.** **Yes.**
- 8 Q. Okay. And are you an armed guard?
- 9 **A.** **Yes.**
- 10 Q. Carry a firearm?
- 11 **A.** **No. We don't carry a firearm, but I am.**
- 12 Q. All right. Have you worked anywhere else
- 13 during this time period?
- 14 **A.** **No.**
- 15 Q. What is your salary?
- 16 **A.** **It's 17.31 an hour. I don't know how much**
- 17 **that come out to being part-time.**
- 18 Q. \$17?
- 19 **A.** **\$17.31 an hour.**
- 20 Q. Okay. You know what your -- what you took
- 21 home last year?
- 22 **A.** **I don't.**
- 23 Q. Okay. Has your pay been increased at any
- 24 time while you were employed there?
- 25 **A.** **No.**

1 Q. Did you suffer any on-the-job injuries when
2 you were at the sheriff's office?

3 A. Just my thumb. My thumb is fused. Slipped
4 on the step going up to the detectives'
5 office.

6 Q. What year did that happen?

7 A. I don't remember to be honest with you.

8 Q. And do you have any disciplinary violation
9 at the sheriff's office?

10 A. Well, there was an incident back, I believe
11 in 2002 where -- it was an incident I
12 believe back in 2002, but up until this
13 incident, no.

14 Q. What did that incident relate to?

15 A. Well, there was another detective assigned
16 to the case and he couldn't do nothing with
17 it. Apparently he didn't do and so they
18 asked me to help him with the case. They
19 put it on my desk and couple days after I
20 got it I made -- I issued a warrant on -- I
21 got a warrant for a suspect, but that
22 suspect had -- that suspect had -- another
23 person had that same name, but a different
24 initial. There were two individuals,
25 Hispanics, with the same name, but their

1 **middle initial was different.**

2 Q. Okay. So was the warrant drawn for the
3 wrong person or was the wrong person picked
4 up on the warrant?

5 A. **The way it was told to me, that they picked**
6 **up the wrong person.**

7 Q. So the warrant had the correct name, but the
8 wrong person was picked up?

9 A. **Right. That's the way I understood it.**

10 Q. And what kind of discipline did you receive
11 for that?

12 A. **I got two days suspension.**

13 Q. Okay. Any other discipline, other than this
14 case we're here about today?

15 A. **No.**

16 Q. Okay. All right. What year did you
17 graduate from high school?

18 A. **I think it was in 1975.**

19 Q. And what was the name of your high school?

20 A. **St. Johns High.**

21 Q. We already talked about going to Trident
22 Tech. in the 2000s or in the 1990s. Have
23 you attended any other colleges or trade
24 schools?

25 A. **When Nielson Tech. was up on Meeting Street**

1 **I attended Nielson Tech. for a year and a**
2 **half. Well, I left there a year -- I mean,**
3 **excuse me, one semester before I was to**
4 **graduate.**

5 Q. Okay. And what would your degree have been
6 in?

7 A. **Electronics.**

8 Q. And why did you leave?

9 A. **I was working.**

10 Q. Any other training of any kind?

11 A. **No, that's it.**

12 Q. Okay. All right. Other than the arrest and
13 prosecution that we're gonna talk about
14 today, have you ever been arrested?

15 A. **No.**

16 Q. When you were arrested on the charges in
17 this case were you taken to the Charleston
18 County Detention Center?

19 A. **I met the investigator there, yes.**

20 Q. Okay. And did you spend any time in the
21 detention center?

22 A. **No.**

23 Q. Did you just go in and get photographed and
24 finger printed?

25 A. **Yes.**

1 Q. And you were released?

2 A. Yes.

3 Q. Okay. All right. Does your wife have any
4 information about the claims involved in
5 this case?

6 A. No. I didn't talk to my wife about this
7 case.

8 Q. Okay. What about your children?

9 A. No.

10 Q. Do you have any friends or family members
11 that you anticipate coming to testify about
12 the facts in this case?

13 A. No.

14 Q. Okay. During the course of your
15 investigation into the alleged sexual
16 assault of Catherine Boney during January of
17 2007, was there anything unusual going on --
18 going on in your personal life?

19 A. Not that I can recall.

20 Q. Okay. Have you ever had any issues with
21 alcohol?

22 A. No.

23 Q. Any issues with illegal drugs?

24 A. Never.

25 Q. Any issues with over-the-counter

- 1 . medications?
- 2 **A. Never.**
- 3 Q. Any issues with prescription medications?
- 4 **A. Never.**
- 5 Q. Any mental health treatment?
- 6 **A. No.**
- 7 Q. Of any kind, even for depression?
- 8 **A. No.**
- 9 Q. Okay. Do you drink alcohol?
- 10 **A. Nope.**
- 11 Q. Never?
- 12 **A. Never.**
- 13 Q. All right. Do you have a regular doctor?
- 14 **A. Right now, yes.**
- 15 Q. Who's your doctor?
- 16 **A. Dr. Porter. Don't remember her first name.**
- 17 **Yeah. I mean, don't remember first name.**
- 18 Q. And where is her office?
- 19 **A. On James Island near Lowe's. I don't**
- 20 **remember what street it is.**
- 21 Q. Okay. Is she affiliated with --
- 22 **A. Roper Hospital, excuse me Medical**
- 23 **University, sorry.**
- 24 Q. All right. And is she a family doctor?
- 25 **A. Yes.**

- 1 Q. Do you have any specialists?
- 2 **A. No.**
- 3 Q. All right. Was she treating you back in
- 4 2007, 2008 and 2009?
- 5 **A. No.**
- 6 Q. Okay. Did you have a family doctor back
- 7 then?
- 8 **A. Yes.**
- 9 Q. Who was your family doctor back then?
- 10 **A. John Davis.**
- 11 Q. And where is his office?
- 12 **A. It's west of the Ashley. I don't know the**
- 13 **address.**
- 14 Q. Okay. Is he affiliated with the hospital?
- 15 **A. Roper Hospital.**
- 16 Q. And why did you switch doctors?
- 17 **A. My insurance was just too expensive.**
- 18 Q. Okay. All right. Have you reviewed your
- 19 complaint in this case?
- 20 **A. Yes.**
- 21 Q. Okay. I want to ask you some questions
- 22 about it. I'm going to show it to you.
- 23 There you go (document tendered). You can
- 24 look through that while we talk. The first
- 25 thing I wanted to ask you, I noticed that

1 you sued Sheriff Cannon in his official
2 capacity, Investigator Anderson,
3 Investigator Antonio, Charles Ghent and
4 SLED; is that correct?

5 **A. Yes.**

6 Q. Why did you sue Investigator Anderson?

7 **A. Anderson, he handled the internal along with**
8 **Antonio.**

9 Q. Okay. And why did you sue Charles Ghent?

10 **A. Because he -- the sheriff's office called**
11 **him in to investigate this case.**

12 Q. Okay. And what do you allege that Charles
13 Ghent did that was improper?

14 **A. I thought the whole investigation was**
15 **improper.**

16 Q. Okay.

17 **A. And I still do.**

18 Q. What was improper about it?

19 **A. I didn't -- as brief as I spoke to him,**
20 **there was nothing that I saw that he could**
21 **of said that I did wrong in this initial --**
22 **with the entire investigation.**

23 Q. What did he say you did wrong?

24 **A. Based on his brief statement, there was**
25 **nothing there.**

1 Q. What statement?

2 A. I mean, from the statement I got from his --
3 that he made, I guess, to his report.

4 Q. Are you talking about this (indicating), the
5 SLED investigative report?

6 A. Yeah. Yeah.

7 MS. JACKSON: Let's mark this.

8 (Defendant's Exhibit 1 was
9 marked for identification.)

10 Q. All right. There you go. That has been --
11 the SLED investigative report is marked as
12 Exhibit 1 to your deposition. Where in that
13 report does --

14 A. I'll have to read the entire report.

15 Q. Well, I'll give you time to look through it,
16 but what I want to know is where in that
17 report does Agent Ghent make opinions that
18 you acted wrongfully?

19 A. I can't say unless I sit and read this thing
20 through and through.

21 Q. Okay. Well, we can go off the Record so you
22 can do that. Have you ever read this
23 before?

24 A. I've read some of it, but basically, as I
25 said, I didn't see anything that would

1 incriminate me in any of this case, in any
2 of this. I didn't see anything illegal that
3 I did wrong.

4 Q. Okay.

5 A. So if you're going to investigate -- if
6 you're going to investigate something, it
7 should be specifically what you did.

8 Q. All right.

9 A. That's it.

10 Q. The reason why I showed you this
11 investigative report is because when I
12 looked through it, it makes no opinions.

13 A. Right.

14 Q. All it does is set forth the interviews of
15 the witnesses that he interviewed and the
16 evidence that he obtained.

17 A. And I did not say --

18 MS. FAJARDO: And I'd object to
19 that.

20 Q. And you can look through it and if you feel
21 differently, you can certainly tell me that.

22 A. I initially said I didn't see anything that
23 -- I did not say he had opinions in there.
24 I said I didn't see anything that I saw that
25 incriminated me on anything that I did

1 **illegally.**

2 Q. Okay. And so what are you saying that Agent
3 Ghent did to incriminate you?

4 A. **I'm saying that if there was something in**
5 **his experience in investigation, there**
6 **should have been something that I**
7 **specifically did that he could -- that**
8 **should be in that report and I don't see**
9 **that.**

10 Q. Okay. But Agent Ghent didn't make any
11 opinions about whether you did wrong doing,
12 did he?

13 A. **I didn't say that.**

14 MS. FAJARDO: I'd object to the
15 form.

16 Q. So what did he do wrong?

17 A. **I don't see the proof of what I specifically**
18 **did in there, is what I'm saying. He should**
19 **have said what I specifically did.**

20 Q. He should have said what you did?

21 A. **Specifically what I did. What was**
22 **incriminating or that could be proved in a**
23 **court of law. I mean, there was nothing in**
24 **the trial that said I did anything wrong.**
25 **His testimony -- that I understood that I**

1 **did wrong.**

2 Q. Do you understand that SLED didn't prosecute
3 you?

4 A. **SLED was a part of the prosecution.**

5 Q. Do you understand that the Attorney
6 General's Office prosecuted you?

7 A. **They were a part of it, as well, as far as**
8 **I'm concerned.**

9 Q. But you haven't sued them --

10 MS. FAJARDO: Object to the
11 form of the question.

12 Q. -- have you?

13 MS. FAJARDO: Same objection.

14 A. **No.**

15 Q. Do you intend to sue them?

16 A. **That depends on what comes out of this**
17 **trial.**

18 Q. Okay. Do you understand how prosecution
19 works?

20 A. **Little.**

21 Q. Okay. And do you understand that law
22 enforcement officers do investigations and
23 turn those over to a prosecuting agency to
24 make the decision on whether or not to
25 prosecute?

1 **A. Right.**

2 Q. Do you understand that?

3 **A. Right.**

4 Q. Okay. And in this case the SLED
5 investigative file was turned over. Do you
6 know who it was turned over to?

7 **A. I don't know.**

8 Q. Okay. It was turned over to the Charleston
9 County Solicitor's Office who then turned it
10 over to the Attorney General's Office. Are
11 you aware of that?

12 **A. Right.**

13 Q. And are you aware that you were prosecuted
14 by the Attorney General's Office?

15 **A. As -- yeah.**

16 Q. Okay. And do you know who asked to have the
17 warrant sworn out for you?

18 **A. No.**

19 Q. Okay. Do you know who signed the warrant
20 affidavit?

21 **A. I don't remember his name.**

22 Q. Okay. And do you know the name of the judge
23 that signed the warrant?

24 **A. No, I don't.**

25 Q. You yourself, as a deputy or as a detective

1 of the sheriff's office, you have signed
2 warrant affidavits, correct?

3 **A. Right.**

4 Q. And do you acknowledge that a warrant
5 affidavit is not enough to make an arrest,
6 you need a judge to sign a warrant?

7 **A. True.**

8 Q. And once the judge signs that warrant, then
9 anyone can serve that -- any law enforcement
10 officer can serve that warrant, correct?

11 **A. Right.**

12 Q. Are you telling me that you don't know who
13 swore out the warrant?

14 **A. Didn't even look at it. Let's get this**
15 **clear. Everything I depend on my attorneys**
16 **advice to go ahead with and that's the way**
17 **it's been and that's the way it's going to**
18 **be. I depend on their advice on how and the**
19 **why.**

20 Q. Okay. That doesn't have anything to do with
21 my question. My question was, are you
22 telling me that you do not know who swore
23 out the warrant?

24 **A. I do not know who swore. When I got the**
25 **copy of the warrant, I didn't even look at**

1 **who swore it out, I just read it.**

2 Q. And the attorney that you have now, you
3 didn't have her as your attorney back when
4 all this was going on in 2008, 2009, 2010,
5 did you?

6 **A. No. Huh-uh.**

7 Q. Most of my questions pertain to back in that
8 time.

9 **A. Okay.**

10 Q. And I'm not looking for any -- I certainly
11 don't want to know what you and your
12 attorney have spoken about. That's
13 definitely a privileged matter. All of my
14 questions pertain directly to your opinions
15 and your thoughts.

16 **A. Okay.**

17 Q. And what you've seen and done and heard,
18 okay?

19 **A. Right. Right.**

20 Q. I don't want you to make any mistake. I
21 certainly do not want to invade your
22 attorney/client privilege.

23 **A. Right.**

24 Q. Okay. All right. Let's talk a little bit
25 about Catherine Boney, okay. And I'm

1 looking at the complaint, if you want to
2 turn to it. I'm looking at paragraph 11,
3 the one that says, "During the course of the
4 interview, Detective Magwood showed
5 Ms. Boney a photographic lineup for her to
6 identify the alleged suspect." Page three.

7 **A. Okay.**

8 Q. Page three at the bottom. And number 12
9 says, "After being shown the lineup,
10 Ms. Boney identified the suspect, initialed
11 and dated next to the picture." But we now
12 know that that's not true, correct?

13 **A. Okay. The date is my -- I dated the photo.**
14 **It's her initial.**

15 Q. Okay. But in your complaint in this case
16 you have alleged that Ms. Boney initialed
17 and dated next to the picture, correct?

18 **A. And I said that --**

19 Q. That's not correct?

20 **A. -- that was wrong.**

21 Q. Okay. Do you know when an investigation was
22 begun into your actions with regard to this
23 lineup?

24 **A. I have no idea.**

25 Q. Do you know what agency began that

- 1 investigation?
- 2 **A. Probably the sheriff's office to the best of**
- 3 **my knowledge.**
- 4 Q. Have you ever seen the letter from the
- 5 sheriff's office to SLED asking that they
- 6 investigate?
- 7 **A. No, I hadn't seen that.**
- 8 Q. Are you aware that the internal
- 9 investigation by the sheriff's office was
- 10 not started until after you were charged
- 11 criminally?
- 12 **A. I didn't know that.**
- 13 Q. I will point out to you that on paragraph 14
- 14 it says you were arrested, charged with
- 15 misconduct in office on May 7th, 2009.
- 16 **A. Okay.**
- 17 Q. And I'm gonna show you this document that is
- 18 entitled "Internal Investigation" here under
- 19 subject.
- 20 **A. Right.**
- 21 Q. Do you see the date above it says date, July
- 22 7th, 2009?
- 23 **A. Right.**
- 24 Q. Would you agree with me that that's after
- 25 May 7th of 2009?

1 **A. Yeah.**

2 Q. All right. And as we sit here today, do you
3 admit that you put the date and time on that
4 photographic lineup?

5 **A. That's my date and time.**

6 Q. Okay. What is your understanding of how
7 your employment worked with the sheriff's
8 office?

9 **A. I worked under the discretion of the**
10 **sheriff.**

11 Q. Okay. And that he can terminate your
12 employment at any time for any reason?

13 **A. Right.**

14 Q. Why did you put the time and date on the
15 photo lineup?

16 **A. Well, you had a female that was crying, she**
17 **was very distraught, upset. After she**
18 **circled and initialed it, I looked at my**
19 **watch and put the date on there, date and**
20 **time on there of when she initialed it.**

21 **(Defendant's Exhibit 2 was marked for**
22 **identification.)**

23 Q. All right. I'm going to show you what's
24 been marked as Exhibit 2 to your deposition.
25 Is that the photographic lineup that we're

1 talking about?

2 **A. Yes.**

3 **Q.** All right. And on there there are six
4 photos?

5 **A. Right.**

6 **Q.** And the bottom right-hand photo is circled?

7 **A. Right.**

8 **Q.** And what is the time and date on that in the
9 handwriting?

10 **A. It look like 11/7/07 at 10:40 a.m.**

11 **Q.** Okay. And what is the date at the top of
12 this document?

13 **A. 3/11/7 of -- I can't figure out what the**
14 **last number is.**

15 **Q.** Okay. And would you believe that it would
16 probably be 2007, the same -- did you pull
17 this?

18 **A. Yeah, I pulled a copy from the detention**
19 **center.**

20 **Q.** And if you would have pulled it, wouldn't it
21 have -- be the date that you pulled it?

22 **A. Well, to be honest with you, I have pulled**
23 **-- I've asked to get copy of photographic**
24 **lineup before and the dates was not right on**
25 **it.**

1 Q. Okay. Well, do you have any evidence to
2 show that this date isn't correct?

3 **A. No. I have no evidence, but I say that has**
4 **happened before at the detention center.**

5 Q. Okay. But you don't have any evidence that
6 this date is incorrect?

7 **A. No.**

8 Q. And it's actually the same date that you
9 wrote at the bottom of the page?

10 **A. Yes.**

11 Q. Okay. And what about the time at the top?

12 **A. It says 3:45.**

13 Q. P.M.?

14 **A. Right.**

15 Q. And that time is after what you hand wrote
16 at the bottom?

17 **A. Right.**

18 Q. Do you have any evidence that that time
19 that's printed on there is incorrect?

20 **A. No.**

21 Q. Okay. All right. You have alleged causes
22 of action for malicious prosecution, abuse
23 of process, defamation, civil conspiracy,
24 and negligence. Under malicious
25 prosecution, one of the subparagraphs,

1 paragraph 24 lists false arrest. Are you
2 alleging false arrest, as well?

3 **A. Yes.**

4 Q. Okay. And you acknowledge that you were
5 arrested based on a warrant signed by a
6 judge?

7 **A. Yes.**

8 Q. So what is the basis for your false arrest
9 claim if you're arrested on a warrant signed
10 by a judge?

11 **A. The entire -- that entire thing is based on**
12 **advice from my attorney and I went with his**
13 **advice, her advice, their advice.**

14 Q. What I want to know is your personal opinion
15 as to why you have a claim of false arrest?

16 **A. I can tell you and I'll have to repeat that.**
17 **It's based on my attorney's advice.**

18 MS. FAJARDO: Can we take a
19 brief break. I just have to run to
20 the restroom.

21 MS. JACKSON: Sure.

22 (Whereupon, there was a short
23 break in the proceedings.)

24 BY MS. JACKSON:

25 Q. Mr. Magwood, during the course of this case

1 and at the trial of this matter you will be
2 testifying --

3 **A. Right.**

4 Q. -- is that correct? Your attorneys will not
5 be testifying. So while I don't want to
6 know what their legal strategies are, the
7 legal strategies that you've discussed,
8 these are your causes of action that are
9 being brought on your behalf.

10 **A. Right.**

11 Q. So what I want to know is what evidence do
12 you plan to present to a jury in this case
13 that you were falsely arrested?

14 **A. Well, they've got the evidence there. Let's**
15 **-- as far as me actually -- my -- my date**
16 **and time, I say that's a clerical error, not**
17 **a criminal nature. Ms. Boney initial has**
18 **nothing to do with me. I didn't put her**
19 **initials on that photo lineup.**

20 Q. All right. Do you understand that
21 investigators Antonio and Anderson had
22 nothing to do with the warrant for your
23 arrest?

24 **A. Right.**

25 Q. Okay. So are you not suing them for false

1 arrest?

2 **A. Well, they were part of the case is why**
3 **they're being sued. They're part of the**
4 **overall case.**

5 Q. I'm just asking you about the false arrest
6 claim.

7 **A. The false arrest is part of the claim, I**
8 **mean, part of the whole case.**

9 Q. But you've got several different causes of
10 action.

11 **A. Right. They are -- I mean, one's the hand**
12 **of all and that's basically -- that's why**
13 **they're a part of it.**

14 Q. You understand this is not a criminal
15 matter?

16 **A. No, it's not -- it's not. They all --**

17 Q. Each one --

18 **A. This case and I'm sure we'll discuss by all**
19 **of them collectively.**

20 Q. And I want to discuss each one of these
21 gentlemen individually, because they're
22 being sued individually.

23 **A. Right.**

24 Q. And I need to know what your allegations are
25 specifically as to each one of them.

1 **A.** **Okay. Just like I just said --**

2 **Q.** But the hand of one is the hand of all --

3 **A.** **Right.**

4 **Q.** -- is not an element of a civil case.

5 MS. FAJARDO: Object to the
6 form of the question.

7 **Q.** This is -- false arrest has elements to
8 it --

9 **A.** **Right.**

10 **Q.** -- that have to be proven. And so what I
11 want to know is going down through those
12 elements, what are you alleging that these
13 officers specifically did?

14 **A.** **They're all -- as far as I'm concerned**
15 **they're all together in this and as the**
16 **conspiracy they're a part of it. But like I**
17 **said earlier, me writing the date and time**
18 **down, that's been done on numerous occasions**
19 **by the other investigators that I work with.**
20 **They weren't prosecuted for that, just me.**
21 **And I'm sure they did the same thing their**
22 **self. They wrote date and time when**
23 **somebody, maybe like in this case,**
24 **initial -- a distraught person that law**
25 **enforcement is supposed to help that**

1 couldn't.

2 There's nothing illegal that I saw
3 that warrants an arrest on me writing a date
4 or a time down, which is done from the time
5 I been there. That's how Major Watson,
6 whoever he is now, that's how I was taught.
7 And that's what -- I didn't realize that
8 I've done that up until the prosecutor's
9 office brought it to my attention. But
10 still, that's a clerical error. I don't see
11 that that's a criminal matter.

12 Q. Did you show Ms. Boney a single photograph?

13 A. Never showed her the single photograph. The
14 single photograph was under the six pack.
15 It was never shown because she was upset and
16 distracted and I wasn't going to force her
17 to look at anything.

18 Q. So you're saying you never showed her the
19 single photograph?

20 A. Never did.

21 Q. Did you ever tell anyone that you showed her
22 the single photograph?

23 A. No.

24 Q. No?

25 A. Nope. Never told anyone, because I didn't.

- 1 Q. Do you know whether Catherine Boney ever
2 denied initialing that photograph?
- 3 **A. The prosecutor mentioned it.**
- 4 Q. What prosecutor?
- 5 **A. Shoot, I don't remember his name. I don't**
6 **remember his name. It's been a long time.**
- 7 Q. Is the prosecutor on what case?
- 8 **A. On this case.**
- 9 Q. Prosecuting you or prosecuting her case?
- 10 **A. No, prosecuting her case.**
- 11 Q. Okay. Greg Voigt?
- 12 **A. Yeah, that's it.**
- 13 Q. Okay. Greg Voigt told you that Catherine
14 Boney said she had never even seen the photo
15 lineup?
- 16 **A. Yes, he did say that.**
- 17 Q. Okay. Have you seen the SLED forensic
18 handwriting analysis?
- 19 **A. Maybe I have. I'm not sure.**
- 20 Q. Did you get -- submit a number of
21 handwriting samples for them?
- 22 **A. Yes. Yes.**
- 23 Q. And do you know what the outcome was?
- 24 **A. They couldn't say it was mine definitely, I**
25 **know that.**

1 Q. They did say that it wasn't hers, didn't
2 they?

3 **A. Right.**

4 Q. Well, whose would it be if it wasn't hers?

5 **A. Well, she said --**

6 MS. FAJARDO: Object to the
7 form of the question. You can
8 answer.

9 Q. Whose would it be if it wasn't hers?

10 **A. She said it was hers. So I believe if she**
11 **said it was hers, doesn't matter what**
12 **anybody else says. I know it wasn't mine.**

13 Q. She told some people that it wasn't hers,
14 right?

15 **A. The only person I know of was Greg Voigt. I**
16 **don't know anybody else.**

17 Q. Ryan Kelly, the investigator for the
18 solicitor's office?

19 **A. I don't know. He didn't testify at the**
20 **criminal trial, so I don't know what she**
21 **told him.**

22 Q. Kelly conducted a follow-up interview with
23 Boney at her residence on September 24th
24 during which Boney denied that the
25 handwriting on the lineup was hers and

1 provided a handwriting sample.

2 Does that sound like Kelly is saying
3 that she told him that it wasn't her
4 handwriting?

5 **A. That's what it sounds like.**

6 Q. Did you talk to Ms. Boney about a DNA match?

7 **A. I believe on the date -- on the day I went**
8 **to show her the photo lineup, I believe, I**
9 **didn't talk to her about that. I mentioned**
10 **it to her. It was no long drawn out**
11 **conversation, but I believe if there was**
12 **anything said, it was on that date.**

13 Q. She said that you told her they had probably
14 identified the guy who assaulted her through
15 a DNA match. Would that be something that
16 you would have said? Does that sound like
17 something you would say?

18 **A. I'm trying to remember what I specifically**
19 **-- what I did say to her. I know I said --**
20 **I told her that we've got a possible. I've**
21 **got a possible suspect, but I don't remember**
22 **saying it like that.**

23 Q. Do you know where she would have learned the
24 phrase, "DNA match"?

25 **A. No, I don't.**

1 Q. She then said that you showed her a single
2 photograph, which she identified as her
3 assailant. And you told her you needed to
4 show her more, but she got upset and didn't
5 want to see anymore.

6 **A. That's not true. I only showed her the six**
7 **pack.**

8 Q. Did you talk to Sergeant Zimmer about this?

9 **A. Before or after? I mean, because I -- as I**
10 **under -- I read her statement, but I didn't**
11 **talk with her in this case, because any**
12 **police officer would know not to incriminate**
13 **themselves with anything, whether they did**
14 **something or not.**

15 **The only thing I spoke to Zimmer about**
16 **was how I was doing after this two weeks --**
17 **approximately two weeks after this happened**
18 **I was suspended, but as far as going into**
19 **the case, I'm not stupid enough to do that,**
20 **to go into the case with anybody.**

21 Q. She says you told her you showed Boney a
22 single photograph and she identified the
23 suspect.

24 **A. That's not true.**

25 Q. Then you showed her a six pack, but then you

1 left and realized you forgot to get her to
2 sign the lineup and so you signed it and
3 initialed it for her and believed it was
4 permissible to do this since she had made
5 the identification.

6 **A. No, never happened.**

7 Q. Are you saying that she's lying?

8 MS. FAJARDO: Object to the
9 question.

10 **A. That's exactly what I'm saying.**

11 Q. Did you talk to Lieutenant Watson about
12 this?

13 **A. The only time I spoke to Lieutenant Watson**
14 **about this was prior to going to -- maybe a**
15 **couple of days before going to show the six**
16 **pack and that was it.**

17 Q. Okay. Lieutenant Watson says, "Magwood told
18 me that he showed Boney a single photo only
19 to confirm the identity of her assailant
20 whom she apparently knew. Magwood then
21 returned later to show a photographic lineup
22 per Sergeant Williams' instructions." Is
23 that why you got the photographic lineup,
24 because Sergeant Williams told you to?

25 **A. No. I spoke to Watson maybe a week prior**

1 and what we spoke about was being that --
2 since the victim knew the suspect by Poochie
3 or June, she knew who he was, so therefore,
4 I didn't have to show her the six pack. I
5 could have showed just the single. Watson
6 trained me. It was done this way when I was
7 in training with Watson. So I could have
8 done it that way, but I didn't. I showed
9 the six pack. The single was under the six
10 pack.

11 Q. So why did you need the six pack if
12 identification had already been made through
13 DNA?

14 A. Because we decided just to go ahead and do
15 it so there's no problem, based on what I
16 was told by B.K. Williams. He said just go
17 ahead and show it anyway.

18 Q. So B.K. Williams did tell you to do it?

19 A. Yeah. And that's what I've always
20 maintained, that he told me to go ahead and
21 do it. Watson said I didn't have to because
22 the victim knew the suspect by Poochie or
23 June.

24 Q. And also the suspect gave a written
25 statement admitting to having sex with the

1 victim?

2 **A. Yes.**

3 Q. So this photographic lineup was totally
4 unnecessary?

5 MS. FAJARDO: Object to the
6 form of the question.

7 Q. Did Lieutenant Watson tell you it was
8 unnecessary?

9 **A. No. No.**

10 Q. He didn't?

11 **A. No. He told me -- basically what he said is**
12 **it could have gone each way -- either way.**
13 **I could have shown just the single or I**
14 **could just do both. But I only got to show**
15 **the single, I mean the single six pack here.**

16 Q. Okay.

17 (Defendant's Exhibit 3 was marked for
18 identification.)

19 Q. Let me show you what's been marked as
20 Exhibit 3 to your deposition, which is a
21 letter dated October 7th of 2008 from
22 Assistant Sheriff Cory Smith to Chief
23 Reginald Lloyd at SLED. Go ahead and read
24 that. Let me know when you're done.

25 **A. (Complying.)**

1 Q. All right. Do you have any reason to
2 believe that that letter was not sent to
3 SLED on October 7th, 2008?

4 **A. No.**

5 Q. Does it appear to be stamped "received" on
6 October 8th of 2000 -- is there -- on
7 October 8th of 2008?

8 **A. Yeah.**

9 Q. Okay. And I will assert to you that the
10 document that I just pulled out marked as
11 Exhibit 3 I pulled out of the back of the --
12 oh, did I pull it out of here? Whoops.
13 Okay. Let's not do that. I'm going to put
14 it back. Exhibit 3 is a page of Exhibit 1,
15 the SLED report.

16 **A. Okay.**

17 Q. Okay. Without looking at the SLED file, do
18 you know who all was interviewed for the
19 SLED investigation?

20 **A. I believe so. I'm not sure.**

21 Q. Who was interviewed for the SLED
22 investigation?

23 **A. I think Watson, Anderson, Antonio, Zimmer,**
24 **Williams, Tittle, I believe that's it. I'm**
25 **not sure. Boney, of course, and the**

1 **prosecutor's office and their investigator.**

2 Q. All right. I'm going to show you the page
3 five of the SLED investigation report that
4 lists the attachments. Do you see on those
5 list of attachments any interview notes with
6 Antonio or Anderson?

7 A. No.

8 Q. Do you know whether they had begun any
9 investigation at the time that the SLED
10 report was finalized?

11 A. No.

12 Q. You don't know?

13 A. Huh-uh.

14 Q. Okay. Do you know if they had any
15 involvement whatsoever in the SLED
16 investigation?

17 A. I don't know. The only -- well, I could say
18 and I believe if I -- if I'm correct, there
19 was -- I think there was a call from Agent
20 Ghent. He wanted to talk to me and he said
21 he had to talk to these individual officers.
22 That's about it. That's what I remember.

23 Q. Ghent told you he was going to talk to
24 Antonio and Aiken -- Antonio and Anderson?

25 A. And Anderson.

- 1 Q. Sorry. Okay. But do you see anywhere in
2 here --
- 3 **A. No. I don't see anywhere there.**
- 4 Q. -- that he spoke to them?
- 5 **A. Right.**
- 6 Q. Okay. What is the date on the SLED
7 investigative report?
- 8 **A. December 9th of '08.**
- 9 Q. Okay. When does it look like they were
10 notified or asked to get involved in this
11 case?
- 12 **A. Says October 7th, 2008.**
- 13 Q. Okay. And do you know where this
14 investigative report went when it was
15 complete?
- 16 **A. Yes. It went back to SLED.**
- 17 Q. Okay. Do you know what SLED did with it
18 when it was complete?
- 19 **A. I have no idea.**
- 20 Q. Do you know what the process was for making
21 the decision on whether or not you would be
22 prosecuted?
- 23 **A. No, I don't.**
- 24 Q. Do you know who was involved in making that
25 decision?

1 **A. No, I don't.**

2 Q. All right. One of your allegations in your
3 complaint is defamation. Defamation is a
4 very personal cause of action, meaning that
5 it's personal against -- you pick -- you sue
6 the person that you say made the defamatory
7 allegations. And so you have sued three
8 individuals in this case and I want to talk
9 about each of them separately and I want to
10 know what defamatory statements you are
11 alleging were made, when they were made and
12 who they were made to?

13 **A. Well, based on what the media said, it**
14 **alleges that the Charleston County Sheriff's**
15 **Office, these officers who was mentioned in**
16 **the news report, that I did commit this act.**

17 Q. What news report?

18 **A. It was on channel five, channel four,**
19 **channel two news.**

20 Q. Do you have copies of those?

21 **A. No, I don't.**

22 Q. Were they interviewed?

23 **A. I don't know whether they were interviewed**
24 **or not, but this is what came out. My**
25 **attorney had called and got copies. I know**

- 1 **he had copies of it.**
- 2 Q. Your attorneys has copies of these news --
- 3 **A. I don't know if he has them, but he had**
- 4 **copies of these because we spoke about it**
- 5 **over the phone.**
- 6 Q. Which attorney?
- 7 **A. Clifford Scott.**
- 8 Q. Okay. Did you ever see them?
- 9 **A. No.**
- 10 Q. So do you know whether Mr. Anderson was
- 11 interviewed for any of those news stories?
- 12 **A. I have no idea whether he was interviewed or**
- 13 **not.**
- 14 Q. Okay. Do you know whether Antonio was
- 15 interviewed for any of those stories?
- 16 **A. No.**
- 17 Q. Do you know whether Mr. Ghent was
- 18 interviewed for any of those stories?
- 19 **A. No.**
- 20 Q. Do you know where the reporters got their
- 21 information?
- 22 **A. Well, no, I don't know for sure.**
- 23 Q. Okay. Other than these media reports, are
- 24 you alleging that Mr. Anderson made any
- 25 defamatory statements about you?

1 **A. Not that I can recall at this point.**

2 Q. Well, this is my one opportunity to talk to
3 you before trial. Do you expect to discover
4 defamatory statements between now and trial?

5 **A. It's possible. I cannot tell you that.**

6 Q. Where do you anticipate you might find
7 defamatory statements?

8 **A. Again, I don't know, because this has**
9 **brought up some things that maybe need to be**
10 **looked into.**

11 Q. What is the basis for the cause of action
12 for defamation against Mr. Anderson as you
13 have stated it in the complaint that was
14 filed last year in 2013?

15 **A. We can still go back to the media, what was**
16 **said.**

17 Q. But you just told me you've never seen it?

18 **A. No. My attorney has and based on the advice**
19 **of my attorney, what I'm told, he has no**
20 **reason to lie to me.**

21 Q. Mr. Scott didn't draft this -- didn't draft
22 this complaint.

23 **A. Right. But I'm telling you based on what my**
24 **attorney said.**

25 Q. Okay.

1 **A.** **I did not see his copy. My wife got a copy**
2 **of -- I don't know if she's still got a**
3 **copy, but we should have a copy of it at the**
4 **house somewhere of some of that.**

5 **Q.** Okay. What statements are you saying that
6 they made? What statements are you saying
7 are attributed to Anderson?

8 **A.** **Their name was mentioned. I believe in the**
9 **news reports their names was mentioned.**
10 **Somebody apparently spoke to them. That's**
11 **what I'm thinking.**

12 **Q.** But you don't know?

13 **A.** **I don't know.**

14 **Q.** And does that also go for Antonio?

15 **A.** **Yes.**

16 **Q.** His name was mentioned, but you don't know
17 who he may have spoken to?

18 **A.** **I don't know who he may have spoken to.**

19 **Q.** And you don't know what he may have said?

20 **A.** **No.**

21 **Q.** And what about with Ghent?

22 **A.** **Same.**

23 **Q.** You don't know what he may have said or who
24 he may have spoken to?

25 **A.** **No.**

1 MS. JACKSON: Stephanie, do you
2 have those, because those haven't
3 been produced?

4 MS. FAJARDO: I don't have
5 them. You can Google though.
6 There's a Post and Courier article.
7 I just looked at it, but I don't
8 have copies of it.

9 MS. JACKSON: Can you get those
10 from Cliff Scott?

11 MS. FAJARDO: Yeah. I'll talk
12 to him and see if he's got it and
13 if he's got them, I'll produce
14 them. It's not an issue.

15 BY MS. JACKSON:

16 Q. All right. The next cause of action is
17 malicious prosecution. Malicious
18 prosecution requires that the Defendant
19 either institute proceedings or have
20 proceedings instituted as his assistance --
21 insistence and that he have malice in
22 instituting those proceedings. Do you have
23 any evidence that Mr. Anderson has any
24 malice towards you?

25 A. No.

1 Q. Do you have any evidence that Mr. Antonio
2 has any malice towards you?

3 A. No.

4 Q. Do you have any evidence that Mr. Ghent has
5 any malice towards you?

6 A. No.

7 Q. Do you have any evidence that Mr. Anderson
8 either instituted the judicial proceedings
9 or insisted that they be instituted?

10 A. No.

11 Q. Do you have any evidence that Mr. Antonio
12 either instituted the judicial proceedings
13 or insisted that they be instituted against
14 you?

15 A. No.

16 Q. Do you have any evidence that Mr. Ghent
17 instituted the judicial proceedings or
18 insisted that they be instituted against
19 you?

20 A. No.

21 Q. All right. The next cause of action is only
22 against Mr. Anderson, Mr. Antonio and
23 Mr. Ghent for abuse of process. Do you know
24 what the abuse of process is?

25 A. Basically.

- 1 Q. What is it?
- 2 **A. They used their position to achieve what**
- 3 **their goal, which was to have me arrested.**
- 4 Q. Okay. And what evidence do you have that
- 5 they had any kind of a goal to have you
- 6 arrested?
- 7 **A. Don't have any -- don't have any.**
- 8 Q. Or that they had any personal opinions that
- 9 you should or should not be arrested?
- 10 **A. Don't have any.**
- 11 Q. Okay. Have you ever heard that Mr. Anderson
- 12 wanted you to be arrested?
- 13 **A. No.**
- 14 Q. Have you ever heard that Mr. Antonio wanted
- 15 you to be arrested?
- 16 **A. No.**
- 17 Q. Ever heard that Mr. Ghent wanted you to be
- 18 arrested?
- 19 **A. No.**
- 20 Q. All right. Do you have any evidence that
- 21 any of them -- well, let's go individually.
- 22 That in the course of his investigation,
- 23 that Mr. Anderson had any ulterior purpose
- 24 in preparing his investigation?
- 25 **A. No.**

1 Q. Do you have any evidence that Mr. Antonio
2 had any ulterior purpose in preparing his
3 investigation?

4 A. No.

5 Q. Do you have any evidence that Mr. Ghent had
6 any ulterior purpose in preparing his
7 investigation?

8 A. No.

9 Q. Do you have any evidence that Mr. Anderson
10 committed any willful act that was not
11 proper in the regular conduct of his
12 investigation?

13 A. No evidence, no.

14 Q. Do you have any evidence that Mr. Antonio
15 had any willful act that was not proper in
16 the regular conduct of his investigation?

17 A. No.

18 Q. Do you have any evidence that Mr. Ghent had
19 any willful act that was not proper in the
20 regular course of his investigation?

21 A. No.

22 Q. Okay. Paragraphs 31 and 32 of your
23 complaint say that they acted for ulterior
24 purposes. That's page six of the complaint,
25 paragraphs 31 and 32.

1 **A. Okay.**

2 Q. Do you have any evidence of any ulterior
3 purposes?

4 **A. No.**

5 Q. All right. Would you agree with the
6 statement that Mr. Anderson was only
7 involved in this investigation by virtue of
8 being in the internal affairs division of
9 the sheriff's office?

10 **A. I don't know that.**

11 Q. Okay. Do you have any information that he
12 would have been asked to prepare this
13 investigation if he was not in the internal
14 affairs investigation division?

15 **A. I don't know that either.**

16 Q. Would you agree with me that investigating
17 an officer's -- an allegation of officer
18 misconduct is a proper subject for
19 investigation by the internal affairs
20 division of a department?

21 **A. Yes. Yes.**

22 Q. Okay. And if an officer prepares that
23 investigation as a member of the internal
24 affairs division of a department that that
25 would be proper?

1 **A. Yes.**

2 Q. And is it your understanding that
3 Mr. Anderson was a member of the internal
4 affairs division of the sheriff's office at
5 the time he prepared your investigation?

6 **A. Right.**

7 Q. Is it your understanding that Mr. Antonio
8 was a member of the internal affairs
9 division at the sheriff's office at the time
10 that they prepared your investigation?

11 **A. Yes. Could I respond to that briefly?**

12 Q. Sure.

13 **A. I initially worked a case where also**
14 **involved in a shooting down south. I, a**
15 **regular deputy, I was initially assigned to**
16 **that case and I worked on it several days**
17 **before it went to the internal affairs**
18 **office. So things could happen. And I**
19 **actually worked that case for a couple days,**
20 **then it went to the internal affairs office.**
21 **So everything is not as it's supposed to be**
22 **with the sheriff's office, because I**
23 **actually worked that case.**

24 Q. Do you have any evidence that the
25 allegations against you were investigated by

1 anyone outside of the internal affairs
2 division?

3 **A. I don't have any evidence, but it could have**
4 **happened.**

5 Q. But you don't have any evidence?

6 **A. No. I don't have any evidence of it.**

7 Q. And to your knowledge both Anderson and
8 Antonio were in the internal affairs
9 division?

10 **A. Yes, they were.**

11 Q. Okay. All right. You have also alleged
12 civil conspiracy against Anderson, Antonio
13 and Ghent. Do you know whether Agent Ghent
14 knew Investigator Antonio prior to becoming
15 involved in the -- your investigation?

16 **A. I don't know whether they knew each other or**
17 **not.**

18 Q. Do you know whether Ghent had any knowledge
19 of Investigator Anderson before he became
20 involved in your investigation?

21 **A. I don't know that.**

22 Q. Okay. What evidence do you have of a civil
23 conspiracy?

24 **A. I don't have any evidence of a civil**
25 **conspiracy.**

1 Q. All right. You were alleging negligence
2 against all Defendants and also through the
3 course of your complaint gross negligence,
4 recklessness, willfulness and wantonness.
5 In order to be negligent a person must have
6 a duty to another person. What duty do you
7 allege Agent Ghent had to you?

8 A. My opinion is and I really feel that the
9 investigation was flawed from the beginning
10 and the outcome shouldn't have been what it
11 was, because even with their investigators,
12 there is nothing -- there is nothing to show
13 that I actually initialed that photo lineup.
14 To this point there still isn't and again,
15 the victim said she did it. She testified
16 to it.

17 Q. Okay. What duty do you believe he has to
18 you?

19 A. As a sworn officer his duty was to -- if it
20 was to investigate this thing and have --
21 his findings should have been, I personally
22 believe, should have been different. Again,
23 there is no evidence. I still don't see any
24 evidence where I did anything criminal in
25 this case. As an investigator it's

1 incumbent on him to either clear me when
2 there's no evidence or find if there were
3 evidence. I don't see any evidence.

4 Q. Okay. What were Agent Ghent's findings?

5 A. My thing, he didn't say I did anything
6 wrong, so therefore...

7 Q. I'm sorry, say that again.

8 A. His -- based on what I read, the little bit
9 that I've read, he did not show that there
10 was evidence that I did anything wrong.
11 Maybe a clerical error, but that's, again,
12 that's not criminal.

13 Q. Okay. Well, if he didn't make a finding of
14 wrong doing, then how is he negligent?

15 A. Because there was no evidence for him to say
16 that I did anything wrong. There was
17 nothing showing that I did anything wrong,
18 is what I'm trying to get across to you.

19 Q. Okay. But if his report doesn't find wrong
20 doing, then why are you claiming that he was
21 negligent?

22 A. Because his report -- I don't know why. I
23 don't have any idea and I don't understand
24 why, okay? And I can't -- I really can't
25 answer that question. I don't have any -- I

1 **don't have any evidence, but I'm saying**
2 **there is no evidence that I did anything**
3 **wrong.**

4 Q. Okay. But now you are suing him, so now you
5 have the burden to prove --

6 A. **Because he's part of the case.**

7 Q. -- to show that he was negligent or grossly
8 negligent.

9 A. **Right.**

10 Q. And so what I want to know is what are you
11 claiming he was grossly negligent in doing?

12 A. **I'm claiming that he was negligent in his**
13 **findings.**

14 Q. Okay. All right. We're gonna take a break
15 and I want you to look through this entire
16 document and show me where there's any
17 findings.

18 A. **Well, if you say it's not there, I can read**
19 **it until tomorrow, it's not gonna be there.**

20 MS. FAJARDO: I mean, I'm not
21 trying to do a speaking objection,
22 but I feel like he's answered your
23 question as best as he's gonna.
24 He's just saying the same thing
25 over and over again to the

1 question.

2 Q. So do you agree that there's no finding in
3 here?

4 **A. That I saw.**

5 Q. Okay. So if there's no findings by Agent
6 Ghent, then where does the negligence stem
7 from?

8 **A. Again, I say he should have found that there**
9 **was no evidence and there isn't any.**

10 Q. So you're saying that if he did not make
11 findings, that he should have --

12 **A. Absolutely.**

13 Q. -- made findings?

14 **A. Right.**

15 Q. Okay. All right. I think we're on the same
16 page now.

17 **A. Right.**

18 Q. So you're saying he should have included in
19 his investigative report findings that there
20 was no evidence that you had --

21 **A. Of any wrong doing, right.**

22 Q. Okay. All right. Okay. All right. I will
23 assert to you that what I'm looking at is
24 the transcript of record from your trial.

25 **A. Right.**

1 Q. Okay. June 29th and 30th of 2011 and that
2 I'm looking at the testimony of Catherine
3 Boney and in that testimony she says that
4 you showed her a single photograph first.

5 **A. That's what she said, yeah.**

6 Q. Okay. And I don't see -- and I'm happy to
7 show it to you and let you look through it.
8 I don't see where she ever says that she did
9 initial that page. I see where she says she
10 doesn't remember. Do you know if she
11 said that she -- anyplace where she said
12 that she did sign and initial?

13 **A. She did say she signed something. And she**
14 **also said in there, "Why is he here? He**
15 **didn't do anything."**

16 MS. JACKSON: All right. We've
17 been going for about an hour and a
18 half, so let's just take a little
19 break, let me get reorganized, then
20 we'll come back.

21 (Whereupon, there was a short
22 break in the proceedings.)

23 BY MS. JACKSON:

24 Q. All right. Let's talk a little bit about
25 your damages. Based on your discovery

1 responses, you have listed \$10,000 in
2 attorney fees. Is that from the criminal
3 prosecution?

4 **A. Yes.**

5 Q. Okay. And do you have receipts for that?

6 **A. It's somewhere at the house in my files,**
7 **yes, or I can get something from Mr. Scott.**

8 Q. Okay. And you can provide that to your
9 attorney?

10 **A. Yes.**

11 Q. Can you do that within ten days?

12 **A. I'll get with Mr. Scott. He's got copies of**
13 **everything.**

14 MS. FAJARDO: I'll talk to
15 Mr. Scott.

16 Q. And you're claiming lost earnings in the
17 amount of \$153,000, how did you get to that
18 number?

19 **A. That was figured up by my attorney.**

20 Q. And did you provide information for that
21 calculation?

22 **A. No. But it's what I believe I should have**
23 **been paid if I was working.**

24 Q. What was your annual salary as a detective
25 when you were terminated?

- 1 **A.** **I don't remember to be honest with you.**
- 2 Q. You're not suing for wrongful termination,
- 3 correct?
- 4 **A.** **Correct.**
- 5 Q. What was the reason given when you were
- 6 terminated?
- 7 **A.** **I was told that I forged initials on a photo**
- 8 **lineup.**
- 9 Q. And this was before your criminal trial,
- 10 right?
- 11 **A.** **Correct.**
- 12 Q. Was it after you were arrested?
- 13 **A.** **Before.**
- 14 Q. Before you were arrested?
- 15 **A.** **Right.**
- 16 Q. If you were terminated prior to your arrest,
- 17 before your arrest, then what is the basis
- 18 for your lost wages claim?
- 19 **A.** **What are the basis?**
- 20 Q. Yes.
- 21 **A.** **Simple fact I was terminated for something**
- 22 **and like I said, they should have known**
- 23 **there was no evidence that I did anything**
- 24 **wrong, so based on I don't know what, I was**
- 25 **terminated for something I didn't do.**

- 1 Q. Okay. And, again, you're employed at the
2 will of the sheriff, correct?
- 3 A. Right.
- 4 Q. And can be terminated for any reason,
5 correct?
- 6 A. Right. Well, that's what they say and
7 apparently that's the way it is.
- 8 Q. So you're alleging these lost wages result
9 from your termination?
- 10 A. Right. Because this would have never come
11 up if -- I believe I would not have been
12 terminated if this issue didn't come up.
- 13 Q. Okay. Tell me about the damages you claim
14 from the degradation of your good name?
- 15 A. Well, couldn't get a job for one.
- 16 Q. Where did you apply?
- 17 A. I applied with Medical University, sent in a
18 resume there. Their security.
- 19 Q. When was that?
- 20 A. When? I don't remember what dates I sent it
21 there. And the Flex Security on the Coast
22 Guard base. North Charleston PD, Goose
23 Creek, and again in Mt. Pleasant.
- 24 Q. All right. What was the reason given by
25 MUSC for not hiring you?

- 1 **A. None was given on neither of them.**
- 2 Q. On any of these?
- 3 **A. On any of them.**
- 4 Q. All right. Was your certification as a law
5 enforcement officer ever suspended?
- 6 **A. You mean prior to this?**
- 7 Q. No, when you were terminated?
- 8 **A. I believe so. I'm not sure. I think**
9 **Mr. Scott said -- he asked me about it, but**
10 **we don't -- but I don't know.**
- 11 Q. Well, if your certification was suspended,
12 then you wouldn't have been eligible for
13 employment with the North Charleston, Goose
14 Creek or Mt. Pleasant Police Department,
15 would you?
- 16 **A. If it was suspended, but I don't know**
17 **whether it was or not.**
- 18 Q. Did you ever check?
- 19 **A. No.**
- 20 Q. Why not?
- 21 **A. I didn't think it would be necessary.**
- 22 Q. Wouldn't that be important when you're
23 applying for a law enforcement position?
- 24 **A. It would be -- it would be, but I didn't**
25 **check.**

1 Q. Do you have to have a law enforcement
2 certification from the Criminal Justice
3 Academy to work at your current employment?

4 A. No.

5 Q. Okay. Do you have a law enforcement
6 certification still valid from the Criminal
7 Justice Academy?

8 A. I don't know. Again, I didn't check.

9 Q. Okay. So do you have any evidence that you
10 were turned down for jobs with these groups
11 because of this investigation?

12 A. No.

13 Q. What about your reputation in your trade and
14 occupation, what kind of damages do you have
15 from that?

16 A. Well, you know, since the news clipping came
17 out and what was said over the TV, my name
18 was just plain, I would say dirt. I mean,
19 there were people that I knew that wouldn't
20 talk to me. There were places that
21 people -- I tried to get jobs places where I
22 had worked like Roper Hospital, you know,
23 nothing went through. I knew people there.
24 I knew people at, again, at Medical U.
25 And...

- 1 Q. So you applied back at Roper?
- 2 A. No. I didn't apply back at Roper. I didn't
- 3 actually put in the application or resume
- 4 because I spoke to somebody there.
- 5 Q. Okay. And did they tell you they wouldn't
- 6 hire you because of this incident?
- 7 A. Not him, but they said they probably was not
- 8 going to hire me because of this incident
- 9 with the sheriff's office.
- 10 Q. Okay. And so you never applied?
- 11 A. No.
- 12 Q. Who wouldn't talk to you anymore after this?
- 13 A. Well, I left the church. I was deacon at a
- 14 church downtown, Eastside Missionaries
- 15 Baptist Church.
- 16 Q. Why did you leave the church?
- 17 A. Because of, you know, there was little
- 18 remarks made that I heard. You know, they
- 19 were wondering if I actually did it. I
- 20 taught karate down there and all of the
- 21 students left. All my students left and,
- 22 you know, they -- some of the parents, they
- 23 thought that this thing should be cleared up
- 24 before, you know, they would let the kids
- 25 come back to train.

- 1 Q. And who are we talking about?
- 2 A. We talking about parents. There was some
3 ladies from Goose Creek. There was 23 kids
4 and I don't know all of the parents because
5 evangelists brought them in for me to train.
6 I never knew all of the parents, but -- I
7 forgot my evangelist name, but she would
8 bring them on Saturday morning and I would
9 train them. And based on this incident and
10 what she was saying, they just thought that
11 the kids shouldn't train under me anymore.
- 12 Q. Okay. But you don't know any of their
13 names?
- 14 A. That was so long ago. I mean, I don't --
15 and even in training I know the kids name or
16 nickname and like I said, I did not get a
17 name of all the parents. That wasn't
18 really -- long as somebody brought them
19 there -- responsible and stayed there while
20 I trained them the parents name wasn't
21 important.
- 22 Q. They didn't sign releases or anything like
23 that?
- 24 A. No, not at the church, no.
- 25 Q. What about your reputation, in the community?

1 **A.** There were neighbors that still don't talk
2 to me.

3 **Q.** And who are they?

4 **A.** They're members -- well, some of the family,
5 the Cohans. Different members in the
6 community, some of them died. And you talk
7 about, let's go with Elliot Cohan and I
8 don't know where he's living.

9 **Q.** I thought you said he was a neighbor?

10 **A.** He was a neighbor.

11 **Q.** Now he's moved?

12 **A.** He was a neighbor. Was. He's -- I know
13 he's got a business on John's Island.
14 There's a car wash that I know he's at all
15 the time right at the new Bi-Lo. He's got a
16 car wash there. Okay. You got, let's say
17 the Commodores.

18 **Q.** Are they neighbors?

19 **A.** No. They're not neighbors. Well, you can
20 call them neighbors, because they were in
21 some shady stuff, but they -- I've arrested
22 them before. And -- but they would talk to
23 me after the arrest, but since this incident
24 they didn't feel it was necessary to talk to
25 me anymore.

1 Q. Have they told you that they didn't talk to
2 you because of this?

3 A. No, they didn't tell me. Again, these
4 people that I'm talking about that cordially
5 say something to me just in casual passing
6 at the store or if they see me sometime when
7 I go jogging or walking the street. After
8 this incident they didn't say anything at
9 all. Like I've got a relative that has
10 spoken to some of these people that talked
11 about it that came back and told me that
12 these guys, you know, they don't know
13 whether this thing happened or not and they
14 wanted to see the outcome, so they just
15 stayed away.

16 Q. Okay. And then you got the outcome in 2011,
17 correct?

18 A. Right. And I never revisited anybody.

19 Q. Why not clear your name?

20 A. Well, the media should have done that, but
21 again...

22 Q. Isn't that your job?

23 A. No.

24 MS. FAJARDO: Object to the
25 form.

1 Q. No? You don't feel you should be able to
2 sing your own praises and go to your
3 neighbors and tell them your name was
4 cleared?

5 A. No, no, no. Because I didn't put myself in
6 this position.

7 Q. All right. Okay. All right. You've also
8 listed fright, did you suffer from fright
9 during this?

10 A. Well, I've been threatened by a few people
11 and because I don't -- I don't carry a
12 weapon anymore even though I -- I can defend
13 myself fairly well, but you know, people
14 they do things and they carry things, you
15 know, and I've got to be leery of that.

16 Q. No. I'm talking about -- fright should have
17 to do with this, what happened in this
18 lawsuit?

19 A. That wasn't specific to me. I wanted to
20 explain.

21 Q. Okay. So you didn't have fright with regard
22 to the investigation that took place?

23 A. Yes. Because that part came in where these
24 guys, they work at the sheriff discretion
25 and personally, this is my personal opinion,

1 they gonna do what's gonna make the
2 sheriff's office look good. And that's a
3 fact. They gonna -- whether it's right,
4 wrong or indifferent, because like I said,
5 in this case I don't see anything in this
6 case other than maybe something clerical
7 that I did wrong and clerical is not
8 criminal, okay.

9 Q. Did you ever work in internal affairs at the
10 sheriff's office?

11 A. No.

12 Q. Do you know whether internal affairs
13 officers make findings about whether a
14 person should be prosecuted?

15 A. They make findings on facts.

16 Q. Okay.

17 A. I don't see any facts.

18 Q. Okay. Do they make finding on whether a
19 person should be prosecuted?

20 A. I don't know that.

21 Q. Okay. Do you know if they make findings on
22 whether a person should be disciplined?

23 A. Well, I don't know that either.

24 Q. Okay. All right. I understand, they make
25 findings on facts.

1 **A. Right.**

2 Q. So they would make a finding of whether
3 something was sustained or not sustained,
4 would you agree with that?

5 **A. I agree.**

6 Q. And if it's sustained, then they would list
7 the policies that were violated?

8 **A. Yes.**

9 Q. And in your investigation the allegations
10 were sustained, correct?

11 **A. Yeah.**

12 Q. Okay. And policy violations were found,
13 correct?

14 **A. That's what they said.**

15 Q. Okay. Do you see here where they listed
16 procedure 1-09, agency rules and regulations
17 regarding truthfulness, I mean, did they
18 list that?

19 **A. Yeah.**

20 Q. Okay. That's listed here. And procedure
21 1-09 section 3, unsatisfactory performance;
22 is that also listed here?

23 **A. Right.**

24 Q. Okay. And so when they made their finding
25 that the complaint was sustained, on page

1 nine of the report, down at the bottom it
2 says findings, it says sustained; is that
3 correct?

4 **A. That's what it says.**

5 Q. And below that or immediately following that
6 finding of sustained, they identified at
7 least two different procedures that they
8 assert were violated, correct?

9 **A. That's what they said.**

10 Q. Okay. And that's all I'm asking you.
11 That's all I'm asking you is that what this
12 says?

13 **A. Yes. That's what that says.**

14 Q. Okay. And this is the internal
15 investigation that's dated July 7th of 2009
16 from the sheriff's office; is that correct?

17 **A. Right.**

18 Q. I want to make sure we can find it again
19 later.

20 **A. (Indicating.)**

21 Q. Okay. All right. And the basis for your
22 termination, regardless of the outcome of
23 the criminal charges, correct?

24 **A. That's there, yes.**

25 Q. And you received this letter and termination

1 and signed it on August 3rd of 2009?

2 **A. Right.**

3 Q. Is that your signature above the typed name
4 Eugene Magwood?

5 **A. Right.**

6 Q. All right. So are you questioning the
7 integrity of Investigator Anderson in
8 preparing his investigative file?

9 **A. Both officers, not just Anderson.**

10 Q. I'll get to --

11 **A. Yes, yes.**

12 Q. And you're questioning the integrity of
13 Investigator Antonio in preparing his
14 investigative file?

15 **A. Right.**

16 Q. Why do you believe that they would violate
17 their oath as law enforcement officers in
18 preparing this internal affairs
19 investigation?

20 **A. Again, I don't see any facts of anything**
21 **that I did criminal. Okay. And I believe**
22 **that if this incident didn't come up,**
23 **clerical errors would have been accepted and**
24 **is being accepted. Well, I don't know that**
25 **for sure, but clerical errors, there was**

1 **nothing that I did that the prosecutor's**
2 **office couldn't sit down and talk about,**
3 **okay. He made a mistake here and we're**
4 **going to clear this mistake up. It's been**
5 **done, but why in this case it hadn't been**
6 **done? Clerical error, not criminal, because**
7 **there's nothing criminal in it.**

8 Q. Okay. But this -- these findings were made
9 after you were already arrested, correct?

10 A. **Yeah.**

11 Q. Okay. So these findings could not have had
12 anything to do with your arrest because they
13 were made two months after, correct?

14 A. **That's correct. But they were looking into**
15 **this thing a long time.**

16 Q. SLED was looking into it --

17 MS. FAJARDO: Object to the
18 form of the question.

19 Q. -- weren't they. SLED's investigation came
20 first from October to December of 2008,
21 correct?

22 A. **That's correct.**

23 Q. And then the county's investigation began in
24 April and ended in July?

25 A. **I understand all that.**

- 1 Q. Okay.
- 2 A. But what I'm saying --
- 3 Q. And you were charged in May?
- 4 A. I believe that they were working together
- 5 all along.
- 6 Q. To set you up?
- 7 A. That's my belief.
- 8 Q. You think they were trying to set you up?
- 9 A. I didn't say that. I didn't say that.
- 10 Q. What do you think they were trying to do?
- 11 A. I don't have any idea, but these agencies do
- 12 work together.
- 13 Q. Do you have any evidence that SLED --
- 14 A. No, I don't have.
- 15 Q. And the sheriff's office worked together in
- 16 their investigation of you?
- 17 A. No, not of me. No.
- 18 Q. All right. All right. We were talking
- 19 about fright as an element of your damages.
- 20 And you said -- you started to say something
- 21 about Antonio and Anderson working for the
- 22 sheriff and doing what the sheriff wants.
- 23 A. No. I'm not saying they do what the sheriff
- 24 wants. I said we all was working at the
- 25 discretion of the sheriff.

1 Q. Okay. What evidence do you have that their
2 jobs were at risk if they had made a
3 different finding in your investigation?

4 **A. Well, I don't have any evidence.**

5 Q. Okay.

6 **A. But based on what happened to me, just like**
7 **you said, they didn't have a reason to fire**
8 **me.**

9 Q. Okay. And they didn't fire you, correct?
10 Anderson and Antonio didn't fire you?

11 **A. Right.**

12 Q. And they didn't make a recommendation that
13 you be terminated, did they?

14 **A. No.**

15 Q. And they didn't make a recommendation that
16 you be prosecuted, did they?

17 **A. Not that I know of.**

18 Q. Okay. So how is it that fright plays into
19 Antonio and Anderson?

20 **A. Just like with Agent Ghent, there should**
21 **have been a specific finding from them.**
22 **That's the bottom line.**

23 Q. Do the policies and procedures of the
24 sheriff's office indicate that the internal
25 affairs investigators should make findings?

- 1 **A. They should make findings.**
- 2 Q. Okay. And they made a finding of sustained
3 in this case?
- 4 **A. (Indicating.)**
- 5 Q. Do you believe that the policies and
6 procedures of the sheriff's office require
7 that they make other types of findings?
- 8 **A. I believe that all findings should be based**
9 **on facts.**
- 10 Q. I understand that. And they did make a
11 finding of sustained, correct? I understand
12 you disagree with the finding.
- 13 **A. Right.**
- 14 Q. But they did make that finding?
- 15 **A. They made that finding, yes.**
- 16 Q. Do you believe that the policies and
17 procedures of the sheriff's office require
18 them to make findings with regard to
19 punishment?
- 20 **A. I still go back to it should be made on**
21 **facts.**
- 22 Q. I understand the basis, but what I'm saying
23 is what types of findings is it that you
24 believe they should be making?
- 25 **A. I can only speak about this one and they**

1 **should have been made on facts that I**
2 **actually did what they said I did.**

3 Q. Okay. And do you believe that they should
4 have made additional findings?

5 A. **I don't know about additional, but I'm just**
6 **saying the facts should have been made in**
7 **this case.**

8 Q. Okay. Okay. It's findings in this case
9 were sustained and that you violated the
10 policies regarding truthfulness and
11 unsatisfactory performance.

12 A. **Okay. Truthfulness, could you explain what**
13 **that is? I mean what did I lie about?**

14 Q. That's what the policy says.

15 A. **Yeah. I understand what the policy says,**
16 **but...**

17 Q. And then the report actually lists four
18 bases for the conclusions and says, "There's
19 strong evidence to suggest that Detective
20 Magwood provided the victim with a large
21 color photograph of the suspect before
22 making any attempt to show the victim the
23 lineup containing the same photo."

24 Number two, "Detective Magwood placed
25 the date time and victim's initials on the

1 lineup and then filed an official report
2 indicating that the victim had written the
3 date, time and her own initials."

4 Three, "During the pretrial
5 preparation for this case Detective Magwood
6 was untruthful in his statements to
7 Assistant Solicitor Voigt regarding facts
8 one and two listed above."

9 Four, "On two separate occasions
10 during the administrative investigation
11 Detective Magwood was untruthful in his
12 statements to the Office of Professional
13 Standards regarding facts one and two listed
14 above."

15 Now, there is not a finding that those
16 items happened, but it says there is strong
17 evidence to suggest.

18 **A. Okay. I understand that.**

19 Q. And those are the findings of the Internal
20 Affairs investigation?

21 **A. Those findings, like I said, when it was**
22 **brought to my attention at the prosecutor's**
23 **office -- I was totally unaware that I'd**
24 **made those two errors until I got to the**
25 **prosecutor's office. And if you look at**

1 **throughout my entire course, there were**
2 **several typographic errors made in there and**
3 **we all make mistakes. And again, if I**
4 **could --**

5 Q. So you made an error in telling them that
6 you had not timed and dated the report?

7 A. **Until -- until that day at the prosecutor's**
8 **office I was totally unaware that that had**
9 **happened.**

10 Q. You were unaware that you had dated and
11 timed the photographs?

12 A. **Absolutely. No, not dated and timed the**
13 **photographs. Not that. It said something**
14 **about the -- you said I said that I -- that**
15 **the victim did.**

16 Q. Right.

17 A. **Right. No. I was totally unaware that that**
18 **was in that report until he brought it to my**
19 **attention.**

20 Q. And you typed the report?

21 A. **Yes. And I'm saying that there are several**
22 **and you can go to any of my reports, all of**
23 **them's typographical error, because the**
24 **amount of work that was put on us. The**
25 **detective office has never been fully manned**

1 when I was there. So you got a lot of
2 stress on you. You got to rush to get
3 things done. And these guys can tell you,
4 they've been in the detective office, you
5 are constantly asked to close case out,
6 close case out.

7 There have been weeks that our office
8 working homicides in other cases where we
9 don't get a chance to work on our cases.
10 Then when we come back say three, four,
11 five days later, we're rushed to close case
12 out.

13 So I mean, why is it that I'm the only
14 one that's inhuman, that I'm not supposed to
15 make a mistake and be not aware of it until
16 it's pointed out to me. That's all I'm
17 saying.

18 If anybody tell you anything
19 different, they didn't have a bunch cases, a
20 whole heavy case load and never made a
21 mistake they'd be lying. I made a mistake
22 because of my heavy case load and always
23 working. Who's the go-to man in the
24 detective office? They came to me with
25 basically everything. I've taken cases from

1 him and worked cases from him and him
2 (indicating). The detective brought cases
3 from both of these guys for me to work. So
4 where is it that I'm not supposed to make
5 mistake?

6 And then after when I was made aware
7 of it and I told him what was going on in
8 detective office, it all of a sudden comes
9 down to violating policy. I don't think
10 that's fair, okay.

11 Q. Do you disagree you violated the policy?

12 A. Yes, I disagree. We all make errors.

13 Q. You listed other elements of your damages as
14 embarrassment, humiliation and indignity,
15 which I think we covered in the reputation
16 when you were telling me earlier about the
17 reputation damages.

18 A. I guess.

19 Q. Do you think we've covered those?

20 A. Well, the only other thing is that I don't
21 understand it did, because there were
22 numerous letters of accommodation awards
23 that I've gotten from various people from
24 the agency itself and all of a sudden I make
25 a clerical error and that's really

1 **embarrassing. It is. More than you would**
2 **ever know.**

3 Q. Okay.

4 **A. Especially after I was doing basically**
5 **mostly all the other guy's work in the**
6 **office without getting any respect for it.**

7 Q. Aren't you charged with checking your
8 reports to make sure that they're correct so
9 you can swear at the bottom that they're
10 true and correct to the best of your
11 knowledge?

12 **A. Again --**

13 Q. Isn't that important?

14 **A. It is important when you have time.**

15 Q. Well, isn't it important all the time if
16 you're a law enforcement officer?

17 **A. It should be. It should be.**

18 Q. It should be?

19 **A. Right.**

20 Q. Because people rely on those reports,
21 correct?

22 **A. That's true.**

23 Q. And even in court people rely on those
24 reports?

25 **A. Yeah.**

1 Q. And when you testify in court under oath, a
2 lot of times you testify to the contents of
3 your report, correct?

4 A. **Absolutely.**

5 Q. Okay. Let's talk about mental pain and
6 suffering. Have you received any counseling
7 or treatment for mental pain and suffering?

8 A. **No. I spoke to my family doctor about it.**

9 Q. Okay. Did you receive any medication?

10 A. **No.**

11 Q. Any kind of treatment?

12 A. **No.**

13 Q. All right. In your discovery responses you
14 were asked to state in detail each change in
15 allegations that you asserted in paragraph
16 19 of your complaint. Paragraph 19 of the
17 complaint says, "During the course of the
18 prosecution in this matter the allegations
19 made by the Defendants against the Plaintiff
20 changed several times as the Defendants
21 attempted to fabricate a legitimate case
22 against the Plaintiff."

23 I believe you said earlier that you
24 don't have any evidence that individual
25 Defendants participated in the prosecution;

1 is that correct?

2 **A. I have no evidence other than, the only**
3 **thing I could based on the case itself, they**
4 **should have been a specific finding.**

5 Q. Okay. But the decision to prosecute is made
6 solely by the prosecuting agency, whether it
7 be the solicitor's office or the AG's
8 office; is that correct?

9 **A. Right. But their specific finding would**
10 **have made a difference -- I believe would**
11 **have made a difference.**

12 Q. But it's still not their decision, correct?

13 **A. No. The findings should have made a**
14 **difference though.**

15 Q. And in your answer to discovery you said,
16 "The Defendants attempted to propound
17 several theories of misconduct against the
18 Plaintiff." What were these several
19 theories of misconduct?

20 **A. I don't remember. You have to sit down with**
21 **my counsel for all that. There's things**
22 **that I just don't remember. Remember, this**
23 **has been several years since a lot of things**
24 **put together and there's been a lot of my**
25 **mind those things, but I'll be ready for**

1 **trial, but there's things that I just...**

2 **Q.** Well, this is information that I need and I
3 did ask and that's all I was told was
4 several theories.

5 **A.** **Right.**

6 **Q.** I need to know what those theories are.

7 **A.** **Again, you'll have to sit down with my**
8 **attorneys on that. I can't answer that.**
9 **That's the bottom line. At this point in**
10 **time I can't answer that.**

11 **Q.** Why not?

12 **A.** **Because this thing was basically put**
13 **together with my attorney. There's some**
14 **things in here that we hadn't sat down to**
15 **talk about yet and we got time to do so. So**
16 **at this point I can't give it to you,**
17 **because I don't know.**

18 **Q.** But these are alleging theories that you're
19 alleging these gentlemen came up with
20 against you.

21 **A.** **Right. And again, you still can go back to**
22 **the fact that their findings should have**
23 **been different. And I guarantee if they**
24 **look at the case again, there is nothing**
25 **that they'll find out that I did illegal in**

1 **this thing. Greg Voigt from the**
2 **prosecutor's office, he just didn't tell the**
3 **truth, because I told him when he brought it**
4 **to my attention, okay.**

5 Q. So Greg Voigt is lying about you?

6 A. **Yes, he is.**

7 Q. Clarice Zimmer is lying about you?

8 A. **Right.**

9 Q. Anderson is lying about you?

10 A. **There's no facts that I did anything in this**
11 **case.**

12 Q. Antonio is lying about you?

13 A. **That's what I'm saying.**

14 Q. Ghent is lying about you?

15 A. **I'm saying Ghent, his situation, again, just**
16 **like with the others there is no fact that I**
17 **did anything. There's no proof that I did**
18 **anything.**

19 Q. Ryan Kelly, the solicitor's office
20 investigator is lying about you?

21 A. **Right.**

22 Q. The AG's office, are they lying about you?

23 A. **I believe so. They were part of this, too.**

24 Q. These theories that you're talking about
25 happened during the prosecution of this

1 case, before your attorneys got involved.

2 **A. After the attorney got involved.**

3 Q. Before these attorneys got involved?

4 **A. These attorneys?**

5 Q. Yeah. And so I wasn't at the criminal case,
6 she wasn't at the criminal case.

7 **A. Right.**

8 Q. You were at the criminal case.

9 **A. Right.**

10 Q. And you're saying that these three gentlemen
11 propounded several theories of misconduct
12 against you during that?

13 **A. Right. Because there's no fact in that**
14 **entire case that show that I did anything**
15 **wrong. Even with the initial, there are 27,**
16 **28, 29-year veteran fingerprint lady,**
17 **nothing. I was exonerated within what,**
18 **18 minutes of the jury.**

19 Q. I understand that.

20 **A. Right.**

21 Q. But what I want to know is, you are alleging
22 that they propounded several theories of
23 misconduct. I want to know what were those
24 theories of misconduct that they propounded
25 against you at trial.

- 1 **A.** **Well, I can't -- I cannot tell you at this**
2 **point, because I'd have to get with my**
3 **attorney and go over each one of them.**
- 4 **Q.** Okay. Can you do that and supplement your
5 answer to number 19?
- 6 **A.** **Well, I believe so. Again, I'd have to get**
7 **with the current attorney and the prior**
8 **attorney to be able to explain some of these**
9 **things coming into question that you ask.**
- 10 **Q.** Okay. But you can do that and supplement
11 these answers to provide the specific
12 information that we're asking for?
- 13 **A.** **I will definitely ask them to work with me**
14 **on that.**
- 15 **Q.** Okay. And the same thing with 21 where I
16 asked about the Defendants assisting and
17 propounding different versions of the events
18 Plaintiff was accused of, which differed
19 from previous versions of these events.
20 "These versions were attempts to subvert the
21 legal process for ulterior purposes." And I
22 want to know what each version of those
23 events were and who assisted in it and the
24 dates of each version. And I've already
25 asked that in discovery, but I was given a

1 very vague answer and so if you can please
2 get with your attorneys and supplement that
3 answer.

4 **A. Okay.**

5 MS. FAJARDO: I'm not making
6 any guarantees it's not going to be
7 -- we'll have all that information,
8 but we can supplement.

9 Q. In all of your years working for the
10 sheriff's office, did you ever have a
11 criminal defendant who was prosecuted and
12 found not guilty?

13 **A. I don't believe so.**

14 Q. Never? You never had a defendant found not
15 guilty?

16 **A. I don't believe so.**

17 Q. Did you ever have a defendant whose charges
18 were nolle prossed?

19 **A. And again, I can say I don't know because**
20 **the amount of case I made, over half of them**
21 **the prosecutor's office didn't tell me what**
22 **happened to those cases, so I cannot tell**
23 **you. On both questions I cannot tell you.**
24 **Again, there were numerous cases that I**
25 **never knew what happened to them.**

- 1 Q. Okay. Whenever you turned a case over to
2 the solicitor's office did you believe that
3 the person was guilty?
- 4 **A. That's not what I believe, it's what the**
5 **facts that I put down there that I was able**
6 **to show.**
- 7 Q. And based on the facts that you had put down
8 there and turned over to the solicitor's
9 office, you believed that there was enough
10 evidence to show that the person was guilty?
- 11 **A. Yes.**
- 12 Q. Do you know whether the internal affairs
13 investigation that was performed was ever
14 turned over to any prosecuting agency?
- 15 **A. Well, I'm sure it was. Well, I believe it**
16 **was turned over to the prosecutor's office**
17 **here.**
- 18 Q. Scarlet Wilson's office?
- 19 **A. Right.**
- 20 Q. Okay. What evidence do you have that it was
21 turned over to Scarlet Wilson?
- 22 **A. I don't have any evidence other than when**
23 **he, Mr. Scott, we was going through this**
24 **case and I've got -- and I don't remember**
25 **what the letter said, but it came from the**

1 **Solicitor Wilson's office and I don't know**
2 **-- remember the contents of it, so I know**
3 **they had some involvement in it. They had**
4 **something to do with it.**

5 Q. Could that have been the letter notifying
6 you that your case was being turned over to
7 the attorney general's office?

8 A. **There was something else. I got that**
9 **letter, as well, but there was something**
10 **else that I got and I don't remember what it**
11 **is, but I know there was a couple of**
12 **communications I got from the prosecutor's**
13 **office.**

14 Q. Do you still have those?

15 A. **I don't know. I've got a lot of stuff and**
16 **there's a lot of stuff that I threw out. I**
17 **basically threw everything out that I didn't**
18 **think was pertinent. Like the case file I**
19 **still got part of, but a lot of things I**
20 **didn't keep.**

21 Q. You threw it out before or after you filed
22 this lawsuit?

23 A. **Before. I thought my attorney Mr. Scott had**
24 **everything he needed and anything that**
25 **Mr. Finnie's office needed he could get from**

1 **Mr. Scott.**

2 Q. All right. This document at the top is
3 entitled, "Charleston County Sheriff's
4 Office Internal Investigation Advisement."
5 Would you just please let me know if that is
6 your signature under signature of employee?

7 **A. It is.**

8 Q. And are these your initials the five sets of
9 initials going down the side?

10 **A. Yes.**

11 Q. All right.

12 MS. FAJARDO: Are you making
13 that an exhibit.

14 MS. JACKSON: I wasn't going
15 to.

16 MS. FAJARDO: No, no, no,
17 that's fine.

18 Q. Yeah. I was just making sure. Seems all of
19 us lately don't -- our signatures are bad.
20 I just want to verify, is that your
21 signature on this?

22 **A. It is.**

23 Q. And this is another internal investigation
24 advisement?

25 **A. Right.**

1 Q. This one is dated what?

2 **A. It looks like 5/27/08 or '09.**

3 Q. And the first one was June 10th of '09?

4 **A. Yes.**

5 Q. Okay. And this one, same type of document,
6 dated June 1st of '09 and is that your
7 signature?

8 **A. Yes.**

9 Q. And are those your initials?

10 **A. Uh-huh.**

11 Q. Okay. Have you seen the report from SLED's
12 forensic question document lab?

13 **A. I believe I saw it.**

14 MS. JACKSON: Let's mark this.

15 (Defendant's Exhibit 4 was
16 marked for identification.)

17 Q. I'm going to show you. It's been marked as
18 Exhibit 4 to your deposition?

19 **A. I believe I saw that.**

20 Q. And did you see this in the course of your
21 criminal prosecution?

22 **A. Yes.**

23 Q. All right. And you're aware of the fact
24 that it says that it has been determined
25 that Catherine Boney did not write the

1 entries CEB, 1177, 10:40 a.m. on item one?

2 **A. That's what it says.**

3 Q. And it says, "It's further been determined
4 that Eugene Magwood wrote the entries 1177
5 and 10:40 a.m. on item one and there are
6 indications that Eugene Magwood also wrote
7 CEB entry on item one."

8 **A. That's what it says.**

9 Q. And those were the findings of the SLED lab,
10 correct?

11 **A. Right.**

12 Q. And that lab is independent of the
13 Charleston County Sheriff's Office, correct?

14 **A. Yes.**

15 **(Defendant's Exhibit 5 was marked for**
16 **identification.)**

17 Q. I'm gonna show you what's been marked as
18 Exhibit 5 to your deposition. It's a
19 two-page handwritten statement. Is that
20 your statement?

21 **A. Yes, it is.**

22 Q. Okay. Did you actually write that or did
23 you talk and somebody else wrote for you?

24 **A. No, I wrote it.**

25 Q. Okay. Do you need a minute to review it?

1 **A. No.**

2 Q. Okay. I just have a couple of questions.

3 What caused you to give this statement?

4 **A. What caused me to give this statement?**

5 Q. Yeah. What resulted in you giving this
6 statement?

7 **A. Well, I knew I was gonna be asked questions**
8 **about the case, so I prepared it.**

9 Q. You prepared it before you were interviewed?

10 **A. Yes.**

11 Q. All right. Two years after the fact, two
12 and a half years almost, why were you so
13 able to remember the exact quotations that
14 she said? You put several things in
15 quotation on this statement.

16 **A. Well, because she was -- being that she was**
17 **distraught she was adamant about what she**
18 **told me it was as if she was afraid to even**
19 **look -- look at him and that's why I put it**
20 **in quotations, basically.**

21 Q. Well, I understand that, but you didn't
22 prepare this statement immediately following
23 the lineup, you prepared it two and a half
24 years later.

25 **A. This statement, yeah. There's some things**

1 about this entire case that you never forget
2 and there's others that you don't. It's
3 like date and times, I'll have to look at a
4 copy of the report to remember date and time
5 and some of the things that were said. I
6 was there talking to her throughout this
7 entire ordeal with her. I was just talking
8 back and forth with her. So it's not hard
9 to remember what she said, because there was
10 only communication between the two of us.

11 Q. Did you tell Mr. Voigt and Mr. Kelly that
12 the victim was incorrect and just --
13 incorrect in her recollection about not
14 having signed and dated the lineup?

15 A. I don't believe I told Mr. Voigt that. They
16 were adamant about what they were saying.

17 Q. This is the statement memo from Ryan Kelly
18 it says, "I advised Detective Magwood the
19 writing on the lineup appears to be his and
20 unless we can present a logical explanation
21 he would run the risk of being called a liar
22 on the witness stand by the defense
23 attorney. Detective Magwood again insisted
24 it was not his writing and the victim is
25 wrong." But actually, most of the writing

1 was yours; isn't that correct?

2 **A. Most -- the date.**

3 **Q. Date and time?**

4 **A. Right. Yeah.**

5 **Q. And that's the majority of the writing on**
6 **there isn't it? The only other writing**
7 **would be the initials?**

8 **A. Right. Which she -- because I didn't see**
9 **that. When he said that it was prior to me**
10 **talking to Mr. Voigt and after I talked to**
11 **Mr. Voigt and he mentioned that, well, you**
12 **know, there was only two of you there and I**
13 **thought about it and I guess, okay, did put**
14 **the date and time.**

15 **And that's not illegal to put date and**
16 **time on the sheet of paper. It's done all**
17 **the time. It's done in all your cases**
18 **somebody does something. I mean, the only**
19 **thing I see is I was the one that they**
20 **decided, well, you wrote the date and time,**
21 **it was inappropriate. But I didn't lie to**
22 **Mr. Voigt about anything.**

23 **Q. Okay.**

24 **A. Ryan Kelly, the only thing -- and I wasn't**
25 **going to talk to Mr. Kelly about, basically**

1 **nothing about this case. My thing is to**
2 **talk to, since he brought it up, I was gonna**
3 **-- I would have to hear what Greg Voigt had**
4 **to say about it.**

5 Q. All right. All right. Are there any other
6 elements to your claims in this case that we
7 have not talked about today?

8 A. **Again, I have to get with the attorney to**
9 **see if there's anything else that may need**
10 **to be added or deleted.**

11 Q. Okay. Well, I want to know as you sit here
12 today in your testimony and making your
13 claims against the three gentlemen who are
14 sitting across the table from you and the
15 sheriff and SLED, do you personally, Eugene
16 Magwood, have any other claims to be made
17 against Investigator Anderson, Investigator
18 Antonio, Agent Ghent, Sheriff Cannon, the
19 sheriffs office or SLED?

20 A. **My answer to that question is since what was**
21 **brought up today, I have to get with my**
22 **attorneys to make a determination on that.**

23 Q. Okay. Have we talked about all of the
24 elements of the causes of action that you
25 have brought forth thus far?

1 **A. Yes.**

2 Q. And are there any other elements of damages
3 that have not been discussed that you have
4 brought forth thus far?

5 **A. Based on what we discussed here today, I**
6 **still have to get back with my attorneys,**
7 **see whether there's anything to be added or**
8 **deleted.**

9 Q. Okay. But based on what has been included
10 in the discovery and the complaint thus far,
11 we've talked about all of the elements?

12 **A. What's here --**

13 Q. Is that fair?

14 **A. It's fair, what's here, right.**

15 Q. All right. Now, is there anything else that
16 you can think of as you sit here today that
17 you plan to ask the jury to award damages
18 for that we haven't talked about?

19 **A. Again, I would have to get with my attorneys**
20 **and that determination would be made later**
21 **with them.**

22 Q. I asked you as you sit here today.

23 **A. Not as I sit here today, but again, we'll**
24 **have to go over this.**

25 MS. JACKSON: All right. All

1 right. Let me take a brief break,
2 let me talk to my client and see if
3 there's anything else we need to
4 cover and then we'll be just about
5 done.

6 (Whereupon, there was a short
7 break in the proceedings.)

8 (Defendant's Exhibit 6 was
9 marked for identification.)

10 BY MS. JACKSON:

11 Q. All right. Mr. Magwood, I have marked, just
12 so we have it for the Record, I have marked
13 the complaint since we've talked about it
14 several times today as Exhibit 6 to your
15 deposition. Have you understood all the
16 questions that I've asked you today?

17 **A. Yes.**

18 Q. And if you haven't understood, have you
19 asked me to clarify?

20 **A. Yes.**

21 Q. Okay. Is there any answer that you would
22 like to go back and change at this point?

23 **A. There's a lot, I just can't think of**
24 **anything at this point.**

25 Q. Okay. But is there anything that in sitting

1 here today that you feel that you may have
2 misspoken and need to change on the Record
3 before we conclude?

4 **A. No.**

5 MS. JACKSON: All right. I
6 don't believe I have any further
7 questions. Thank you very much for
8 your time.

9 MS. FAJARDO: I have a few
10 questions.

11 E-X-A-M-I-N-A-T-I-O-N

12 BY MS. FAJARDO:

13 Q. And I apologize, Mr. Magwood, if my
14 questions kind of jump around. I was trying
15 to take notes as we were going through.

16 Do you feel that the investigation
17 that was done regarding the criminal
18 charges, the misconduct in office, was
19 improper?

20 MS. JACKSON: Objection to the
21 form. You need to clarify which
22 investigation, SLED or the
23 sheriff's office.

24 BY MS. FAJARDO:

25 Q. Both. Do you believe both the SLED and the

1 sheriff's office investigation was
2 improper?

3 MS. JACKSON: Objection to the
4 form. Go ahead.

5 **A. Based on the outcome, yes.**

6 Q. And the named Defendants in this case, they
7 are the three -- strike that. Let me go
8 back. The three named Defendants in the
9 case, they were the people that were
10 involved in the investigations?

11 **A. Yes.**

12 Q. Do you feel there was information left out
13 of the investigation?

14 **A. Well, there was audio tape of the interview**
15 **with Detective Anderson and Antonio. I**
16 **thought that should have been brought in. I**
17 **mean, if you're going to bring my statement**
18 **in, why not bring the audio tape in, play**
19 **it.**

20 Q. And I note with Exhibit 6, Plaintiff that
21 was -- the Plaintiff's complaint, I know
22 Defense counsel reviewed an issue regarding
23 whether Ms. Boney wrote the date and time.
24 Would you agree it's a scribner's error in
25 the complaint, that she put the date and

1 time on there on the photo lineup?

2 **A. She wrote her initials on there.**

3 Q. Right. In the complaint -- let me reference
4 the paragraph. Paragraph 12 under factual
5 background of the complaint it says, "After
6 being shown the photograph lineup, Ms. Boney
7 identified the alleged suspect, initialed
8 and dated next to the picture." Would you
9 agree that she "dated next to the picture"
10 that's a scribner's error?

11 **A. Yes.**

12 Q. And you -- is that the position that you
13 have maintained throughout, that you wrote
14 the date?

15 **A. Absolutely.**

16 Q. Regarding the defamation, you spoke about
17 some news articles regarding your charges.
18 Are you aware of people hearing those news
19 articles?

20 **A. Yes.**

21 Q. And were they affected by that?

22 **A. I believe they were.**

23 Q. Okay. Who would have had the information to
24 release to the news people, the different
25 news agencies?

1 **A.** **I'm sure the sheriff's office does.**

2 **Q.** Would you believe that SLED would also have
3 that information?

4 **A.** **Yes, they would.**

5 **Q.** Did you speak to any press or media about
6 the charges?

7 **A.** **No.**

8 **Q.** Opposing counsel asked you about each of the
9 causes of action and your evidence that you
10 had for the causes of action. Do you
11 believe that there is support for all of the
12 causes of action that you've pled?

13 MS. JACKSON: Objection to the
14 form.

15 **A.** **Yes.**

16 **Q.** And would you refer to the advice of your
17 counsel?

18 **A.** **Yes.**

19 MS. JACKSON: Objection to the
20 form.

21 **Q.** And you're testifying you don't personally
22 have any evidence?

23 **A.** **No.**

24 **Q.** But evidence has been turned over to
25 opposing counsel and to your attorney?

1 **A. Yes.**

2 MS. JACKSON: Objection to
3 form.

4 Q. Did the named Defendants Ghent, Anderson and
5 Antonio, did they continue participating in
6 the case in the investigation regarding the
7 misconduct in office after you were
8 arrested?

9 **A. Yes, to the best of my knowledge.**

10 Q. And you weren't fired -- I have that you
11 were fired from the sheriff's office or
12 terminated in August of 2009. Does that
13 sound correct?

14 **A. It does. I don't recall the specific date.**

15 Q. And was there an internal investigation that
16 was continuing on after the charges were
17 filed against you?

18 **A. Yes.**

19 Q. And that was regarding Anderson and
20 Antonio?

21 **A. Yes.**

22 Q. In regards to the basis of your mental pain
23 and suffering, the fright, I believe, was
24 the one instance that was referred to,
25 were you aware of the potential outcome of

1 your criminal charge, misconduct in
2 office?

3 **A. Oh, yeah, I was aware of what could have**
4 **happened, yeah.**

5 Q. Is that a basis for the mental pain and
6 suffering and fright?

7 **A. Absolutely.**

8 Q. The jobs that you spoke of that you applied
9 for, do you know of any reason other than
10 the charge that would have disqualified you
11 from getting the job?

12 MS. JACKSON: Objection to the
13 form.

14 Q. Why do you believe you didn't get the job?
15 I'll rephrase.

16 **A. During my tenure at the sheriff's office I**
17 **worked with people from each of these**
18 **agencies and I've been asked by different**
19 **people, North Charleston specifically, come**
20 **and work for them. And when this incident**
21 **came up and I put my resume in, again, I**
22 **didn't hear anything.**

23 Just same with the Medical U., there
24 are security officers down there that I
25 know, some that I trained with and they were

1 aware that I put the -- I sent my resume in
2 and there's a lieutenant, I don't remember
3 her name, that I knew from court, I talked
4 to her all the time and she keep telling me
5 whenever I leave the sheriff's office,
6 retired to come over there to work with her.
7 Again, sent resume in, heard nothing.

8 Q. Why do you believe you didn't get those
9 jobs?

10 A. Because of the incident with the sheriff's
11 office.

12 Q. And the lost wages that you are claiming,
13 does the number, the 153,000 does that take
14 into consideration your inability to get
15 work after your termination?

16 A. Yes.

17 MS. FAJARDO: I believe that's
18 all that I have.

19 MS. JACKSON: I have a couple
20 extra questions now.

21 R-E-E-X-A-M-I-N-A-T-I-O-N

22 BY MS. JACKSON:

23 Q. You were asked if you believed that the
24 investigations were improper. Did you
25 believe that the investigations themselves

1 were improper?

2 **A. That -- the answer to that is based on the**
3 **outcome of their investigation without a**
4 **specific, a specific finding that I did --**
5 **that I did something criminal, that's what**
6 **it's based on.**

7 **Q. Did you think the initiation of the**
8 **investigation was improper?**

9 **A. No. Not the initiation. Don't have a**
10 **problem with the initiation, just the**
11 **outcome.**

12 **Q. Okay.**

13 **A. Because if the outcome, personally, and**
14 **based on what's in this case file, it**
15 **shouldn't have come out that way. And it is**
16 **obvious that, to me, that this outcome, I**
17 **think, personally motivated and I don't have**
18 **any facts on that, because there is -- I**
19 **don't believe that there's any facts to show**
20 **that I did anything criminally wrong.**
21 **Clerical, yes, and everybody make clerical**
22 **mistake. Why charge me with a criminal**
23 **offense for something that may have been**
24 **clerical.**

25 **Q. Personal motivation by who?**

1 **A. I think the entire crew.**

2 Q. I need to know who's in the entire crew?

3 **A. Okay. You got the sheriff's office that**
4 **knew about it, it's sheriff that knew about**
5 **it from the beginning. Got the two**
6 **investigators and you got SLED.**

7 Q. And what was their personal motivation?

8 **A. I'm not saying is -- did I say personal? I**
9 **didn't think I said personal. I believe**
10 **that they worked together.**

11 Q. Stop for one second. Madam Court Reporter,
12 could you go back and read that to us,
13 please?

14 (Whereupon, there was a read-back in
15 the proceedings.)

16 **A. That's because there's no facts that I did**
17 **anything wrong.**

18 Q. Okay. But what do you believe was their
19 personal motivation.

20 **A. No. This is my personal feelings. I'm not**
21 **saying that they had a personal motive for**
22 **it. My personal feeling is based on the**
23 **fact that there is no evidence.**

24 Q. Okay. What? Based on the fact that there
25 is no evidence what?

1 **A.** **There's no evidence that I did anything**
2 **criminal.**

3 **Q.** **So what? I mean, so that's not finishing**
4 **my --**

5 **A.** **Okay. So there shouldn't have been any**
6 **criminal and I didn't lie to Mr. Greg Voigt,**
7 **because I sat there with him and he wrote**
8 **notes. He testified that he didn't write**
9 **notes, so if there's a lie, he told the lie.**
10 **And as a veteran 20-year plus prosecutor,**
11 **what prosecutor with 20 years of experience**
12 **would go into any case and not take notes.**
13 **That's an obvious lie. He testified he**
14 **didn't take any notes. I sat there and**
15 **watched him take notes. And again, what**
16 **20-year on a rape case --**

17 **Q.** **But you're not suing Greg Voigt?**

18 **A.** **No, no. I'm just saying he alleges that I**
19 **lie and I'm just saying the fact that he's a**
20 **part of everything, he testified at the**
21 **criminal trial. He said that he did not**
22 **take notes and his answer, "Well, I just**
23 **didn't take any notes." That's for 20-year**
24 **veteran that's been prosecuting cases**
25 **20 years.**

1 Q. But again, you don't have any allegations
2 against him?

3 A. No. Don't have any allegations against him,
4 but that's part -- all I'm saying is based
5 on what I -- what I heard and what I read,
6 the internal investigation was basically
7 based on what he said.

8 Q. Okay. You were asked about the news
9 articles and who would have had the
10 information to release.

11 A. Charleston counsel -- I'm sorry.

12 Q. And you told her, but would you agree with
13 me that the attorney general's office would
14 also have the information to release, since
15 they were the prosecuting agency?

16 A. Yes.

17 Q. And it's possible that even the Charleston
18 -- or the 9th Circuit Solicitor's Office
19 would have had the information?

20 A. Yes.

21 Q. And you don't know who provided it to the
22 media, correct?

23 A. No.

24 Q. I think that that was a bad question.
25 Okay. Do you know who provided it to the

1 Q. When do you allege that there was an audio
2 tape made of an interview with you?

3 A. It was done when I -- when I had the
4 interview with these guys (indicating).
5 Detective Anderson had the audio -- I mean,
6 the tape recorder and sat it in front of the
7 desk before we started the interview.

8 And again, this is why I say that
9 everything with the sheriff's office isn't
10 as it's supposed to be, because -- and
11 basically all of our investigation there,
12 there's audio or video somewhere. The
13 camera was right there to my -- to my left
14 in the corner pointing down at me. There
15 was a camera there, okay. They tape -- the
16 recorder was -- he sat in front of me on his
17 desk.

18 Q. Did you tape your communications with
19 Catherine Boney?

20 A. No.

21 MS. JACKSON: I don't think I
22 have any further questions. Thank
23 you.

24 MS. FAJARDO: I don't have
25 anything further.

1 MS. JACKSON: Great. We are
2 done.
3 MS. FAJARDO: Thank you,
4 Mr. Magwood.
5 (This deposition concluded at 3:43 p.m.)
6

7 (Signature waived.)
8
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1 CERTIFICATE OF REPORTER

2

3 STATE OF SOUTH CAROLINA)

4 COUNTY OF CHARLESTON)

5

6 I, Nicole D. White, the officer before
7 whom the foregoing deposition was taken, do hereby
8 certify that the witness whose testimony appears in
9 the foregoing deposition was duly sworn by me; that
10 the testimony of said witness was taken by me to the
11 best of my ability and thereafter reduced to
12 typewriting under my direction; that I am neither
13 counsel for, related to, nor employed by any of the
14 parties to the action in which this deposition was
15 taken, and further, that I am not a relative or
16 employee of any attorney or counsel employed by the
17 parties thereto, nor financially or otherwise
18 interested in the outcome of the action.

19

20

21 _____ Date _____
22 Nicole D. White
23 Notary Public in and for the
24 State of South Carolina

25 My Commission expires September 11, 2017

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



MARK SANFORD
Governor

REGINALD L. LLOYD
Director

December 9, 2008

INVESTIGATIVE REPORT

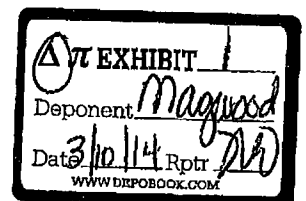
TO: File 31080106
FROM: Special Agent Charles Ghent
RE: Official Misconduct Investigation
Magwood, Eugene (police detective)
COUNTY: Charleston

Introduction

On October 7, 2008, the South Carolina Law Enforcement Division (SLED) received a written request (**Attachment 1**) from Assistant Sheriff A. Coury-Smith of the Charleston County Sheriff's Office (CCSO), to investigate an allegation of possible misconduct involving Detective Eugene Magwood. SLED Captain Roger Heaton assigned Special Agent (S/A) Charles Ghent to conduct an investigation.

Summary

On November 11, 2008, S/A Ghent received a copy of a memorandum from Investigator Ryan Kelly of the 9th Circuit Solicitor's Office (**Attachment 2**), which detailed pretrial meetings



between Assistant Solicitor Greg Voigt, Kelly, Detective Eugene Magwood, and Catherine Boney; who was the victim in a sexual assault case worked by Det. Magwood. During one such meeting in September of 2008, Boney was asked about a photo lineup in which she had allegedly identified a picture of the suspect, Maurice Jerome Prioleau, and initialed and dated it. This lineup had been included in the case file that was submitted to the Solicitor's Office by Magwood. In the meeting with Voigt and Kelly, Boney denied signing the lineup and stated that she had only been shown a single photograph by Magwood. Kelly conducted a follow-up interview with Boney at her residence on September 24, 2008 during which Boney denied that the handwriting on the lineup was hers and also provided Kelly with a handwriting sample. On September 25, 2008, Voigt and Kelly met with Detective Magwood and advised him of Boney's claim about the lineup. Magwood said that the victim was extremely upset at the time the lineup was shown to her and that she must have forgotten that she signed it. Magwood said that the handwriting on the lineup was not his.

On October 15, 2008, S/A Ghent and S/A Justin Smith conducted an interview with Catherine Boney. The interview was documented by S/A Ghent on a Memorandum of Interview (Attachment 3). Boney stated that Detective Magwood came to her house one day and told her that they had probably identified the guy who assaulted her through a DNA match. He then showed Boney a single color photograph, which she identified as her assailant. Magwood then told her he needed to show her another picture, but she got upset and said she didn't want to see anymore pictures. Boney said that she didn't know if she ever signed anything.

On October 24, 2008, S/A Ghent interviewed Lieutenant. (Lt.) Paul Tittle of the Charleston County Sheriff's Office, who had previously been a supervisor of Detective Magwood. The interview was documented by S/A Ghent on a Memorandum of Interview (Attachment 4). Lt. Tittle stated that Magwood had problems with documentation and administrative aspects of investigations, but he did not think Magwood would fabricate information. Lt. Tittle did not recall any specific information about the Prioleau investigation.

On October 28, 2008, S/A Ghent called Detective Eugene Magwood at his home number. The conversation was documented by S/A Ghent on a Memorandum of Interview (Attachment 5). Magwood said that he had talked to an attorney and that he was "pretty much done talking." Magwood stated that he didn't feel that he had done anything wrong.

On October 30, 2008, S/A Ghent interviewed Sergeant (Sgt.) Brian Williams of the Charleston County Sheriff's Office. The interview was documented by S/A Ghent on a Memorandum of Interview (**Attachment 6**). Sgt. Williams had been a supervisor of Detective Magwood at the time of the Prioleau investigation. Sgt. Williams stated that he did not specifically remember that investigation or any issues that may have come up during it. Sgt. Williams said that he did not think that Detective Magwood would ever fabricate or falsify information on a report or case file. He said that Magwood had weaknesses with administrative matters and he could see him making a mistake such as forgetting to get a witness to sign a photo following an identification.

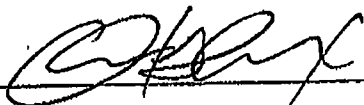
On November 7, 2008, S/A Ghent obtained a voluntary signed statement (**Attachment 7**) from Sgt. Clarice Zimmer of the Charleston County Sheriff's Office. Sgt. Zimmer stated that she spoke to Magwood by phone after he was placed on administrative leave and asked him about the incident with the Prioleau investigation. Magwood told Sgt. Zimmer that he had showed Boney a single photograph of Prioleau which Boney identified as the suspect. Magwood then showed her a "six pack" lineup and Boney again identified Prioleau before becoming very emotional. Magwood left and then realized that he forgot to get her to sign the lineup. Magwood then circled the photo that Boney identified and wrote Boney's initials by the circle. Magwood told Sgt. Zimmer that he believed it was permissible for him to do this on Boney's behalf since she had made the identification.

On November 7, 2008, S/A Ghent obtained a voluntary signed statement (**Attachment 8**) from Lt. Eric Watson of the Charleston County Sheriff's Office. Lt. Watson stated that he spoke to Magwood about the incident with the Prioleau investigation. Magwood told Lt. Watson that he showed Boney a single photo only to confirm the identity of her assailant, whom she apparently knew. Magwood then later returned to show a photographic lineup to Boney per Sgt. Williams' instructions. Magwood did so and Boney became upset and was unable to circle the photograph of the suspect. Lt. Watson commented that the lineup itself would not have had any evidentiary value in the case because identification had already been made through DNA and from the victim knowing the identity of the suspect, in addition to the suspect having given a written statement admitting to having sex with the victim.

The following documents were obtained pertinent to this investigation:

- Case Summary Report from Charleston County Sheriff's Office (Attachment 9)

This report will be submitted to the proper prosecutorial authority for their review.



S/A Charles L. Ghent

Attachments

- 1 Written Request for Investigative Assistance from CCSO
- 2 Memorandum from Investigator Ryan Kelly, including notes and handwriting sample from Catherine Boney
- 3 Memorandum of Interview with Catherine Elizabeth Boney
- 4 Memorandum of Interview with Lt. Paul L Tittle
- 5 Memorandum of Interview for phone conversation with Detective Eugene Magwood
- 6 Memorandum of Interview with Sgt. Brian K. Williams
- 7 Statement of Sgt. Clarice Zimmer
- 8 Statement of Lt. Eric Watson
- 9 Case Summary Report from Charleston County Sheriff's Office

10/10/10

1

ATTACHMENT #1

LineUp ID: ID2621

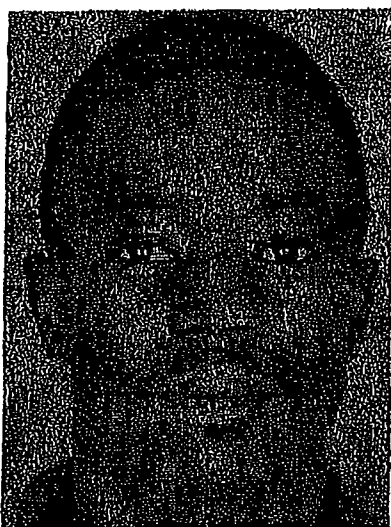
Date: 11/7/2006 3:45:37 PM

Officer: QROBERTS

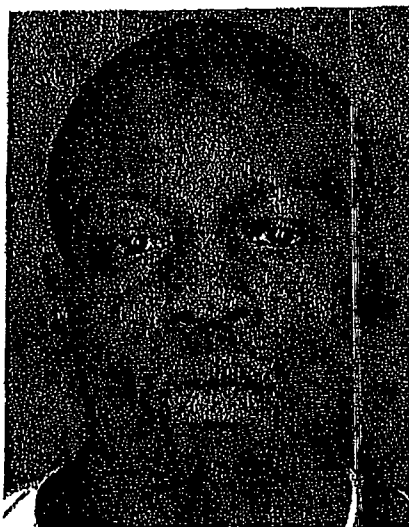
Subject ID: 0000009574

Requested By:

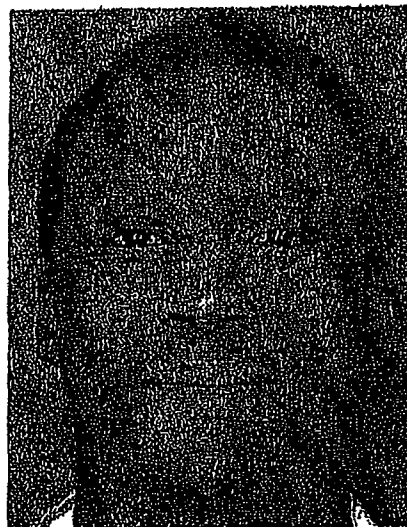
Subject Name: PRIOLEAU,



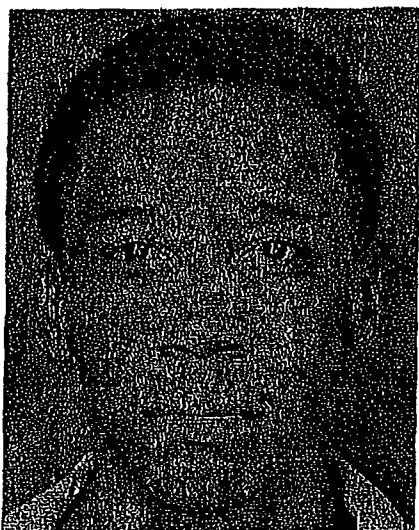
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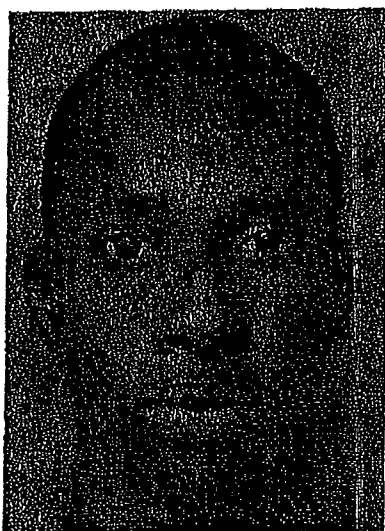
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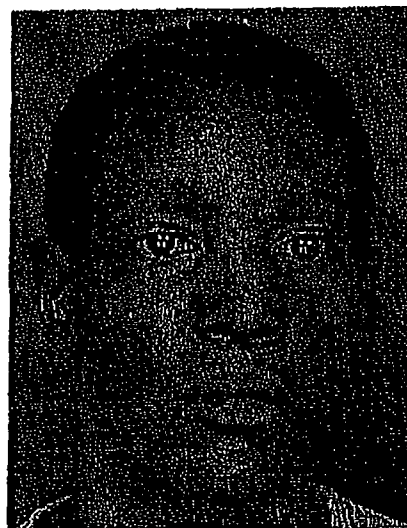
<3>



<4>



<5>



<6>

EXHIBIT 2
Dependent *Magwood*
Date *3/10/07* Rptr. *MS*
WWW.DRFOBOOK.COM

1 MA - 7046

641

COPY

CEB
01-07-07
1040 AM

J. Al Cannon, Jr., Esq.
Sheriff, Charleston County



3505 Pinhaven Drive
Charleston Heights, SC 29405-7789

October 7, 2008

OCT 8'08 PM 1:00

Chief Reginald Lloyd
South Carolina Law Enforcement Division
P.O. Box 21398
Columbia, S.C. 29211-1398

Dear Chief Lloyd,

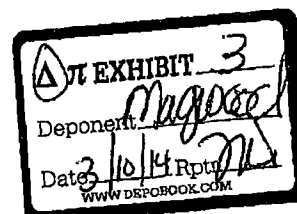
On October 6, 2008, the Charleston County Sheriff's Office was provided information by Assistant Solicitor Gregory Voigt of the Ninth Circuit Solicitors Office regarding Charleston County Sheriff's Detective Eugene Magwood. Assistant Solicitor Voigt conveyed issues of concern regarding the possible misconduct of Detective Magwood in submitting cases for prosecution.

Due to the nature of this allegation, and on behalf of the Sheriff's Office, please accept this correspondence as an official request for the South Carolina Law Enforcement Division (SLED) to conduct an investigation into this matter.

As always we thank you in advance for your prompt assistance in this matter. Inspector Michael Anderson will be the point of contact for the Sheriff's Office and can be reached at (843) 554-2481

Respectfully,


A. Coury-Smith
Assistant Sheriff



MEMORANDUM

TO: Agent Ghent

FROM: Inv. Ryan Kelly

SUBJECT: Inv. Magwood

DATE: 11/04/08

Agent Ghent,

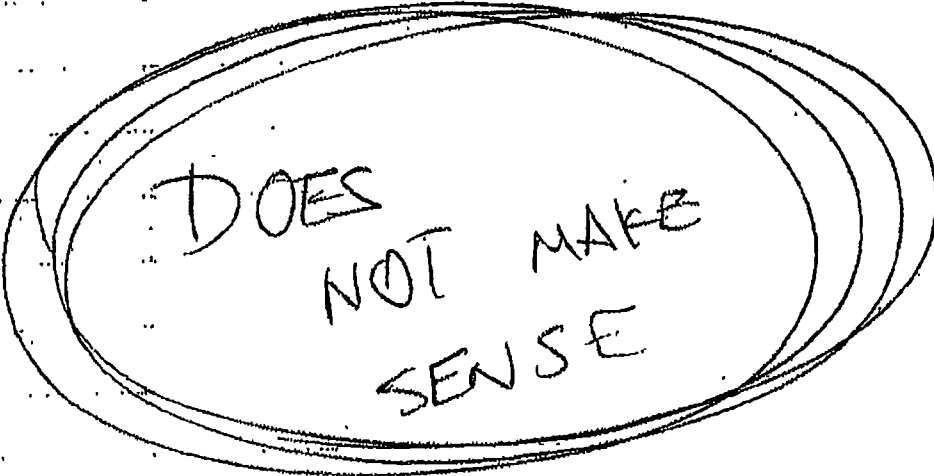
During the course of preparing for the trial of State V. Prioleau, Assistant Solicitor Greg Voigt and I met with the victim Ms. Catherine Boney several times in September, 2008. During the meeting, Ms. Boney made mention to us of being shown a photograph by Det. Magwood of the suspect identified by SLED in her attack. Mr. Voigt and I previously observed in the case file a signed, six picture photo lineup where the photograph of Maurice Prioleau had been circled, dated, timed, and initialed. When Ms. Boney advised she was shown a photograph of the suspect by Det. Magwood, we assumed Ms. Boney was referring to the lineup present in the case file. After two separate conversations with Ms. Boney, she was certain she was only shown a single photograph of suspect Prioleau, and not a photograph of Prioleau in a six photograph lineup. We initially believed her to be mistaken. Ms. Boney was then shown the lineup in an attempt to refresh her memory, Ms. Boney again advised she was not shown the document. On 09/24/08, I met with Ms. Boney at her residence and again questioned her in reference to the photo lineup. Ms. Boney advised the writing on the lineup is not hers and that she had never been shown the lineup by Det. Magwood. Ms. Boney then provided a hand writing sample.

On 09/25/08 Mr. Voigt and I met with Det. Magwood in reference to preparing for trial. We planned to address the lineup issue during the meeting. Det. Magwood advised us during the course of our conversation that the lineup was shown to Ms. Boney and that she identified Prioleau, and then proceeded to circle, time and date his photo. We then advised Det. Magwood of Ms. Boney's claim of her not signing the lineup. Det. Magwood stated the victim was incorrect. Det. Magwood advised the victim was extremely upset at the time she was shown the lineup and must have forgotten. At this point, Mr. Voigt showed Det. Magwood the writing on the photo lineup with a copy of a written statement where Det. Magwood wrote the statement of Maurice Prioleau. When questioned of the similarities in the handwriting on the written statement and photo lineup, Det. Magwood again advised the victim signed the lineup and is incorrect in her recollection. Mr. Voigt then ended the meeting. As I walked Det. Magwood to our lobby, I attempted to get clarification from him. I advised Det. Magwood the writing on the lineup appeared to be his and that unless we could present a logical explanation, he would run the risk of being called a "liar" on the witness stand by the defense attorney. Det. Magwood again insisted it was not his writing and that the victim is wrong. I escorted Det. Magwood to the lobby and ended our conversation.

STATE V. PRIOLEAU

LINEUP -BONEY - DOESN'T RECOGNIZE HANDWRITING
- ONLY SHOWN ONE PHOTO

MET W/ VICTIM 9/24/08 AT RESIDENCE

HANDWRITING ON LINEUP APPEARS TO BE
MAGWOODS.MAGWOOD - VICTIM IS WRONG
DID NOT SIGN PHOTO LINEUP.NO LINEUP ADMONITION
- B/L SHE DID NOT KNOW
SUSPECT

DOES
NOT MAKE
SENSE

C.E.B.

1/17/07

10:40 A.M.

ATTACHMENT #3

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

OCT 24 '08 AM 9:54

MARK SANFORD
Governor



REGINALD I. LLOYD
Director

October 24, 2008

MEMORANDUM OF INTERVIEW

TO: File # 31080106
FROM: Special Agent Charles Ghent *CG*
RE: Interview with Catherine Elizabeth Boney, B/F/DOB: 07/15/1962
COUNTY: Charleston

Catherine Elizabeth Boney was interviewed on Wednesday, October 15, 2008 beginning at approximately 11:42 am by Special Agent (S/A) Charles Ghent and S/A Justin Smith. The interview was conducted at Boney's residence, located at 7023 N. Kenwood Street, North Charleston, South Carolina. Boney provided her telephone number as 843-820-1477.

Boney stated that Detective Eugene Magwood of the Charleston County Sheriff's Office had investigated a sexual assault case in which she was the victim. One day he came by her house out of the blue and told Boney that they had probably caught the guy who did it because they had identified him with DNA. Magwood then showed Boney a color photograph which he produced from a folder he had with him that contained other paperwork. Boney looked at this single photograph and identified the person on the photograph as being the person who sexually assaulted her. Boney said that as soon as she saw the man's eyes, she knew it was him.



Boney stated that Detective Magwood then told her that he had to show her another picture. Boney was upset and crying, and she told Magwood that she did not want to see another picture. Boney said that she did not remember signing anything. She said that she only saw the one large picture. Boney said that Magwood then got ready to show her another piece of paper that had a lot of pictures on it and told her that she needed to sign some things. She said that she was upset and doesn't know if she ever did sign anything. She stated that Magwood never came by at any other time to showed her any other pictures.

Boney stated that after the investigator from the Solicitor's Office came and spoke to her, she called Detective Magwood and told him about it. Boney stated that Magwood told her not to worry about it and said that it might have been "bad on his part."

Boney stated that she later heard from people in the neighborhood that the man who assaulted her had been asking other people in the neighborhood about her prior to the attack.

The interview was concluded at approximately 12:00 pm.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



OCT 28 '08 PM 12:07

MARK SANFORD
Governor

REGINALD I. LLOYD
Director

October 28, 2008

MEMORANDUM OF INTERVIEW

TO: File # 31080106

FROM: Special Agent Charles Ghent *CG*

RE: Interview with Lieutenant Paul L. Tittle, Charleston County Sheriff's Office

COUNTY: Charleston

Lt. Paul L. Tittle was interviewed on Friday, October 24, 2008 beginning at approximately 8:00 am by Special Agent (S/A) Charles Ghent. The interview was conducted at the Charleston County Sheriff's Office's Traffic Office on Labor Camp Road in Mount Pleasant, South Carolina. Tittle provided his telephone number as 843-259-0307. Tittle was interviewed because he was formerly the Lieutenant over Investigations at the Charleston County Sheriff's Office during the time that Detective Eugene Magwood arrested Maurice Jerome Prioleau for C.S.C. 1st Degree and Kidnapping.

Lt. Tittle stated that Detective Magwood had problems with his case reports. Magwood would often not write down information and did not keep good notes. Detective Magwood was, however, very well connected in parts of Charleston County and was very good at getting information in cases such as homicides. Tittle recalled that a complaint came from the solicitor's office about a



case that Magwood submitted where Magwood had apparently not documented important case information in a case file. The complaint came to Tittle and he advised Magwood that he needed to be more thorough in his documentation. Tittle stated that Magwood's direct supervisor at the time was Sergeant Claire Zimmer, and that she along with Sergeant B.K. Williams would probably have more insight on Magwood and the incidents in question.

Lt. Tittle stated that approximately three to four years ago he had to suspect Magwood over a case involving a false identification. Tittle recalled that the case was an assault that occurred on a club in John's Island on River Road. Tittle believed that the victim in the case knew the name of the suspect and knew about where he lived. Magwood later told Tittle in a statement what happened next: Magwood looked up the name in the RMS system and located two subjects with the same name who lived in the same area in question. Magwood then called his victim on the phone and asked the victim to describe his assailant. Magwood then took this information and made a personal judgement between the pictures and information of the two subjects as to which was the suspect. Magwood did not show the photographs of either subject to the victim. Magwood then obtained a warrant for the subject he believed was the suspect and arrested him. The subject was in custody over the weekend and Magwood later determined that he had arrested the wrong person and admitted this to his supervisors. Tittle found out about this from Sgt. Williams or Sgt. Walker, after which he got a statement from Magwood and afterwards suspended him for one day.

Following that incident, Lt. Tittle had another meeting regarding Magwood with the solicitor's office. In this incident a statement was apparently missing from a case file. Tittle stated that the incident was determined to not be malicious or intentional.

Lt. Tittle stated that while Magwood's administrative work is not good, he did not think that Magwood would fabricate information outright.

Lt. Tittle was not familiar specifically with the Proileau investigation, and referred S/A Ghent to Sgt. Williams and Sgt. Zimmer. The interview was concluded at approximately 8:50 a.m.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor



REGINALD I. LLOYD
Director

Inspector Michael Anderson
Charleston County Sheriff's Office
3505 Pinehaven Drive
North Charleston, SC 29405

QUESTIONED DOCUMENT

June 18, 2009
SLED LAB: L09-07046
Your Case No: IA2008212
Incident Date: 11/7/2007
[S] Eugene Magwood
[S] Catherine Boney

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

- Sub # 1 On June 11, 2009, items were received from Inspector Michael Anderson of the Charleston County Sheriff's Office.
- Item: 1 Original photo lineup ID #2621
- Item: 2 Known writing of Eugene Magwood
- Item: 3 Known writing of Catherine Boney

EXAMINATION REQUESTED:

Hand Printing

COPY



RESULTS OF EXAMINATION:

Based on the evidence examined it has been determined that Catherine Boney did not write the entries "CEB, 11-07-07, 10:40 AM" on Item 1. It has further been determined that Eugene Magwood wrote the entries "11-07-07" and "10:40 AM" on Item 1. There are indications that Eugene Magwood also wrote the "CEB" entry on Item 1.

DISPOSITION:

The evidence in this case is ready for you to pick up at the SLED Central Evidence Repository at your earliest convenience.

Gaile Heath

Gaile Heath
Forensic Scientist

COPY



CHARLESTON COUNTY SHERIFF'S OFFICE

OCA # _____

DATE 5-22-09

STATEMENT OF Eugene Maywood
ADDRESS 2820 Bobwhite Rd John's Island SC 29455 PHONE # 843-539-8975
EMPLOYMENT: _____ PHONE # 843-813-2720
RACE: _____ SEX: _____ DATE OF BIRTH: _____

On November 7th I went to the victim's residence while in the area working another case. After knocking on the front door the victim Mrs Boney came to the door. I informed her that I had a photo line up with the possible suspect.

Mrs Boney stepped outside and said that she did not want her boyfriend to know, so we walked into the car port. I then opened the folder with the lineup and showed her. She immediately pointed to the suspect Prioleau and said "thats him, thats him, those eyes I will never forget those eyes." She was crying and began to curse.

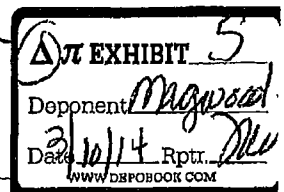
I informed her that I needed her to initial and date the person's photo that she had picked out. I gave her my pen and set the folder on the hood of the Chevy Avalanche that was in the carport. She placed her initial under the suspect Prioleau's photo then turned away still crying. I told her that I needed her to date it also, but she just turned back around and placed the pen on the ~~folded~~ folder. This was when I had also placed the single photo beside the lineup. Mrs Boney still crying said "take it away, take it away"

I HAVE READ ~~THE~~ THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES:

[Signature] Antonio
[Signature] M. ANDERSON

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT



CHARLESTON COUNTY SHERIFF'S OFFICE

OCA # _____

DATE 5-27-09STATEMENT OF Eugene MaywoodADDRESS 2820 Bobcat Rd John's Island S.C. 29455 PHONE # 843-559-8975EMPLOYMENT: _____ PHONE # 843-813-2720

RACE: _____ SEX: _____ DATE OF BIRTH: _____

I don't want to look at him anymore." I then wrote the date under where the victim, Mrs. Dancy had included the lineup. I then closed the folder. I informed her that when she got the notice for the Preliminary Hearing contact them if she was not going to be there. I then left the residence because she kept crying and refusing to look at the photo's anymore. I did not place anyone's name on the lineup in question. I only wrote the date. That will not change.

I HAVE READ (_____) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS:

Antonio
M. ANDERSON

Eugene Maywood

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT

Eugene Maywood

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Eugene Magwood

Plaintiff(s)

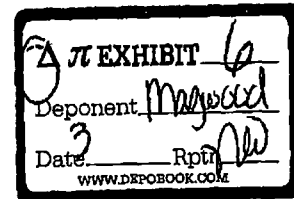
vs.

J. Al Cannon, Jr. in his official capacity as
 Sheriff of Charleston County, Investigator
 Anderson, Investigator Antonio, Charles Ghent,
 and South Carolina Law Enforcement Division
 Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2013-CP-10- 3269



(Please Print)

Submitted By: Stephanie Fajardo, Esquire

 Address: 2117 Park Street
 Columbia, South Carolina 29201

SC Bar #: 80159

Telephone #: (803) 254-7408

Fax #: (803) 254-1941

Other:

E-mail: stephanie.r.fajardo@gmail.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ Employment (120) ☐ General (130) ☐ Breach of Contract (140) ☐ Other (199)	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20 ____ -CP- ____ ☐ Notice/ File Med Mal (230) ☐ Other (299)	Torts - Personal Injury ☐ Assault/Slander/Libel (300) ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Other (399)	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499)		
Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599)	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Other (799)	Administrative Law/Relief ☐ Reinstate Driver's License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899)	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Commission (990) ☐ Employment Security Comm (991) ☐ Other (999)		
Special/Complex/Other <table border="0"> <tr> <td style="vertical-align: top;"> ☐ Environmental (600) ☐ Automobile Arb (610) ☐ Medical (620) ☒ Other (699) </td> <td style="vertical-align: top;"> ☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☐ Sexual Predator (670) </td> </tr> </table>				☐ Environmental (600) ☐ Automobile Arb (610) ☐ Medical (620) ☒ Other (699)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☐ Sexual Predator (670)
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Submitting Party Signature: _____

Date: June 18, 2013

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous

FOR MANDATED ADR COUNTIES ONLY

**Allendale, Anderson, Beaufort, Colleton, Florence, Greenville, Hampton, Horry,
Jasper, Lexington, Pickens (Family Court Only), Richland, Union and York**

**SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE
DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.**

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings,
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Eugene Magwood,

Plaintiff,

v.

J. Al Cannon, Jr. in his official capacity as
Sheriff of Charleston County, Investigator
Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law
Enforcement Division,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
DOCKET NO. 2013-CP-10-3669

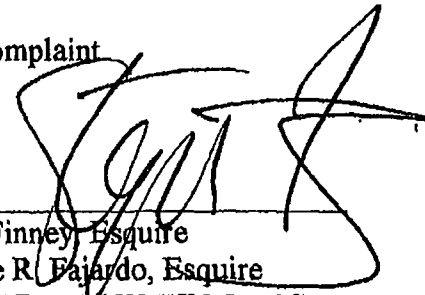
SUMMONS

(Jury Trial Requested)

FILED
2013 JUN 20 PM 3:41
JULIE J. ARMSTRONG
CLERK OF COURT

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE EACH HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer to said Complaint in the subscribed Finney Law Firm, Inc., 2117 Park Street, Columbia, South Carolina, 29201, within THIRTY (30) DAYS after the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.


Jerry L. Finney, Esquire
Stephanie R. Fajardo, Esquire
THE FINNEY LAW FIRM, INC.
2117 Park Street
Columbia, SC 29201
Phone: (803) 254-7408
Fax: (803) 254-1941
Attorneys for the Plaintiff

Columbia, South Carolina
June 18, 2013

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
DOCKET NO. 2013-CP-10-3669

Eugene Magwood,

Plaintiff,

w.

J. Al Cannon, Jr. in his official capacity as
Sheriff of Charleston County, Investigator
Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law
Enforcement Division,

Defendants.

COMPLAINT

(Jury Trial Requested)

FILED
2013 JUN 20 PM 3:41
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

The Plaintiff named herein, complaining of each of the defendants named herein, would respectfully show unto this Honorable Court as follows:

PARTIES AND JURISDICTION

- 1 The Plaintiff, Eugene Magwood, is a citizen and resident of Charleston County, South Carolina.
- 2 The defendant, J. Al Cannon, Jr., in his official capacity as Sheriff of Charleston County, hereinafter known as "Cannon," is the representative of the Charleston County Sheriff's Office, a governmental entity and/or political subdivision within the meaning of the South Carolina Tort Claims Act and existing under the laws of the State of South Carolina. Charleston County Sheriff's Office has facilities located in Charleston County, South Carolina with its headquarters located at 3505 Pinehaven Drive, Charleston Heights, South Carolina. At all times relevant to this cause of action, this defendant acted and carried on business by and through his agents, servants, and/or employees. Additionally, these agents, servants, and/or employees were operating within the scope of their officially assigned and/or compensated duties.

3. The defendant Investigator Anderson, upon information and belief is a citizen and resident of Charleston County, South Carolina. At all times hereinafter mentioned, Defendant Anderson was an agent, servant and/or employee of Defendant Cannon.

4. The defendant Investigator Antonio, upon information and belief is a citizen and resident of Charleston County, South Carolina. At all times hereinafter mentioned, Defendant Antonio was an agent, servant and/or employee of Defendant Cannon.

5. The Defendant, South Carolina Law Enforcement Division, hereinafter known as "SLED," is a governmental entity and/or political subdivision within the meaning of the South Carolina Tort Claims Act and existing under the laws of the State of South Carolina. SLED has authority over the entire state of South Carolina, to include Charleston County, South Carolina. SLED's headquarters are located at 4400 Broad River Road, Columbia, South Carolina. At all times relevant to this cause of action, this defendant acted and carried on business by and through his agents, servants, and/or employees. Additionally, these agents, servants, and/or employees were operating within the scope of their officially assigned and/or compensated duties. At all times hereinafter mentioned Defendant SLED's acts, omissions, and occurrences giving rise to this lawsuit occurred in Charleston County, South Carolina.

6. The Defendant Charles Ghent, upon information and belief is a citizen and resident of Richland County, South Carolina. At all times hereinafter mentioned, Defendant Ghent was an agent, servant, and/or employee of Defendant SLED. At all times hereinafter mentioned Defendant Ghent's acts, omissions, and occurrences giving rise to this lawsuit and complained occurred in Charleston County, South Carolina.

7. This court has proper jurisdiction and venue over this action because all of the acts, omissions, and occurrences giving rise to this lawsuit occurred in Charleston County, South Carolina.

FACTUAL BACKGROUND

8. Prior to May 7, 2009, the Plaintiff was employed by Defendant Cannon as a member of the Charleston County Sheriff's Office. The Plaintiff was a highly successful member of the police department having attained the rank of detective and having received various awards and decorations for her service.

9. On January 7, 2007, Eugene Magwood was a Detective with the Charleston County Sheriff's Department, and, as such, part of his job was to investigate allegations of crimes.

10. Pursuant to his investigations of reported allegations of crimes, on January 7, 2007 the Plaintiff went to the residence of Catherine Boney who was an alleged victim of a sexual assault to interview her.

11. During the course of this interview, Detective Magwood showed Ms. Boney a photographic lineup for her to identify the alleged suspect.

12. After being shown the photographic lineup, Ms. Boney identified the alleged suspect, initialed and dated next to the picture.

13. Sometime after January 7, 2007, due to a complaint that Detective Magwood forged Ms. Boney's signature on the photographic lineup, an investigation was begun by all Defendants into these allegations.

14. Although during the Defendants' investigations it was discovered that these allegations had no merit, on May 7, 2009, Detective Magwood was arrested, charged with misconduct in office, and accused of being a liar and a criminal.

15. The Warrant, numbered F-969830, alleges that the Plaintiff committed the crime of misconduct in office "in that Magwood did knowingly and willfully provide false information in this investigative report in the form of a photo lineup purported to have been signed by a witness in the investigation.

That late in pre-trial meetings with the Solicitor's Office, Magwood did knowingly and willfully provide

false information to an Assistant Solicitor and an investigator for the Solicitor's Office regarding the investigation and the accompany investigative report."

16. This arrest warrant was prepared by Defendant Ghent after investigation by Defendant Ghent and Defendant SLED as well as Defendants Cannon, Antonio, and Anderson which detailed the lack of evidence against Detective Magwood.

17. However, despite this actual knowledge, the Defendants continued and facilitated the prosecution of the Plaintiff.

18. The Plaintiff was ultimately brought to trial on the charge of misconduct in office on June 29, 2011 through June 30, 2011.

19. During the course of the prosecution of this matter, the allegations made by the Defendants against the Plaintiff changed several times as the Defendants attempted to fabricate a legitimate case against the Plaintiff.

20. The Defendants also attempted to ruin the Plaintiff's reputation by making false and defamatory statements about the Plaintiff

21. At the trial, Defendants assisted in propounding different versions of the events Plaintiff was accused of which differed from previous versions of these events. These versions were attempts to subvert the legal process for ulterior purposes.

22. However, at said trial, the Plaintiff was found NOT GUILTY of all charges by a jury of his peers.

FOR A FIRST CAUSE OF ACTION:
AS TO ALL DEFENDANTS

Malicious Prosecution

23. The Plaintiff repeats, reasserts, re-alleges and incorporates the allegations contained in paragraphs one (1) through twenty-two (22) as if fully set forth herein. The Defendants, acting

individually, jointly and severally as agents, servants and/or employees of each other are liable to the Plaintiff for malicious prosecution.

24. The Plaintiff, Eugene Magwood, was improperly, illegally and falsely arrested, without probable cause on May 7, 2009.

25. The prosecution of the Plaintiff, Eugene Magwood, was maintained and continued by these Defendants despite of these Defendants' actual knowledge of the Plaintiff's innocence.

26. The Defendants knew, should have known, and most likely participated in the presentation of false and inaccurate evidence supporting the prosecution of the Plaintiff.

27. The Defendants' above-referenced actions were made with malice.

28. The Plaintiff was completely exonerated of all charges brought against him by the defendants.

29. As a direct and proximate result of each Defendant's actions, the Plaintiff has suffered actual damages in the form of lost earnings and earning potential; attorney's fees; degradation of the Plaintiff's good name; degradation of the Plaintiff's reputation in his trade and occupation; degradation of the Plaintiff's personal reputation in the community; and embarrassment, fright, humiliation, indignity, and mental pain and suffering. Furthermore, the Plaintiff has been damaged in these specified damages as well as other ACTUAL, COMPENSATORY and PUNITIVE (as to the individual Defendants only) damages in an amount to be determined by a jury.

FOR A SECOND CAUSE OF ACTION:
AS TO DEFENDANTS ANDERSON, ANTONIO AND GHENT

Abuse of Process

30. The Plaintiff repeats, reasserts, re-alleges and incorporates the allegations contained in paragraphs one (1) through twenty-nine (29) as if fully set forth herein. Defendant Anderson and Defendant Antonio, acting individually, jointly and severally as agents, servants and/or employees of

each other as well as Defendant Ghent, acting individually, jointly and severally with Defendants Anderson and Antonio, are liable to the Plaintiff for abuse of process.

31. Defendant Anderson's, Defendant Antonio's, and Defendant Ghent's actions espoused above were carried out for ulterior purposes.

32. Defendant Anderson, Defendant Antonio, and Defendant Ghent willfully used the legal process espoused above solely for such ulterior purposes.

33. As a direct and proximate result of the actions of Defendant Anderson, Defendant Antonio, and Defendant Ghent, the Plaintiff has suffered actual damages in the form of lost earnings and earning potential; attorney's fees; degradation of the Plaintiff's good name; degradation of the Plaintiff's reputation in his trade and occupation; degradation of the Plaintiff's personal reputation in the community; and embarrassment, fright, humiliation, indignity, and mental pain and suffering as a result of the Defendants' actions. Furthermore, the Plaintiff has been damaged in these specified and other ACTUAL, COMPENSATORY and PUNITIVE damages in an amount to be determined by a jury.

FOR A THIRD CAUSE OF ACTION:
AS TO DEFENDANTS ANDERSON, ANTONIO, AND GHENT

Defamation and Defamation *Per Se*

34. The Plaintiff repeats, reasserts, re-alleges and incorporates the allegations contained in paragraphs one (1) through thirty-three (33) as if fully set forth herein. Defendant Anderson and Defendant Antonio, acting individually, jointly and severally as agents, servants and/or employees of each other as well as Defendant Ghent, acting individually, jointly and severally with Defendants Anderson and Antonio, are liable to the Plaintiff for defamation and defamation *per se*.

35. Defendant Anderson, Defendant Antonio, and Defendant Ghent each made statements against the Plaintiff with defamatory meaning and statements that were defamatory on each statement's face.

36. Each of these defamatory statements contained therein concern and explicitly identify the Plaintiff and were intentionally and deliberately published to third parties by these defendants.

37. Defendant Anderson, Defendant Antonio, and Defendant Ghent each published these defamatory statements with malice, reckless disregard for the truth, and without the Defendant making a reasonable effort to first determine the truth or falsity of the allegations it contained.

38. Each of the defamatory statements made about the Plaintiff is false.

39. These defamatory statements constitute defamation *per se* in that the defamatory statements falsely accuse the Plaintiff of criminal activity and falsely accuse the Plaintiff of impropriety and inadequacy in the performance of his trade and/or profession.

40. As a direct and proximate result of the actions of Defendant Anderson, Defendant Antonio, and Defendant Ghent, the Plaintiff has suffered actual damages in the form of lost earnings and earning potential; attorney's fees; degradation of the Plaintiff's good name; degradation of the Plaintiff's reputation in his trade and occupation; degradation of the Plaintiff's personal reputation in the community; and embarrassment, humiliation, indignity, and mental pain and suffering as a result of the defendants' actions. Furthermore, the Plaintiff has been damaged in these specified and other ACTUAL, COMPENSATORY and PUNITIVE damages in an amount to be determined by a jury.

FOR A FOURTH CAUSE OF ACTION:
AS TO DEFENDANTS ANDERSON, ANTONIO AND GHENT

Civil Conspiracy to Commit Fraud

41. The Plaintiff repeats, reasserts, re-alleges and incorporates the allegations contained in paragraphs one (1) through forty (40) as if fully set forth herein. Defendant Anderson, Defendant Antonio, and Defendant Ghent are liable to the Plaintiff for civil conspiracy to commit fraud.

42. Defendant Anderson's, Defendant Antonio's, and Defendant Ghent's actions espoused above constitute an actionable combination of two or more persons for the purpose of injuring the plaintiff by fraud.

43. As a result of this civil conspiracy to commit fraud entered into by Defendant Anderson, Defendant Antonio, and Defendant Ghent, the Plaintiff has suffered special damages aside and apart from the damages espoused above.

FOR A FOURTH CAUSE OF ACTION:
AS TO ALL DEFENDANTS

Negligence

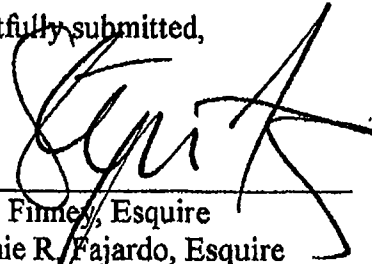
44. The Plaintiff repeats, reasserts, re-alleges and incorporates the allegations contained in paragraphs one (1) through forty-three (43) as if fully set forth herein. The Defendants, acting individually, jointly and severally as agents, servants and/or employees of each other are liable to the Plaintiff for each Defendant's negligence.

45. The above set forth incidents and Plaintiff's resulting injuries and damages were proximately cause by the negligent, grossly negligent, reckless, willful and wanton acts of each and every Defendant herein named, individually and/or by and through each Defendant's agents, servants, contractors and/or employees.

46. As a direct and proximate result of the actions of each and every Defendant named herein, the Plaintiff has suffered actual damages in the form of lost earnings and earning potential; attorney's fees; degradation of the Plaintiff's good name; degradation of the Plaintiff's reputation in his trade and occupation; degradation of the Plaintiff's personal reputation in the community; and embarrassment, humiliation, indignity, and mental pain and suffering. Furthermore, the Plaintiff has been damaged in these specified damages as well as other ACTUAL, COMPENSATORY and PUNITIVE (as to the individual Defendants only) damages in an amount to be determined by a jury.

WHEREFORE, the Plaintiff Eugene Magwood prays for a judgment against each and every Defendant in a sum sufficient to compensate him for all ACTUAL and CONSEQUENTIAL damages that he has suffered, for such PUNITIVE damages that a jury may reasonably award against Defendant Anderson, Defendant Antonio, and Defendant Ghent individually, for the costs of this action to be taxed against each and every Defendant, and for such other relief as the Court deems just and proper.

Respectfully submitted,



Jerry L. Finney, Esquire
Stephanie R. Fajardo, Esquire
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Columbia, South Carolina 29201
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Columbia, South Carolina
June 18, 2013

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RETIRED CHIEF JUSTICE
SOUTH CAROLINA SUPREME COURT
ERNEST A. FINNEY, JR.
OF COUNSEL

June 18, 2013

Please Reply to Columbia Office

Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401

Re: Eugene Magwood v. J. Al Cannon, Jr. in his official capacity as Sheriff of Charleston County, Investigator Anderson, Investigator Antonio, Charles Ghent, and South Carolina Law Enforcement Division
Docket No.: 2013-CP-10

Dear Clerk of Court:

Enclosed please find the original and two (2) copies of the **Summons and Complaint** for the above-referenced matter. I would appreciate you filing the original and returning me the clocked copies in the envelope I have provided for your convenience. I am also enclosing the fee of One Hundred Fifty Dollars (\$150.00), which should cover the filing fee.

If you should have any questions or concerns about this matter, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

Stephanie Fajardo

Stephanie R. Fajardo
Attorney at Law
SRF/bng

Enclosures: listed in text

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS
COUNTY OF CHARLESTON

EUGENE MAGWOOD, CASE NO. 2013-CP-10-3669
Plaintiff(s),

-vs-

J. AL CANNON, JR., in
His official capacity as
Sheriff of Charleston County,
Investigator Anderson,
Investigator Antonio, Charles
Ghent, and South Carolina
Law Enforcement Division,
Defendant(s).

THE DEPOSITION OF LIEUTENANT ROGER ANTONIO
taken on behalf of the Plaintiff on Tuesday,
March 11, 2014, commencing at 1:07 p.m. at the
Law Offices of Senn Legal, 3 Wesley Drive,
Charleston, South Carolina.

REPORTED BY: Nicole D. White

1 A-P-P-E-A-R-A-N-C-E-S:

2

3 Appearances for the Plaintiff:

4 By: Stephanie R. Fajardo, Esquire

5 THE FINNEY LAW FIRM, INC.

6 2117 Park Street

7 Columbia, South Carolina 29201

8 (803) 254-7408

9 Stephanie.r.fajardo@gmail.com

10

11 Appearances for the Defendant:

12 By: Robin L. Jackson, Esquire

13 SENN LEGAL

14 3 Wesley Drive

15 Charleston, South Carolina 29422

16 (843) 556-4045

17 Robin@sennlegal.com

18

19 Also Present:

20 Lieutenant Michael Anderson

21

22

23

24

25

1	I N D E X	
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3	EXAMINATION	
4	By Ms. Fajardo	04
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9	Certificate of Reporter	41
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13

14 E X H I B I T S

15

16 (No exhibits were proffered.)

17

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25

1 (LIEUTENANT ROGER ANTONIO, having been first
2 duly sworn, testified as follows:)

3 E-X-A-M-I-N-A-T-I-O-N

4 BY MS. FAJARDO:

5 Q. Okay, Lieutenant Antonio, my name is
6 Stephanie Fajardo. I represent the
7 Plaintiff in this case. I know you were
8 present yesterday for the Plaintiff's
9 deposition and then earlier today for
10 Lieutenant Anderson's deposition. I'm gonna
11 briefly go over the ground rules, but much
12 quicker as I know this is probably the
13 second time that you've heard it.

14 Have you ever had your deposition
15 taken before?

16 **A. Yes, ma'am.**

17 Q. Several times, how many times do you
18 believe?

19 **A. One that I recall.**

20 Q. Okay. So I'm sure that you are familiar
21 with it, but obviously, if you could answer
22 all of my questions with a verbal response.
23 You're doing great so far, but nodding your
24 head, uh-huh, huh-uh, it's hard for the
25 court reporter to write down and us read it

1 back and understand if that was a yes or no.

2 If you need a break for any reason,
3 please feel free to let me know, be happy to
4 take a break. Just ask that you answer the
5 question that I've posed before we take that
6 break.

7 While on the break, now that the
8 deposition has started, if you ask the
9 attorney any questions, I am able to ask you
10 about that. So if there's anything that you
11 don't understand, you need me to rephrase or
12 repeat or you're not sure what I'm asking
13 for in my question, if you'll just direct
14 that to me, I'll be happy to answer and do
15 the best I can to make sure that we're both
16 understanding where we're going with the
17 deposition.

18 **A. Yes, ma'am.**

19 Q. If you don't understand -- if you don't ask
20 me to rephrase the question, I'll assume you
21 heard my question, understood it and you're
22 answering the question I asked. Is that
23 fair enough?

24 **A. Yes.**

25 Q. Are you under the influence of any

1 substances, lack of sleep, stress, or
2 anything else that would affect your ability
3 to answer my questions truthfully today?

4 **A. No.**

5 Q. Okay. Have you spoken to anyone other than
6 your attorney regarding this case?

7 **A. No.**

8 Q. Okay. And are you in the same situation as
9 far as other attorneys as Investigator
10 Anderson regarding there's an attorney
11 that's monitoring the case?

12 **A. No, I do not have.**

13 Q. Okay. And have you reviewed anything prior
14 to the deposition?

15 **A. Yes.**

16 Q. What have you reviewed?

17 **A. Mike's report or Inspector Anderson's**
18 **report.**

19 Q. Anything else?

20 **A. No.**

21 Q. Okay. And what is your date of birth?

22 **A. 2/1/71.**

23 MS. FAJARDO: Okay. If we can
24 go off the Record.

25 (Off-the-Record conversation.)

- 1 BY MS. FAJARDO:
- 2 Q. Did you give me a Social Security number,
- 3 last four digits 4752?
- 4 A. **Yes.**
- 5 Q. Okay. And you gave me your address, which
- 6 we don't need to put on the Record. Are you
- 7 married?
- 8 A. **Yes.**
- 9 Q. Okay. What is your wife's name?
- 10 A. **Jenny Antonio.**
- 11 Q. What is her maiden name?
- 12 A. **Cecile, C-E-C-I-L-E.**
- 13 Q. Okay. How long have you been married?
- 14 A. **About nine years. This will be nine years.**
- 15 Q. Do you have any children?
- 16 A. **Yes.**
- 17 Q. Are they above the age of 18?
- 18 A. **No.**
- 19 Q. Okay. Do you have family in Charleston
- 20 County?
- 21 A. **I do.**
- 22 Q. What are their last names?
- 23 A. **Antonio, my parents.**
- 24 Q. Is that it?
- 25 A. **That's it.**

1 Q. Okay. What about your wife, does she have
2 any family in Charleston County?

3 A. No.

4 Q. Okay.

5 A. **My parents are actually Berkeley County.**

6 Q. Okay. Tell me a little bit about your
7 educational background, how far did you go
8 in school?

9 A. **Associates degree, criminal justice, Trident**
10 **Tech.**

11 Q. And you are currently employed at the
12 Charleston County Sheriff's Department?

13 A. **Yes.**

14 Q. What is your job title right now?

15 A. **I'm a lieutenant.**

16 Q. How long have you been employed at
17 Charleston County Sheriff's Department?

18 A. **Since 2004 or excuse me, 1994. I'm missing**
19 **a decade.**

20 Q. Okay. What were you doing at the sheriff's
21 office in '94 when you were hired?

22 A. **I started off in patrol. I started off as a**
23 **reserve and a few months later I became a**
24 **full-time deputy. As a deputy I was in**
25 **patrol. And all this is kind of rough.**

- 1 Q. That's fine.
- 2 A. **A couple years of patrol.**
- 3 Q. Okay.
- 4 A. **Then I went to narcotics for about five**
- 5 **years.**
- 6 Q. Okay.
- 7 A. **After that I went to detectives for about**
- 8 **three years.**
- 9 Q. Uh-huh.
- 10 A. **Got promoted to sergeant and that was in**
- 11 **'04. Went back to narcotics as a sergeant**
- 12 **and was about three years there.**
- 13 Q. Okay.
- 14 A. **I went to logistics briefly and I think it**
- 15 **was about six or seven months.**
- 16 Q. Okay.
- 17 A. **And then after logistics I went to Internal**
- 18 **Affairs. About three and a half years in**
- 19 **IA.**
- 20 Q. Okay.
- 21 A. **And then got promoted to lieutenant.**
- 22 Q. Okay. As the lieutenant, are you in a
- 23 specific department right now?
- 24 A. **Right now in detectives office, CID.**
- 25 Q. Okay. And how long -- excuse me, how long

1 have you been in CID?

2 **A. CID, about two years.**

3 Q. About two years, okay. At the time of the
4 investigation of Mr. Magwood you were in
5 Internal Affairs?

6 **A. Yes.**

7 Q. And I know a lot of these questions are
8 previously what I had asked Lieutenant
9 Anderson, but what -- what kind of hours do
10 you work in Internal Affairs?

11 **A. 9:00 to 5:00.**

12 Q. 9:00 to 5:00. Do you attend church
13 anywhere?

14 **A. I do sometimes.**

15 Q. Okay. Is the church in Charleston County?

16 **A. Yes, it is Blessed Sacrament.**

17 Q. Are you a member of any civic organizations
18 or clubs?

19 **A. No.**

20 Q. Okay. Next few questions not meant to
21 embarrass you, just standard questions.
22 Have you ever been arrested?

23 **A. No.**

24 Q. You ever been treated by a psychiatrist or
25 psychologist for any reason?

- 1 **A.** **No.**
- 2 Q. Are you currently under a doctor's -- any
- 3 doctor's care?
- 4 **A.** **No.**
- 5 Q. Taking any medications?
- 6 **A.** **Yes. I take blood pressure medication and**
- 7 **cholesterol medication.**
- 8 Q. Did you take them today?
- 9 **A.** **I normally take them in the evening, took**
- 10 **them last night, not today.**
- 11 Q. Okay. Do those medicines have any kind of
- 12 side effects that affect you?
- 13 **A.** **No.**
- 14 Q. Okay. And let's say 2008, 2009 were you
- 15 under any doctor's care?
- 16 **A.** **No.**
- 17 Q. Were you on any medications?
- 18 **A.** **I believe I was already on the blood**
- 19 **pressure medication at that time. Maybe**
- 20 **just started.**
- 21 Q. But you've never had any problems with the
- 22 medication?
- 23 **A.** **No.**
- 24 Q. Causing any effects or anything?
- 25 **A.** **No.**

- 1 Q. Okay. Have you ever been involved in any
2 other lawsuits?
- 3 **A. Yes.**
- 4 Q. Was that personally or professionally?
- 5 **A. Professionally.**
- 6 Q. How many?
- 7 **A. I'm not sure an amount. I don't recall an**
8 **amount.**
- 9 Q. Have you ever been named in a lawsuit?
- 10 **A. No, not personally. No.**
- 11 Q. Okay. Just involved in your capacity as
12 working for the sheriff's office?
- 13 **A. Correct.**
- 14 Q. Do you remember anything about the lawsuits?
- 15 **A. Specifics, I know at one point I was one of**
16 **the -- when I was in narcotics there was a**
17 **lawsuit. I don't know the details. There**
18 **was a traffic accident I investigated as a**
19 **deputy, which was a deposition. I don't**
20 **recall the outcome of either of those.**
- 21 Q. The traffic lawsuit that you were involved
22 in, you reported to the collision?
- 23 **A. I responded, correct.**
- 24 Q. Okay.
- 25 **A. As just a patrol deputy.**

1 Q. Okay. So you were just testifying as to
2 your knowledge of what happened, who was at
3 fault, things like that?

4 **A. Yes.**

5 Q. Have you 'ever been involved in any Workers'
6 Compensation or Social Security matters?

7 **A. No.**

8 Q. Other than the lawsuits that we just
9 discussed, the narcotics and the traffic
10 suit, do you know of any other lawsuits that
11 Charleston County Sheriff's Department has
12 been involved in?

13 MS. JACKSON: Objection to the
14 form.

15 **A. No, I don't recall.**

16 Q. Okay. Going to the policies and procedures
17 of Internal Affairs, when -- let me see, I
18 know -- about when did you move into
19 Internal Affairs, do you remember?

20 **A. It was about the beginning of '08.**

21 Q. Okay. Did you receive training when you
22 started in Internal Affairs?

23 **A. Yes.**

24 Q. What kind of training did you receive?

25 **A. I attended -- I attended an Internal Affairs**

1 **investigations training course, a five-day.**

2 **I attended a five-day interviews for**

3 **Internal Affairs course, as well.**

4 Q. Two separate courses?

5 A. **Two separate courses, both five-day courses.**

6 Q. Both five-day courses and one you said was
7 on interview?

8 A. **Interviews for Internal Affairs.**

9 Q. Okay. And the other five-day course was the
10 training and working in Internal Affairs?

11 A. **Internal Affairs investigations.**

12 Q. What would you say is the standard procedure
13 of investigating an allegation in Internal
14 Affairs, who do you interview, what kind of
15 evidence do you collect?

16 A. **The complaint comes in from either the**
17 **citizen or from your uh -- your supervisors.**
18 **You identify what the core of the complaint**
19 **is, the allegation and determine who needs**
20 **to be interviewed. Conduct your interviews**
21 **and determine if there is any policy**
22 **violations.**

23 Q. After you've made a determination of whether
24 there was any policy violations, what's the
25 next step?

1 **A.** You summarize it in a report and you send
2 the report to -- gets approved through your
3 chain of command and which in IA is the
4 assistant sheriff or excuse me, the chief
5 inspector, then the assistant sheriff.
6 After their approval it is forwarded to the
7 chief deputy over that particular employee.

8 **Q.** And the chief inspector in IA in 2008, 2009
9 was?

10 **A.** Mark Fields.

11 **Q.** Mark Fields, okay. And who else worked in
12 Internal Affairs with you?

13 **A.** Myself, Lieutenant Anderson, Inspector
14 Herron, Dana Herron and we at some point we
15 added somebody from the detention house.
16 They increased it. I don't recall what date
17 that was.

18 **Q.** Okay.

19 **A.** And then we had also the chief inspector,
20 which was our supervisor Mark Fields.

21 **Q.** So anywhere from four to five people in IA?

22 **A.** Correct.

23 **Q.** Let me ask you, does the chief inspector,
24 did he work on cases, as well or was he
25 there in a supervisory role only?

1 **A. Mostly supervising.**

2 Q. Okay. Do you stay involved once the
3 investigation is done if any criminal
4 charges are brought?

5 **A. No.**

6 Q. And I understand criminal charges are not
7 brought as a result of your investigation;
8 is that fair to say?

9 **A. Correct.**

10 Q. Okay. But are there occasions where you
11 have an investigation in Internal Affairs
12 and there's also a separate investigation in
13 which criminal charges may come out of?

14 **A. Yes.**

15 Q. Okay. Would you participate in that
16 criminal investigation?

17 **A. No.**

18 Q. Are you allowed to participate?

19 **A. No.**

20 Q. Okay. Is that something that is in the --
21 how do you know that you're not allowed to
22 participate in the criminal investigation?

23 **A. It's through the direction of our supervisor**
24 **that we're not to be involved and through**
25 **the training we received, certification**

1 **courses.**

2 Q. Would you be disciplined if you got involved
3 in a criminal investigation?

4 A. **You'd be cautioned not to get involved. I**
5 **don't know about being disciplined. I was**
6 **never involved in a situation where I worked**
7 **them at the same time.**

8 Q. I understand. Would you ever testify at
9 trial regarding a criminal investigation
10 that was similar to your --

11 A. **I never have.**

12 Q. Okay. You didn't testify at Mr. Magwood's
13 criminal trial?

14 A. **No, I did not.**

15 Q. What is your procedure regarding
16 interviewing people, is it videotaped, audio
17 taped?

18 A. **It is audio taped.**

19 Q. Do you ever videotape the interviews?

20 A. **No.**

21 Q. And you have copies of all the audio tapes
22 for the interviews, they would be put in the
23 case file?

24 A. **Correct.**

25 Q. Okay. Okay. In regards to Mr. Magwood, did

- 1 you work on the investigation of Mr. Magwood
2 in Internal Affairs?
- 3 **A. I assisted Lieutenant Anderson in the case.**
- 4 Q. Let me kind of go through what was your role
5 in regards to the investigation with
6 Mr. Magwood?
- 7 **A. As far as the Magwood case, Anderson was the**
8 **investigator assigned the case and as a**
9 **co-case or, you know, an assistant, any time**
10 **an interview would come up, you know, if I**
11 **was available I would, you know, take part**
12 **in the interview.**
- 13 Q. Did you ever form any reports as a result of
14 this investigation?
- 15 **A. No, ma'am. No, ma'am. Just handwritten**
16 **case notes, but no reports.**
- 17 Q. Did you ever interview anybody involved in
18 the case alone?
- 19 **A. No, ma'am.**
- 20 Q. Did you ever discuss the case with anybody
21 outside of Investigator Andrew --
22 Anderson --
- 23 **A. No.**
- 24 Q. -- and obviously your supervisor?
- 25 **A. No.**

1 Q. No? Outside of the chain of command would
2 be a better way of saying it.

3 A. No.

4 Q. Did you -- were you ever the contact person
5 in regards to the SLED investigation --

6 A. No.

7 Q. -- of Mr. Magwood?

8 A. No.

9 Q. Did they ever contact you to get any
10 information?

11 A. No.

12 Q. All right. So your only role in the Magwood
13 investigation was, as I understand it right
14 now, going along with Lieutenant Anderson on
15 interviews?

16 A. Yes.

17 Q. Okay. And you would take notes occasionally
18 during those interviews?

19 A. Yes.

20 Q. Okay. And that would be in the case file --

21 A. Correct.

22 Q. -- your notes? Would you and Lieutenant
23 Anderson take notes during the interviews?

24 A. I for the most part took notes on
25 interviews. I can't say whether or not he

1 **would on, you know, all his cases.**

2 Q. Okay. Yeah. And just in regards to the
3 Magwood investigation, I wasn't sure, was he
4 performing the interviews and you were
5 sitting there observing and taking notes for
6 the later, I guess, reports or did you ask
7 questions in the interview, as well?

8 A. **I may have asked maybe one or two questions.**

9 Q. Okay. When were you first made aware about
10 the issues that had arisen in regards to
11 Mr. Magwood?

12 A. **When Inspector Anderson asked me to sit on**
13 **the first interview.**

14 Q. Okay. Were you assigned to work on the case
15 with him or did Lieutenant Anderson just
16 contact you and ask for your assistance?

17 A. **No. We're not -- no, I wasn't assigned as a**
18 **co-case.**

19 Q. Okay.

20 A. **I was available for certain interviews,**
21 **which he asked me to sit in on.**

22 Q. Is that typically how it works or are you
23 occasionally assigned to the case, as well?

24 A. **No. There's always one person assigned and**
25 **they grab whoever is in the office to assist**

1 **on interviews.**

2 Q. Okay. Do you know, did anyone else have any
3 involvement in the Magwood case from
4 Internal Affairs?

5 A. **I believe Chief Inspector Fields may have**
6 **sat on a couple of interviews.**

7 Q. Okay.

8 A. **But I'm not sure about Inspector Herron.**

9 Q. Were you ever consulted prior to the report
10 being submitted at the end of the Internal
11 Affairs investigation?

12 A. **No, not consulted.**

13 Q. Okay. Did you and Lieutenant Anderson
14 discuss what was gonna go into the report
15 prior to it being submitted?

16 A. **No.**

17 Q. Okay. Did you even get a copy of the
18 report?

19 A. **I did in preparation for this, but actually,**
20 **I never saw the report when it was**
21 **submitted.**

22 Q. Okay. So the first time you saw it was in
23 this litigation?

24 A. **Yes. I mean, I had my own cases I was**
25 **working on.**

1 Q. Were you aware of SLED's investigation into
2 Mr. Magwood?

3 **A. Yes.**

4 Q. How were you aware of that?

5 **A. Inspector Anderson told me.**

6 Q. Did you have any involvement or knowledge
7 regarding Mr. Magwood going out on
8 administrative leave?

9 **A. I don't -- I don't recall if I was present**
10 **when he was placed on leave.**

11 Q. What about when he was terminated, did you
12 have any role or involvement?

13 **A. I was not present for that.**

14 Q. Were you present at the interview of
15 Ms. Boney?

16 **A. Yes.**

17 Q. Okay. Do you know -- did you ask her any
18 questions or were you just taking notes?

19 **A. I was -- I know -- I believe I took notes at**
20 **her interview. I don't recall in particular**
21 **any questions.**

22 Q. I just -- I want to show you this. I
23 haven't marked it. This -- this is all --
24 if you want to look through. Is that all
25 Lieutenant Anderson's notes and handwriting.

1 Is any part of that yours?

2 **A. These are Anderson's.**

3 Q. Okay. Just to make sure, if you want to
4 look through that, are any of those your
5 notes?

6 **A. These are Anderson's.**

7 Q. Is that (indicating) your handwriting?

8 **A. Yes, that's mine.**

9 Q. Okay. Do you remember which interviews you
10 were present on in regards to Mr. Magwood?

11 **A. I was present for -- I was present for two**
12 **Magwood interviews and I recall Catherine**
13 **Boney's residence. And also going to the**
14 **courthouse for Solicitor Voigt and**
15 **Investigator Kelly. I believe that was it.**
16 **Also Lieutenant Tittle and Sergeant**
17 **Williams.**

18 Q. Do you know, would you have taken notes
19 during all of those interviews?

20 **A. I don't -- Magwood I would have recalled.**
21 **But I don't recall anybody -- whether I did**
22 **for the other people.**

23 Q. And let me ask it this way, do you take
24 notes during every interview?

25 **A. Generally speaking I do, if it's the, you**

1 **know, the main subject, the main focus of**
2 **the investigation, I would. Generally I**
3 **would.**

4 **Q.** Is this your handwriting?

5 **A.** **No.**

6 **Q.** Okay. What do you recall regarding the
7 interview with Ms. Boney? Do you remember
8 her demeanor during that interview?

9 **A.** **I recall -- I recall her stating to us that**
10 **she had seen one photograph. And she was**
11 **questioning whether or not she had actually**
12 **seen the photo lineup.**

13 **Q.** Do you recall, did she say that she didn't
14 sign the photo lineup or that she couldn't
15 remember?

16 **A.** **She didn't recall seeing it. She didn't**
17 **recall seeing the photo lineup.**

18 **Q.** Did you find Ms. Boney credible?

19 **A.** **By her response, it seemed her response as**
20 **far as the photo -- as far as a single photo**
21 **it seemed credible that she hadn't seen**
22 **anything other than the single.**

23 **Q.** Did you know Ms. Boney outside of this
24 investigation?

25 **A.** **No, ma'am.**

1 Q. Do you know anything about Ms. Boney, her
2 criminal history, anything?

3 **A. No, I don't.**

4 Q. Is it customary to do any kind of background
5 research on non-officers prior to getting a
6 statement if they're involved in an
7 investigation?

8 **A. Yes.**

9 Q. Okay. What kind of background information
10 would you look at?

11 **A. On -- on -- well, complainants and witnesses**
12 **we -- we would look at a rap sheet. That's**
13 **it.**

14 Q. Okay. And I know previously you said the
15 first time that you had heard of the
16 investigation into Magwood was through
17 Lieutenant Anderson.

18 **A. Yes.**

19 Q. Do you have knowledge of where the request
20 to start this investigation came from?

21 **A. No, I don't know how it came in. I don't**
22 **know.**

23 Q. Do you know about when the investigation
24 began?

25 **A. I can't -- I don't know the date.**

- 1 Q. Okay. Do you know how long the
2 investigation lasted?
- 3 **A. I think several weeks.**
- 4 Q. Okay.
- 5 **A. I believe.**
- 6 Q. Did you know Mr. Magwood outside of this
7 investigation?
- 8 **A. I did.**
- 9 Q. How did you know him?
- 10 **A. I knew him from, obviously, the sheriff's**
11 **office and at some period we worked in CID**
12 **together.**
- 13 Q. Did you ever work on cases together?
- 14 **A. Not -- nothing that I recall.**
- 15 Q. You don't recall ever being like his partner
16 on a case, you may have just collaborated on
17 a case?
- 18 **A. Yeah, I mean, it was -- I mean, if somebody**
19 **had a search warrant they had to do, it was**
20 **a team effort and we would, of course, all**
21 **for the most part go, but case, you know**
22 **co-case, case agent, I don't recall ever**
23 **having a case with him.**
- 24 Q. Okay. About when did you work with him in
25 CID?

1 **A. I believe -- I either went up at the end of**
2 **2001 until about 2004 something, about that**
3 **timeframe, 2002, 2003.**

4 Q. Okay. Did you have any conversations with
5 Mr. Magwood or his attorney outside of the
6 two times he came in and talked to Internal
7 Affairs?

8 **A. No.**

9 Q. Were you present when he made his written
10 statement?

11 **A. For the interview, yes.**

12 Q. Okay. Explain to me a little bit how did
13 that come about him --

14 **A. Well, correct -- can I correct that?**

15 Q. Absolutely.

16 **A. I don't know when he prepared his written**
17 **statement, but I was present for the**
18 **interviews.**

19 Q. Okay.

20 **A. I'm not sure when he had provided them to**
21 **Inspector Anderson.**

22 Q. So it was not a situation where he was in
23 the Internal Affairs office and wrote out a
24 written statement?

25 **A. I don't recall watching him prepare a**

1 **statement, written statement.**

2 Q. But other than the two times that he came in
3 to talk to Internal Affairs, you didn't have
4 any other contact with him or his attorney?

5 A. **No.**

6 Q. Did you follow-up on the relationships the
7 witnesses that were interviewed in this
8 investigation claimed they had with
9 Mr. Magwood?

10 A. **No, I did not.**

11 Q. Do you know if anybody followed up on the
12 relationships?

13 A. **I don't know.**

14 Q. Okay. And you said you believe you were
15 present for some of these interviews,
16 Zimmer, Watson, Williams?

17 A. **I don't recall. Oh, go ahead. I'm sorry.**

18 Q. No. I was going to say the last one I think
19 is Tuttle?

20 A. **Tittle.**

21 Q. Tittle.

22 A. **I don't recall being there for Watson --**

23 Q. Okay.

24 A. **-- or Zimmer.**

25 Q. Okay.

1 **A.** **I recall Tittle and Williams.**

2 **Q.** Did you have any reason to believe they
3 weren't being truthful?

4 **A.** **No.**

5 **Q.** Did Ryan Kelly or Greg Voigt ever share any
6 notes with you regarding meetings they had
7 had with either Mr. Magwood or Ms. Boney or
8 any other witnesses in the case?

9 **A.** **No.**

10 **Q.** I know Lieutenant Anderson said he was
11 subpoenaed to testify at Mr. Magwood's
12 trial. Were you subpoenaed?

13 **A.** **No.**

14 **Q.** Were you aware of any complaints against
15 Mr. Magwood prior to this investigation?

16 **A.** **No.**

17 **Q.** Did you review his personnel file?

18 **A.** **No.**

19 **Q.** Were you responsible for any findings at the
20 end of the investigation?

21 **A.** **No.**

22 **Q.** Are you aware of any officer being accused
23 of wrong doing and it -- after -- at the end
24 of the investigation it was found to be
25 unfounded? That has to be one of the most

1 confusing questions.

2 MS. JACKSON: Objection to the
3 form.

4 Q. Let me back up.

5 A. Yeah.

6 Q. Have you ever done an investigation in which
7 the allegation was unfounded?

8 A. I'm sure I have. I can't recall one off the
9 top of my head. There's so many cases came
10 through.

11 Q. What was your typical case load?

12 A. I mean, at any given time you would hold
13 maybe four or five cases. And I'm just --
14 it varies. I mean, it's really -- there's
15 no set number. It varies greatly.

16 Q. Did you agree with the findings at the end
17 of the Internal Affairs investigation?

18 A. Yes.

19 Q. Did you feel Mr. Magwood should have been
20 terminated based on the findings?

21 MS. JACKSON: Objection to
22 form.

23 A. That -- no. Without knowing more about his
24 history, I wouldn't have an opinion about
25 that. More of his work history.

1 Q. Did you agree with Mr. Magwood being
2 prosecuted?

3 MS. JACKSON: Objection to the
4 form.

5 A. **I did not. I didn't expect it, but wasn't**
6 **my call.**

7 Q. Was the criminal -- I understand you said
8 you had no involvement in the criminal
9 investigation.

10 A. **Uh-huh.**

11 Q. Was the criminal investigation ever
12 discussed with you? Were you given
13 information from the criminal investigation?

14 A. **No.**

15 Q. Okay. Do you know if Lieutenant Anderson
16 was given information regarding the crime?

17 MS. JACKSON: Objection to
18 form.

19 A. **I don't know if he was or wasn't.**

20 Q. I understand. Let me -- let me know if I
21 need to rephrase this, because I'm not sure
22 it's going to come out as clear as I mean it
23 to be. Did you have control over the
24 investigative file or was that primarily
25 kept by Lieutenant Anderson?

1 **A. No, I didn't have control. I don't think I**
2 **ever held it.**

3 Q. Okay. In looking at the file, there's like
4 investigative notes. Did you ever complete
5 any investigative notes?

6 **A. No.**

7 Q. All of your notes just would have been
8 handwritten?

9 **A. Just handwritten.**

10 Q. Did you believe that Mr. Magwood was being
11 untruthful in discussing his situation with
12 Internal Affairs?

13 **A. I did have concerns about his truthfulness.**

14 Q. What was that based on?

15 **A. I think there's a couple of issues of**
16 **whether a single photo was shown and whether**
17 **he had initialed, dated and time stamped the**
18 **lineup.**

19 Q. Did Mr. Magwood tell you that he had dated
20 and time stamped the photo lineup?

21 **A. Yes, he did.**

22 Q. Did he maintain the same characterization of
23 the events throughout his entire time
24 talking to Internal Affairs or did it
25 change?

1 MS. JACKSON: Objection to
2 form.

3 **A. Are you referring to the two interviews?**

4 **Q.** Yes. Any conversation or -- and including
5 the written statement, as well. So, I
6 guess, the two conversations and the written
7 statement, was Mr. Magwood's
8 characterization of the events consistent?

9 **A. Can I refer to notes, any handwritten notes**
10 **I would have had on it?**

11 **Q.** Sure. Do you have a copy?

12 **A. I just have Anderson's report.**

13 **Q.** (Document tendered.) I think that's the
14 other one. You want to put that one with
15 it? I think they're just out of order.
16 Looks like they're each three pages.

17 **A. Concern as far as dating and time stamping**
18 **or excuse me, as far as the dating, I know**
19 **he was -- he was consistent. And the**
20 **initials he denied.**

21 **Q.** Okay. But he did -- did he deny initialing
22 throughout the whole process?

23 **A. I'm not aware if -- there were concerns from**
24 **what I recall, the supplemental report that**
25 **indicated -- on his, you know, detective**

1 **supplemental report indicated that she had**
2 **initialed and dated and time stamped. And**
3 **in our interview he had stated that he had**
4 **dated it.**

5 Q. Anything else that you can think of that he
6 -- you don't feel he was consistent on?

7 A. **I can't recall anything else.**

8 Q. Okay. Did you find any inconsistencies in
9 any of the other witness interviews?

10 A. **No, I don't recall.**

11 Q. Did you ever talk to the media or anyone in
12 the press regarding this incident with
13 Mr. Magwood?

14 A. **No.**

15 Q. Do you know, is a person automatically
16 terminated if they're charged with a crime
17 while employed as a deputy at the sheriff's
18 department?

19 MS. JACKSON: Objection to
20 form.

21 A. **That's at the discretion -- I can't say that**
22 **it's automatic or not. That's solely the**
23 **discretion of the sheriff.**

24 Q. Do you have any control over whether a
25 person is terminated or in any way

1 disciplined as a result of an Internal
2 Affairs investigation?

3 **A. No.**

4 **Q.** Does the Assistant Sheriff, Sheriff, any of
5 the Chief Deputies, do they ever consult you
6 in making the decision regarding how a
7 person will be disciplined?

8 **A. No.**

9 MS. FAJARDO: I believe that is
10 all the questions that I have. I
11 know your attorney has questions
12 for you.

13 MS. JACKSON: Not too many.

14 E-X-A-M-I-N-A-T-I-O-N

15 BY MS. JACKSON:

16 **Q.** All right. Were you involved in the arrest
17 of Mr. Magwood?

18 **A. No, ma'am.**

19 **Q.** Did you have any involvement whatsoever in
20 his arrest?

21 **A. No.**

22 **Q.** Did you have any involvement in the swearing
23 out of the warrant for Mr. Magwood's arrest?

24 **A. No.**

25 **Q.** Okay. Did you institute or continue any

1 judicial proceedings against Mr. Magwood?

2 **A.** **No.**

3 Q. Do you have any malice towards Mr. Magwood,
4 either personally or professionally?

5 **A.** **No.**

6 Q. Did you do anything improper in the course
7 of the investigation for the Charleston
8 County Sheriff's Office with regard to
9 Mr. Magwood?

10 **A.** **No.**

11 Q. Did you ever make any statements about
12 Mr. Magwood regarding this investigation
13 outside of the investigation?

14 **A.** **No.**

15 Q. Did you ever have any intent to damage
16 Mr. Magwood's reputation?

17 **A.** **No.**

18 Q. Did you ever work with any other person for
19 the purpose of causing harm or damage to
20 Mr. Magwood?

21 **A.** **No.**

22 Q. At all times during the course of this
23 investigation did you act within the
24 policies and procedures of the Charleston
25 County Sheriff's Office?

1 **A.** **Yes.**

2 Q. At all times during the course of this
3 investigation did you act within the
4 training that you received from the South
5 Carolina Criminal Justice Academy?

6 **A.** **Yes.**

7 Q. Do you have any personal feelings either for
8 or against Mr. Magwood?

9 **A.** **No.**

10 Q. If you had seen something that you felt was
11 improper going on during the course of this
12 investigation, would you have spoken up?

13 **A.** **Yes.**

14 Q. And would you have taken action?

15 **A.** **Yes.**

16 Q. Did you use care in the course of this
17 investigation?

18 **A.** **Yes.**

19 Q. And did you -- based on your review of this
20 investigative file and your involvement in
21 the investigation, do you believe that a
22 complete investigation was performed?

23 **A.** **Yes, I do.**

24 Q. At all times were you acting in the course
25 and scope of your employment?

1 **A. Yes.**

2 Q. During the course of an Internal Affairs
3 investigation in general, as an inspector
4 with the Internal Affairs division, are you
5 expected to use your discretion in
6 determining how to go about performing an
7 investigation?

8 **A. Yes.**

9 Q. And do you use your discretion in
10 determining what persons will be
11 interviewed?

12 **A. Yes.**

13 Q. And do you use your discretion in
14 determining what documents will be reviewed?

15 **A. Yes.**

16 Q. And would that be true for any member of the
17 Internal Affairs division at the Charleston
18 County Sheriff's Office including both you
19 and Investigator Anderson?

20 **A. Yes, it is.**

21 Q. Do you have any choice in whether or not you
22 will investigate a matter that has been
23 reported to the Internal Affairs office?

24 **A. No.**

25 Q. Okay. So if you are asked to prepare an

1 investigation, you prepare that
2 investigation, but within that investigation
3 you have discretion?

4 **A. Yes.**

5 MS. JACKSON: All right. Those
6 are all the questions that I have..

7 MS. FAJARDO: I just have one
8 question.

9 R-E-E-X-A-M-I-N-A-I-T-O-N

10 BY MS. FAJARDO:

11 Q. Do you have to disclose to anybody that you
12 know the person that's being investigated or
13 that you've worked with the person
14 previously?

15 **A. I'm not sure I understand. If I'm**
16 **investigating an officer that I work with?**

17 Q. Yes. Do you have to disclose that to your
18 superior? Does that change the
19 investigation in any way?

20 **A. No. It wouldn't change -- it wouldn't**
21 **change the fact finding and you know, your**
22 **final outcome. As far as disclosing, I**
23 **think it's pretty much understood we all**
24 **know where we've worked, but I'm not -- I**
25 **don't -- as far as being required to advise**

1 CERTIFICATE OF REPORTER

2

3 STATE OF SOUTH CAROLINA)

4 COUNTY OF CHARLESTON)

5

6 I, Nicole D. White, the officer before
7 whom the foregoing deposition was taken, do
8 hereby certify that the witness whose testimony
9 appears in the foregoing deposition was duly
10 sworn by me; that the testimony of said witness
11 was taken by me to the best of my ability and
12 thereafter reduced to typewriting under my
13 direction; that I am neither counsel for, related
14 to, nor employed by any of the parties to the
15 action in which this deposition was taken, and
16 further, that I am not a relative or employee of
17 any attorney or counsel employed by the parties
18 thereto, nor financially or otherwise interested
19 in the outcome of the action.

20

21

22 _____ Date _____
23 Nicole D. White
24 Notary Public in and for the
State of South Carolina

25 My Commission expires September 11, 2017

1 E R R A T A S H E E T

2

3 RE: Magwood -vs- J. Al Cannon, Jr., et. al.

4

5 DEPOSITION OF: ROGER ANTONIO

6

7 Please read this original deposition with care,
8 and if you find any corrections or changes you wish
9 made, list them by page and line number below. DO
10 NOT WRITE IN THE DEPOSITION ITSELF. Return the
11 deposition to this office after it is signed. We
12 would appreciate your prompt attention to this
13 matter.

14 To assist you in making any such corrections,
15 please use the form below. If supplemental or
16 additional pages are necessary, please furnish same
17 and attach them to this errata sheet.

18 Page Line Should read:

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20 Page Line Should read:

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SIGNATURE PAGE

SIGNATURE OF WITNESS

SUBSCRIBED and SWORN TO before me this _____
day of _____, 2014

NOTARY PUBLIC

My Commission expires: _____

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS
COUNTY OF CHARLESTON

EUGENE MAGWOOD, CASE NO. 2013-CP-10-3669
Plaintiff(s),

-vs-

J. AL CANNON, JR., in
His official capacity as
Sheriff of Charleston County,
Investigator Anderson,
Investigator Antonio, Charles
Ghent, and South Carolina
Law Enforcement Division,
Defendant(s).

THE DEPOSITION OF LIEUTENANT MICHAEL A.
ANDERSON, taken on behalf of the Plaintiff on
Tuesday, March 11, 2014, commencing at 10:00 a.m.
at the Law Offices of Senn Legal, 3 Wesley Drive,
Charleston, South Carolina.

REPORTED BY: Nicole D. White

1 A-P-P-E-A-R-A-N-C-E-S:

2

3 Appearances for the Plaintiff:

4 By: Stephanie R. Fajardo, Esquire

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7 Columbia, South Carolina 29201

8 (803) 773-1415

9 Stephanie.r.fajardo@gmail.com

10

11 Appearances for the Defendant:

12 By: Robin L. Jackson, Esquire

13 SENN LEGAL

14 3 Wesley Drive

15 Charleston, South Carolina 29422

16 (843) 556-4045

17 Robin@sennlegal.com

18

19 Also Present:

20 Investigator Roger Antonio

21

22

23

24

25

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1 (LIEUTENANT MICHAEL A. ANDERSON, having been
2 first duly sworn, testified as follows:)

3 E-X-A-M-I-N-A-T-I-O-N

4 BY MS. FAJARDO:

5 Q. Okay, Lieutenant Anderson, I'm Stephanie
6 Fajardo. I represent the Plaintiff in this
7 case. I know we met yesterday. Have you
8 ever given a deposition before?

9 **A. Yes, I have.**

10 Q. Multiple depositions?

11 **A. Twice.**

12 Q. Twice? Okay. I'm gonna go over just a few
13 of the ground rules. I know you were here
14 yesterday for Mr. Magwood's deposition, but
15 just want to make sure we cover everything.

16 We have a court reporter here taking
17 down everything we say. Need to be verbal.
18 Uh-huh or huh-uh, I know what you're saying,
19 but the court reporter can't write that
20 down.

21 I don't anticipate that we'll go very
22 long today, but if you need a break for any
23 reason, please let me know. I'll be happy
24 to stop. I just ask that you answer the
25 question that has been posed before we take

1 that break.

2 Obviously, now that your deposition
3 has begun, if you should ask opposing
4 counsel any questions, I am able to ask you
5 about those conversations. So if you have
6 any questions about what I'm asking you or
7 what I mean by the question, I'd ask you
8 that you just direct everything to me. I'll
9 be happy to repeat any question, rephrase
10 it, anything to help you understand.

11 If you don't ask me to rephrase, I'll
12 assume that you heard my question, you
13 understood it and that you're answering the
14 question that I asked. Is that fair?

15 **A. Yes, ma'am.**

16 Q. Are you under the influence of any
17 substances, lack of sleep, stress, or
18 anything else that would affect your ability
19 to answer my questions truthfully today?

20 **A. No, ma'am.**

21 Q. Have you spoken to anyone other than your
22 attorney regarding this case?

23 **A. No, ma'am.**

24 Q. Okay. And this is just for clarification,
25 do you have another attorney aside from Senn

1 Legal?

2 **A. I do. Chris Deaters (ph). Be honest with**
3 **you, I can't even tell you what law firm**
4 **he's with, but it's through the PBA.**

5 Q. Okay. And that's as a result of you being
6 an officer at the sheriff's department or --

7 **A. No, it's -- I have -- I have with the PBA**
8 **there's a legal, I don't know what you call**
9 **it, I guess, insurance, whatever. You pay**
10 **yearly. If you get sued, arrested, or**
11 **whatever, they'll send you an attorney.**

12 Q. Okay.

13 **A. That's what that is.**

14 Q. Is he involved in this case at all?

15 MS. JACKSON: He's just
16 monitoring. He's not even going to
17 file a notice of appearance I don't
18 think.

19 Q. Perfect. I just wanted to clarify. Have
20 you reviewed anything prior to your
21 deposition today?

22 **A. Yes, ma'am.**

23 Q. What have you reviewed?

24 **A. I reviewed the final report that I submitted**
25 **to my chain of command.**

1 Q. Uh-huh.

2 A. And I've reviewed the interviews, I believe.
3 I'm pretty sure I've reviewed all the
4 interviews, all the audio files.

5 Q. And those are interviews that you performed?

6 A. Yes, ma'am.

7 Q. Okay. What is your date of birth?

8 A. November 18th, 1974.

9 MS. FAJARDO: Can we go off the
10 Record?

11 (Off-the-Record conversation.)

12 Q. Did you just give me a Social Security
13 number with the last four digits of 9260?

14 A. Yes, ma'am.

15 Q. Okay. What is your current address?

16 MS. JACKSON: Can you go off
17 the Record for that, too?

18 MS. FAJARDO: Sure.

19 (Off-the-Record conversation.)

20 Q. And are you married?

21 A. Yes, ma'am.

22 Q. What is your wife's name?

23 A. First name is Terri, T-E-R-R-I, Anderson.

24 Q. What's her maiden name?

25 A. Richardson.

1 Q. How long have y'all been married?

2 A. **Nineteen years.**

3 Q. And answered quickly. Did good job. Have
4 you ever been married before?

5 A. **No, ma'am.**

6 Q. Do you have any children?

7 A. **I do.**

8 Q. Are they above the age of 18?

9 A. **No, ma'am.**

10 Q. Okay. Do you have family in Charleston
11 County?

12 A. **I don't have any blood relatives in**
13 **Charleston County. Actually, no. The**
14 **answer's no. I don't have. I'm sorry.**

15 Q. Your wife isn't from --

16 A. **She's from here, but I don't think we have**
17 **any in Charleston County, in-laws. They're**
18 **in the woods.**

19 Q. I understand. Tell me a little bit about
20 your educational background, how far did you
21 go in school?

22 A. **I have a bachelor's degree in Columbia**
23 **Southern University. That's in Alabama.**
24 **Going backwards, have an associates degree**
25 **in Trident Tech.**

- 1 Q. What is your bachelor's degree in?
- 2 A. **Criminal justice administration.**
- 3 Q. What's your associates in?
- 4 A. **Criminal justice.**
- 5 Q. When did you get your associates?
- 6 A. **Oh, I have to think for a minute here. Two**
- 7 **-- it's either '99 or 2000.**
- 8 Q. Okay. When did you get your bachelor's?
- 9 A. **That would have been maybe '06, '07. I**
- 10 **don't know exactly, but somewhere -- it's**
- 11 **been a few years.**
- 12 Q. Okay. And you're currently employed at the
- 13 Charleston County Sheriff's Department?
- 14 A. **Yes, ma'am.**
- 15 Q. How long have you been employed there?
- 16 A. **Since July of 1999, so I am coming up on**
- 17 **15 years.**
- 18 Q. Congratulations.
- 19 A. **Thank you.**
- 20 Q. Have you been employed in the same capacity
- 21 since '99, doing the same job?
- 22 A. **With the sheriff's office?**
- 23 Q. Yes.
- 24 A. **Yes, ma'am.**
- 25 Q. Always in Internal Affairs?

1 **A.** Oh, no. I'm sorry. I should have asked you
2 for clarification. No. I've done several
3 different, but I've been at the sheriff's
4 office the entire time. Different jobs,
5 different ranks, whole nine yards.

6 **Q.** Kind of go through just a general. What
7 jobs have you held?

8 **A.** When I started I was a deputy sheriff and I
9 did patrol.

10 **Q.** Okay.

11 **A.** That was '99. '01 I went to investigations
12 for CID. I stayed up there until 2004 and I
13 was promoted to sergeant. I went back to
14 patrol as a sergeant. That's 2004. And
15 either end of '04 or beginning of '05 I went
16 to our logistics section as a sergeant.
17 Stayed there for a few months. Then I went
18 to narcotics as a sergeant and so from '05
19 to '07 I was in narcotics and I'm just
20 trying to remember the years kind of going
21 by about how long I stayed in there so I
22 could be off just a little bit.

23 **Q.** That's fine.

24 **A.** From narcotics as a sergeant I went to
25 Internal Affairs.

1 Q. So probably about 2007-ish Internal Affairs?

2 A. Correct. Yes, ma'am. Pretty -- I might be
3 off because I'm kind of going -- let's go
4 all the way through. Then I stayed -- I
5 know I stayed three years in IA, three long
6 years and then I was promoted out of
7 Internal Affairs to lieutenant.

8 I went back to narcotics. I stayed in
9 and that was -- I stayed in narcotics for
10 two years, almost exactly.

11 And then I went to patrol as
12 lieutenant. Stayed there for a few months.

13 I went to traffic as lieutenant this
14 past November right after Thanksgiving and
15 I've just been transferred back to logistics
16 this past week where I'm currently assigned.

17 Q. Let me get a little clarification. What
18 exactly is logistics?

19 A. Supply. All the guns, the cars, the
20 uniforms, paper clips, pens, anything and
21 everything to do with what -- anything, you
22 know, that's needed in the sheriff's office.

23 Q. Okay.

24 A. And then whatever else they decide to have
25 you deal with.

1 Q. Okay.

2 A. It's pretty much administrative. In fact,
3 it's exclusive, it's an administrative job.

4 Q. All of the transferring and I know a lot of
5 these you were promoted.

6 A. Right.

7 Q. What is the reason for the transfers. Is it
8 common for people to get transferred from
9 different departments?

10 A. It depends. I mean, you know, I always look
11 for new things to do. So if something came
12 up, you know, when I was a sergeant -- I was
13 promoted out of CID, went to the road.
14 Shortly after that I was asked to go to
15 logistics. It was a challenge and I knew it
16 would be a challenge, so I accepted it and
17 really when your superiors ask you, hey, do
18 you want to take a job, do you want to come
19 work over here, you really kind of, yeah,
20 sure. You know, but I did, I wanted to go.
21 I was fine with it. But after I got over
22 there, I realized, I mean, I wasn't police
23 anymore and I wanted to be, so an
24 opportunity came and that was assistant
25 sheriff asking me if I wanted to go to

1 narcotics. Here again, what am I gonna say,
2 no? And it was fine with me, so I went and
3 did that. Promoted -- it's really not a
4 promotion to go to Internal Affairs.

5 Q. Okay.

6 A. You're selected. You change your title from
7 sergeant to inspector. I really don't know
8 why that is, but it comes with a small pay
9 increase. And so that was something that
10 really -- that I was interested in. I
11 wanted to do, but here again, hey, you want
12 to do this, sure. The only time that it
13 wasn't either a promotion or me being asked
14 to come out or to go or to move from one
15 point to the other was when I was lieutenant
16 in narcotics and I did two years back there
17 and I've got three small kids and it was
18 just wearing on the family, so I asked to
19 come out.

20 And so then they obliged me and put me
21 on permanent nights on patrol, which
22 actually worked out just fine, but then I
23 was asked by the traffic captain come work
24 for me, sure.

25 And then most recently with logistics

1 we -- the lieutenant who was back there now
2 or was back there that I replaced was
3 promoted. The sergeant that they've got
4 back there working for him was brand new
5 didn't know -- it's a fairly complex job and
6 having done it before, you know, I just say,
7 hey, can you go back there so we at least
8 have one of you guys that seems to know what
9 you're doing and so that's why I went back.
10 So I've bounced around, but most of it not
11 -- I mean the only thing, like I said, the
12 only exception is when I asked to come out
13 of narcotics the second go around when I was
14 back there.

15 Q. Thank you for clarifying that.

16 A. Sure.

17 Q. And what -- at the time of all the issues
18 with Mr. Magwood you would have been in
19 Internal Affairs?

20 A. Yes, ma'am.

21 Q. What kind of hours do you work in Internal
22 Affairs?

23 A. 9:00 to 5:00. I mean, 99 percent of the
24 time. Occasionally we would come in early
25 to talk to somebody who was on the night

1 **shift or if we wanted to get off early on**
2 **Friday we would set up an interview for**
3 **somebody who was on the night shift on a**
4 **Friday morning, that kind of thing.**

5 Q. Uh-huh. What kind of training have you
6 received prior to being a police officer?
7 Just the -- I mean, you went through the
8 academy?

9 A. **Yes, ma'am.**

10 Q. Any other continuing training that you've
11 done?

12 A. **We have all kinds of training throughout the**
13 **years.**

14 Q. Do you get any special training being in
15 Internal Affairs?

16 A. **Yes, ma'am.**

17 Q. Okay. What kind of training do you get?
18 We'll just talk about the Internal Affairs
19 training.

20 A. **It's a 40-hour course that you go through.**
21 **It's just a basic Internal Affairs**
22 **training --**

23 Q. How to --

24 A. **-- course.**

25 Q. -- do everything?

- 1 **A.** **Yes, ma'am.**
- 2 Q. And you would have gone through that around
- 3 '07-ish, '06/'07 right after you got into
- 4 Internal Affairs?
- 5 **A.** **Right after. Shortly after I went is when I**
- 6 **went to that. That's one of the first**
- 7 **things they do is send you to that training.**
- 8 Q. Do you attend church?
- 9 **A.** **No.**
- 10 Q. Are you a member of any civic organizations
- 11 or clubs?
- 12 **A.** **No, ma'am.**
- 13 Q. Okay. Okay. Next few questions are not
- 14 meant to embarrass you. I ask them in every
- 15 deposition.
- 16 **A.** **It's all right.**
- 17 Q. Have you ever been arrested?
- 18 **A.** **No, ma'am.**
- 19 Q. Ever been treated by a psychiatrist or
- 20 psychologist for any reason?
- 21 **A.** **I went and spoke to -- we have a counselor**
- 22 **that you can go to with the sheriff's**
- 23 **office.**
- 24 Q. Uh-huh.
- 25 **A.** **I sat down with her. It's free. Sat down**

- 1 **for a couple of sessions or whatever with**
2 **her.**
- 3 Q. Okay.
- 4 A. **Once.**
- 5 Q. About when was that?
- 6 A. **It was when I was a lieutenant. It was**
7 **after I left Internal Affairs during the**
8 **time I was lieutenant in narcotics.**
- 9 Q. Okay.
- 10 A. **As far as the year, I couldn't -- I mean, I**
11 **could guesstimate for you.**
- 12 Q. Was it personal issues or issues related to
13 the job?
- 14 A. **Personal stuff. I was --**
- 15 Q. I'm not gonna delve into it.
- 16 A. **I'm fine with it either way, whatever you**
17 **want to do.**
- 18 Q. Are you currently under a doctor's care?
- 19 A. **No, ma'am.**
- 20 Q. Currently taking any medications?
- 21 A. **No, ma'am.**
- 22 Q. Were you under any doctor's care or on any
23 kind of medications we'll say in 2008, 2009?
- 24 A. **I don't -- I mean, no. You talking about --**
- 25 Q. And I'm not talking about you had to go to

1 the doctor for flu, but continuing doctor's
2 care for any medical issues?

3 **A. No. No, ma'am.**

4 Q. Okay. Have you ever been involved in any
5 other lawsuits?

6 **A. Yes.**

7 Q. How many?

8 **A. Two.**

9 Q. Are they related to on your job or personal?

10 **A. Job related.**

11 Q. Can you tell me a little bit about those?

12 **A. One was from a case that I worked when I was**
13 **in narcotics when I was a sergeant and I --**
14 **I mean, that was a -- they were a problem.**
15 **We had seized some property and that's what**
16 **that kind of centered around. The second**
17 **one was, again, when I was in narcotics as a**
18 **sergeant we had a former employee bring a**
19 **lawsuit against the agency claiming sexual**
20 **harassment while she worked back there. I**
21 **was a supervisor so I was part of it. I was**
22 **not --**

23 Q. Were you named individually in these
24 lawsuits?

25 **A. No, I was not.**

1 Q. Okay. You were just involved as being part
2 of the agency and the team?

3 A. Yes, ma'am.

4 Q. Have you ever been involved in any Workers'
5 Compensation or Social Security matters?

6 A. No, ma'am.

7 Q. I know we talked about two lawsuits that I
8 guess Charleston County Sheriff's Department
9 was involved in. Do you know of any others
10 that -- other lawsuits Charleston County
11 Sheriff's Department has been involved in or
12 that you had any part in?

13 A. There was -- there was one. I never went to
14 a deposition. I know that I answered some
15 questions, I think part of the first when --
16 I guess when the lawsuit's filed and there
17 are interrogatories that are filed and then
18 we have to answer and I know that I helped
19 the county attorney. That was years ago.
20 That was when I was CID. That's as far as
21 that one went.

22 Q. Do you remember what the lawsuit was about?

23 A. I don't remember the exact -- I'm sure it
24 was probably -- well, I don't remember
25 exactly what the allegations were. Gene's

1 **Pawn Shop over on, well, you're from**
2 **Columbia, Rivers Avenue. We locked him up**
3 **for interfering in a case. We went over to**
4 **recover some stolen property.**

5 Q. Okay. Okay. I want to ask some questions
6 just about policy and procedures of Internal
7 Affairs. I want you to just kind of walk me
8 through how you do things in Internal
9 Affairs so I make sure we're on the same
10 page. I know you talked about this 40-hour
11 course that you go through as far as
12 training what to do and how to do. Do you
13 have a handbook or anything that they give
14 you, as far as Internal Affairs how to
15 handle different situations?

16 A. **Something that we get from -- I don't**
17 **understand.**

18 Q. Anything that you get from Charleston County
19 Sheriff's Department that would say in
20 Internal Affairs this is how you do
21 something, so if you have a question you can
22 open up the book and flip to, you know, page
23 30 and it says this is how you interview
24 somebody or anything like that?

25 A. **No, no handbook.**

1 Q. Okay. Just is the training that 40-hour
2 course, is that the main sort of training
3 that you get on how to handle situations in
4 Internal Affairs?

5 **A. Yes.**

6 Q. Okay. Are you trained at all by -- do you
7 have like a superior or someone that would
8 sit with you when you first started to show
9 you how to do things or...

10 **A. I'm just trying to think back to when I**
11 **first came in. I don't remember if I had a**
12 **superior sitting in. I know that our case**
13 **files are reviewed, monitored throughout.**

14 Q. Okay.

15 **A. We do have -- we had a supervisor in IA that**
16 **we answer to.**

17 Q. Walk me through the standard procedures of
18 investigating an allegation once y'all are
19 made aware of an allegation that needs to be
20 followed up on. What's the first thing that
21 you would do?

22 **A. Well, every case is gonna dictate, you know,**
23 **depending on what you get, what the**
24 **allegation is, from whom it's coming, you**
25 **know, so it's really -- I don't know that**

1 there would be a set standard, this is
2 exactly what you do first every single time.

3 Q. Okay.

4 A. So that you would just -- you conduct
5 interviews. You interview the people that
6 are pertinent to the case, you look at any
7 evidence that's pertinent to the case.
8 Sometimes there's evidence, external
9 evidence other than interviewing people,
10 sometimes there's not. Just it's a basic
11 investigative process that you go through.

12 Q. Where do you get, I guess, the allegations
13 or the claims that you have to investigate?
14 Do they come from one specific person or
15 can, you know, can a lay person ask Internal
16 Affairs to investigate something? Does it
17 have to come from within the department?
18 Explain a little bit of that to me.

19 A. It can be -- it can be either/or. If the
20 phone rings and you can be the one to pick
21 it up and it's a citizen calling from
22 wherever and they want to make a complaint,
23 you take the complaint.

24 Q. Okay.

25 A. Or it can come from within. We get them

1 **both.**

2 Q. Okay. What is the point of your
3 investigation when you get these
4 allegations? What's the end game supposed
5 to be?

6 **A. To --**

7 Q. Sorry, go ahead.

8 MS. JACKSON: Objection to the
9 form. Go ahead.

10 Q. Let me see if I can rephrase so I can make
11 that a little more clear.

12 **A. Yeah.**

13 Q. What I'm looking for is when you get a
14 complaint do you just investigate and make a
15 finding of this is what Internal Affairs
16 thinks should be done or you just
17 investigate and then present your findings
18 to -- or what you found out to someone else?

19 **A. We investigate and present what we found out**
20 **to someone else.**

21 Q. Okay. Who -- who do you give your
22 investigation to at the end. Once you've
23 interviewed everybody, looked at all the
24 evidence, who would it go to then?

25 **A. It goes to the chief deputy under which that**

1 **employee falls, through the chief inspector**
2 **who would be our first line supervisor and**
3 **the assistant sheriff who is the next level**
4 **of supervision for Internal Affairs.**

5 Q. Okay. And you have -- I guess you fill out
6 a report or collect all the -- summarize
7 what you found out in your investigation and
8 that's what's presented to the, I guess the
9 chief deputy of that division?

10 A. **Correct.**

11 Q. Do you stay involved at all once -- once
12 you've presented that report to the chief
13 deputy or is your part of it over?

14 A. **No, ma'am. We -- we're done at that point.**
15 **At that point it's in their hands.**

16 Q. If criminal charges are brought as a result
17 of the investigation, do you get involved
18 with the criminal case at all?

19 A. **Criminal charges aren't brought as a result**
20 **of our investigations.**

21 Q. Okay. What is your procedure when you're
22 interviewing people, is that videotaped?

23 A. **No, ma'am.**

24 Q. Is there audio?

25 A. **Yes.**

1 Q. Is there always -- there's always audio any
2 time you do an interview?

3 A. Yes.

4 Q. Do you work cases alone or do you have a
5 partner?

6 A. You have a partner.

7 Q. Is Lieutenant Antonio, do you always -- let
8 me rephrase that. Do you always have the
9 same partner or does it vary?

10 A. It varies.

11 Q. Okay. Going to Mr. Magwood, did you know
12 him prior to the investigation?

13 A. Yes, I did.

14 Q. Okay. Do you -- how did you know him?

15 A. We worked together in investigations. We
16 were both detectives together.

17 Q. How long did y'all work together?

18 A. I would have to kind of think on that. I'm
19 pretty sure he came up after I did. I don't
20 know that it was too much longer after I
21 went up there that he went up there. I was
22 gone for a year on a deployment. I was up
23 there for a total of -- I think I was up
24 there for about three, three and a half
25 years and we worked together for maybe a

1 **couple of years, but that's a ballpark**
2 **guesstimate.**

3 Q. Did y'all ever work on cases together or
4 just in the same division?

5 A. **I'm sure we worked together on cases up**
6 **there. I don't remember a specific case**
7 **that we were necessarily partnered up**
8 **together to work. Okay, you guys are gonna**
9 **work together on this. It's possible, but**
10 **it's pretty much a team environment up**
11 **there, so there's many times you'd find**
12 **yourself working with other detectives, so**
13 **it wasn't...**

14 Q. In Internal Affairs, how many officers work
15 in Internal Affairs?

16 A. **You have two sworn investigators, so those**
17 **would be deputies. Then you've got two**
18 **detention officers and they're non-sworn, so**
19 **total of four investigators and then you**
20 **have a chief inspector.**

21 Q. And you said the chief inspector, that would
22 be your direct supervisor?

23 A. **Yes, ma'am.**

24 Q. Who was the chief inspector when you were in
25 Internal Affairs?

- 1 **A. Mark Fields.**
- 2 Q. Is he still in Internal Affairs?
- 3 **A. No, ma'am.**
- 4 Q. Does he still work for Charleston County?
- 5 **A. No, he doesn't.**
- 6 Q. Okay. Do you know where he works?
- 7 **A. I believe he works for Moncks Corner Police**
8 **Department, but that's just word of mouth.**
- 9 Q. Okay. What was your role and job duties
10 when you were in Internal Affairs. You were
11 one of the sworn investigators?
- 12 **A. Correct.**
- 13 Q. What would be your job duties that you would
14 describe to somebody as a sworn
15 investigator?
- 16 **A. We investigate complaints against employees.**
- 17 Q. And that was your sole job, you didn't have
18 anything other than investigating complaints
19 against the employees?
- 20 **A. No. There was other clerical things that we**
21 **did. You had use of force packages. You**
22 **know, if a deputy or detention officer uses**
23 **force in execution of their, you know, their**
24 **duties or whatever, there would be a packet**
25 **that would be put together and run through**

1 the chain of command. Those would come in
2 and we would review those and file them.
3 Same for pursuits, vehicle accidents and
4 mishaps, same thing, package gets put
5 together, paperwork generated, it would come
6 in and we'd review that.

7 Q. How many cases investigation -- when I say
8 cases, I mean the investigations of
9 complaints did you have in Internal Affairs
10 at one point on average?

11 A. Like how many would we be working at one
12 time?

13 Q. Yes.

14 A. Is that what you're asking me?

15 Q. Yes.

16 A. It would vary. Sometimes you could get down
17 to, you know, as few as one or two and
18 sometimes you might be working five, six.
19 Just really kind of depending on how many
20 complaints would come in at any given time.

21 Q. When did you first hear about the issue with
22 Mr. Magwood?

23 A. Are you -- can I -- in relation to what? I
24 don't remember. I'm pretty sure it was
25 2008, but I don't remember what time of the

1 **year it was. I don't remember what the date**
2 **was.**

3 Q. That's fine. Did you -- let me ask this.
4 Did you hear about that there was an issue
5 with Mr. Magwood outside of working in
6 Internal Affairs?

7 A. **Oh, no. No, ma'am.**

8 Q. But someone -- do you know who approached or
9 who asked Internal Affairs to look into the
10 complaint?

11 A. **I -- I'm -- this is one of those things**
12 **where I'm pretty sure it came from the**
13 **solicitor's office. I don't know from whom**
14 **at the solicitor's office, but I believe**
15 **they're the ones who brought it to the**
16 **attention of the sheriff's office.**

17 Q. Okay. Did they call you, did they write a
18 letter, do you know how Internal Affairs was
19 contacted?

20 A. **No. It didn't come to me. I don't know if**
21 **anybody else -- I believe that the agency**
22 **was contacted. Pretty sure it was the**
23 **assistant sheriff and then of course, she**
24 **would have brought that to us. Well,**
25 **brought that to -- to the chief inspector.**

1 **He would have assigned the case, but again,**
2 **and of course I don't -- I can't visualize**
3 **that. I'm not recalling as far as what**
4 **exactly happened.**

5 Q. Okay.

6 A. But I didn't receive a phone call from
7 somebody and said, hey, I got this problem,
8 I got this issue or whatever and then I
9 initiated it. I was assigned the case --

10 Q. Okay.

11 A. -- by someone in my chain of command.
12 Either the chief inspector or assistant
13 sheriff, one of those two would be the one
14 who assigned me the case.

15 Q. You came in one day, they said here's this
16 case I need you to work and that would have
17 been the first time that you'd heard about
18 any issue with Magwood?

19 A. **Right. Correct.**

20 Q. Okay. Who -- I know you said there was two
21 sworn investigators and two detention
22 officers and then the chief inspector. Who
23 was the other sworn investigator?

24 A. **Lieutenant Antonio.**

25 Q. And who were the two detention officers when

1 you were there?

2 **A.** **Well, Dana Herron I know was back there.**

3 **Q.** **Dana?**

4 **A.** **Herron, H-E-R-R-O-N, she's an inspector.**

5 **Inspector Herron. At that time while I was**

6 **back there, I was back there for three**

7 **years, during the time I was back there they**

8 **added a second detention investigator**

9 **position and now that I think about it, I'm**

10 **not sure, I think that may have actually**

11 **happened after the Magwood investigation was**

12 **concluded.**

13 **Q.** **Okay.**

14 **A.** **So at that time I'm pretty sure it was just**

15 **Inspector Herron and myself and Inspector**

16 **Antonio.**

17 **Q.** **What do the detention officers do?**

18 **A.** **They do the same thing, but you have**

19 **complaints or issues that come in from the**

20 **detention side, so they would typically**

21 **handle those. Sometimes we would work on**

22 **detention cases, sometimes they would help**

23 **us with sworn cases.**

24 **Q.** **Does it make any difference that the**

25 **detention officers aren't sworn and the two**

1 sworn investigators are, does that affect
2 what they can do at all?

3 **A.** No. I don't think so. We would -- we would
4 typically work the sworn case. I don't --
5 it's possible, but I don't remember them
6 ever being assigned detention cases or I'm
7 sorry, sworn cases against deputy sheriffs.
8 It's definitely possible, but pretty much
9 they would -- they would work the detention,
10 but depending on the case load we might work
11 detention cases. I know I worked some
12 detention cases when I was back there.

13 **Q.** When you say sworn cases, you mean sworn
14 cases against acting deputy sheriffs?

15 **A.** Yeah, sorry.

16 **Q.** That's fine. Was anyone else working on the
17 Magwood case with you, was anyone else
18 assigned?

19 **A.** No. It -- it was assigned to me.

20 **Q.** Okay. So you were the main person for the
21 Magwood case?

22 **A.** Yes, ma'am.

23 **Q.** Did Lieutenant Antonio, did he assist in the
24 case with you?

25 **A.** Yes, he did.

1 Q. But you were the main contact?

2 A. Correct.

3 Q. And you said that typically two people work
4 on all cases together?

5 A. Correct.

6 Q. And I know you said you didn't get the
7 direct contact regarding the issues that the
8 department or the solicitor's office felt
9 that existed with Magwood, but were you
10 given any sort of goal of what you were
11 supposed to do in the investigation?

12 A. Well, I don't believe that it was -- it was
13 unlike any other investigation. We received
14 a complaint, it was clear what the problem
15 was or what the concern was and we conducted
16 an investigation. I don't know that a goal
17 per se.

18 Q. And let me ask this, what was presented to
19 you as the issue with Mr. Magwood that you
20 were investigating?

21 A. That he had done -- that he had investigated
22 a sexual assault case and there was a photo
23 lineup that he had done that was submitted
24 with the case file and there were questions
25 about whether or not the witness, in this

- 1 case it was the victim, had actually
2 initialed, circled, initialed, dated and
3 timed the photo lineup.
- 4 Q. Had you investigated a case similar to this
5 before?
- 6 A. No. I can't think of any other case that I
7 had, no, ma'am.
- 8 Q. What did you review for your investigation?
- 9 A. Well, we looked at Detective Magwood's case
10 file from his sexual assault investigation.
11 And I looked at the SLED file.
- 12 Q. Was the SLED investigation complete by the
13 time you started your investigation?
- 14 A. Yes, ma'am.
- 15 Q. Can you kind of walk me through the
16 investigation that you did in regards to the
17 complaint against Mr. Magwood?
- 18 A. Well, I reviewed, of course, I looked at his
19 case file and just went over it, read his
20 reports, made notes. I looked at the SLED
21 case file and then conducted interviews.
22 Everybody that SLED interviewed, I went back
23 and interviewed, as well.
- 24 Q. Do you remember everyone that you
25 interviewed?

1 **A.** **I interviewed the sexual assault victim,**
2 **Catherine Boney, I interviewed Sergeant**
3 **Zimmer, Lieutenant Watson, Assistant**
4 **Solicitor Greg Voigt. His investigator at**
5 **the time was Ryan Kelly. I interviewed him.**
6 **I interviewed Lieutenant Paul Tittle.**
7 **Sergeant BK Williams, Brian Williams, I'm**
8 **pretty sure that's -- just trying -- just**
9 **going off memory here. I'm pretty sure**
10 **that's it.**

11 **Q.** **Why -- why these specific people did you**
12 **interview?**

13 **A.** **They all had -- they all had information or**
14 **possibly could have had information that was**
15 **pertinent to the investigation.**

16 **Q.** **And working in Internal Affairs, do you have**
17 **leeway as far as who you choose to interview**
18 **or look for evidence. What I mean by that**
19 **is did your supervisor ever say here's the**
20 **complaint and these are the people that you**
21 **go talk to or is that something you're**
22 **charged with figuring out who's important to**
23 **go talk to?**

24 **A.** **I mean, there was -- could go either way. I**
25 **mean, you know, we certainly knew what we**

1 were doing. I'm sure there were times when
2 the chief inspector said, hey, you might
3 want to talk to this person or that person,
4 but I mean, it's -- they don't really --
5 they don't tell you -- he's not gonna tell
6 you, hey, do this or give you a step by
7 step, you know, instructions on how to
8 conduct the investigation.

9 Q. All of the people that you listed that you
10 believe you interviewed, did any of them
11 make written statements or was it just you
12 and that person talking and you taking
13 notes?

14 A. I -- I don't remember. I don't think we
15 asked for a written statement from Catherine
16 Boney, but all -- nor -- I don't remember
17 about Ryan Kelly or Greg Voigt. I know that
18 the people we interviewed who were members
19 of the sheriff's office, they all gave
20 written statements.

21 Q. So everyone gave written statements except
22 you don't believe Greg Voigt did or Ryan
23 Kelly?

24 A. I'm not sure about those two.

25 Q. Okay. And you -- did Ms. Boney give a

1 statement or you were unsure about her, as
2 well?

3 **A. I don't think we took a written statement**
4 **from her, but I know we interviewed her.**

5 **Q. Okay. Approximately how long did your**
6 **investigation take?**

7 **A. I believe it was maybe two to three months**
8 **that we spent on that or I spent on that.**

9 **Q. Is there an average time of how long**
10 **investigations typically take?**

11 **A. No. No, ma'am.**

12 **Q. It would depend on the complaint and how**
13 **much investigation has to be done?**

14 **A. That and your case load, you know you might**
15 **have other things going on, but yeah,**
16 **that's...**

17 **Q. Okay. Do you form any kind of opinion or**
18 **findings at the end of your investigation?**

19 **A. Yes, we do.**

20 **Q. In this case what was your opinion or**
21 **finding?**

22 **A. That Detective Magwood had violated two**
23 **policies. One of them was unsatisfactory**
24 **performance and the other one was the**
25 **truthfulness policy.**

1 Q. Let me talk about the unsatisfactory
2 performance. What was the basis for that
3 finding?

4 A. I'm trying to think and it would -- it would
5 help if I could see a copy of the -- of my
6 final report. I know there were some issues
7 with that case. One, he showed her a single
8 color photo lineup or I'm sorry, a single
9 color photo prior to showing her a lineup.
10 That's the main thing that stands out in my
11 mind as far as unsatisfactory performance.

12 Q. And the truthfulness, what was the basis for
13 that?

14 A. Let me back up, I apologize.

15 Q. Oh, yeah.

16 A. There was -- well, I found that there was
17 strong evidence also to suggest that he had
18 initialed that photo lineup for the victim.

19 Q. Okay. And then what was the basis for the
20 truthfulness, the violation?

21 A. Again, found there was strong evidence that
22 he had -- that after initialing the photo
23 lineup for the victim that he had not been
24 truthful in his statements to Assistant
25 Solicitor Voigt nor the Internal Affairs,

1 myself and Inspector Antonio when we
2 interviewed him and questioned him on that.

3 MS. FAJARDO: Can we go off the
4 Record for a minute?

5 (Off-the-Record conversation.)

6 BY MS. FAJARDO:

7 Q. Let me kind of go back. You said that there
8 was strong evidence that Magwood had
9 initialed the photo lineup and then that he
10 had lied to -- strong evidence that he had
11 lied to Voigt, Assistant Solicitor Voigt and
12 Internal Affairs.

13 A. Right.

14 Q. What was the strong evidence that you base
15 that on?

16 A. We had statements from other employees,
17 people in his chain of command that he had
18 given conflicting statements about that. He
19 himself gave conflicting statements to
20 include his written documentation and we had
21 a handwriting analysis that found that
22 the -- well, there were indications that he
23 had written it, it was -- Catherine Boney
24 had not put her initials -- had not been the
25 author of those initials on that photo

1 **lineup.**

2 Q. But the handwriting analysis didn't say that
3 Magwood did write the initials; is that --

4 A. **Correct. It said -- that's correct.**

5 Q. And that's the same basis for, I guess, the
6 truthfulness?

7 A. **Everything, yes, ma'am.**

8 Q. Okay. The unsatisfactory performance, you
9 said that the main issue was that it was
10 alleged that Magwood showed the single color
11 photo before the lineup?

12 A. **Right.**

13 Q. Does that violate protocol to show a single
14 photo before the lineup? I guess what I'm
15 getting at, is why is that wrong?

16 MS. JACKSON: Objection to the
17 form.

18 A. **If you show someone a single photo, let them
19 look at it, that's your suspect and then
20 turn around and show them a photo lineup,
21 they're -- they're, I would say, prejudiced
22 or however I want to put it, it's gonna push
23 them toward that. That's why you don't do
24 that.**

25 Q. Are the officers told not to do that or

1 that's based on what you would believe to be
2 common sense?

3 **A. Well, I mean, certainly common sense would**
4 **play into it. I don't know. I don't know**
5 **at what point, you know, a detective would**
6 **be told this is how you do that during their**
7 **training. I don't know. I don't know**
8 **what...**

9 Q. Ignoring the SLED investigation and the
10 criminal charges that had been brought
11 against Mr. Magwood --

12 **A. Uh-huh.**

13 Q. -- turning in a report saying that you
14 believed he had violated the two policies,
15 unsatisfactory performance and the
16 truthfulness, what is the expected outcome
17 that would come to Mr. Magwood?

18 MS. JACKSON: Objection to the
19 form.

20 **A. I don't understand the question. Could**
21 **you --**

22 Q. Let me back up and ask it this way. Had you
23 ever had a finding on another officer of
24 unsatisfactory performance or violating
25 truthfulness?

1 **A. I don't think I'd had one at that point.**
2 **I'd had one on the truthfulness. It's**
3 **possible that we had one -- that I had done**
4 **one on the unsatisfactory performance.**

5 Q. With the officer -- possibly with the
6 truthfulness, does that cause the officer to
7 be fired if it's alleged that he's violated
8 the policy of truthfulness?

9 **A. I don't know.**

10 Q. Okay.

11 **A. When we do those reports and we send them up**
12 **and that's it. We don't have anything to do**
13 **with any kind of a discipline or anything.**

14 Q. Who would make the decision on what
15 discipline, if any, the officer was going to
16 receive.

17 **A. Depends on -- it depends on the facts of the**
18 **case, the circumstances.**

19 Q. Okay. Explain that. Why -- what would
20 change it so that one person wouldn't have
21 the authority, it would go to another
22 person?

23 **A. Well, if you have -- if you've got a minor**
24 **issue like say -- I don't know, extreme**
25 **circumstances, like a speeding complaint,**

1 **then a supervisor at a lower level could**
2 **handle that. So it depends on the severity**
3 **of the -- of the violation.**

4 Q. Okay. So the more severe the violation is
5 the more likely it would go to someone
6 higher up in the sheriffs?

7 A. **Correct. Correct.**

8 Q. Do you know where Mr. Magwood's report went
9 to, who it went to?

10 A. **It went to the chief deputy at that time it**
11 **was Chief Deputy Sowers, S-O-W-E-R-S.**

12 Q. I'm sorry. S-O --

13 A. **S-O-W-E-R-S.**

14 Q. Where was Sowers in the rank of the police
15 department?

16 A. **He was a chief deputy.**

17 Q. Okay.

18 A. **So the way kind of to explain that, to help**
19 **you visualize that, you got the sheriff and**
20 **the assistant sheriff and then there are**
21 **chief deputies that are kind of as you go**
22 **down and then, of course it branches out.**

23 Q. He would have been the chief deputy that was
24 over, I guess, investigations where Magwood
25 was?

1 **A. Correct.**

2 Q. After you turned in your report, did you
3 have any other conversations with anybody
4 about it?

5 **A. I don't know. I don't remember.**

6 Q. Okay. Do the -- whether it's the chief
7 deputy or the supervisor in the department,
8 do they ever call Internal Affairs to
9 discuss your report, ask questions, anything
10 like that?

11 **A. It's certainly possible. I don't remember**
12 **it happening very often, but if they had a**
13 **question or...**

14 Q. Were you aware of SLED's investigation of
15 Mr. Magwood?

16 **A. Yes, ma'am.**

17 Q. Okay. How were you made aware of that
18 investigation?

19 **A. After the initial complaint came in I was**
20 **assigned the investigation, we sent a letter**
21 **to SLED requesting that they conduct an**
22 **investigation.**

23 Q. Is that typical protocol?

24 **A. Depends on the allegations.**

25 Q. What would cause you to contact SLED to do

1 an investigation?

2 **A.** That decision would actually be made above
3 me, but it would have to do with if there's
4 any kind of an allegation or possibility of
5 a criminal act, then that's the basis on
6 which that decision is made.

7 **Q.** Do you know what the criminal act was that
8 was suspected with the allegation with
9 Mr. Magwood?

10 **A.** No. I mean, I could tell you a specific
11 statute or whatever, but the allegation was
12 that he or the concern was that he had
13 possibly put a witness' initials on a photo
14 lineup and then filed a report stating that
15 she had done it.

16 **Q.** Okay. Did you ever talk to Agent Ghent with
17 SLED during your investigation?

18 **A.** I don't remember any specific times when I
19 spoke with him. Again, it's certainly
20 possible. I was the point of contact.

21 **Q.** Okay. And you said you got SLED's entire
22 file prior to beginning your investigation?

23 **A.** Correct.

24 **Q.** Is it common -- I know you said SLED will be
25 contacted if it's suspected there could be a

1 criminal act. Is it common to have two
2 investigations going on, the internal and
3 SLED's investigation?

4 **A. No.**

5 Q. What do you feel is the difference in a SLED
6 investigation and the Internal Affairs
7 investigation?

8 **A. SLED investigation is criminal and the**
9 **internal investigation is administrative.**

10 Q. And criminal charges never result from an
11 Internal Affairs investigation?

12 **A. Right.**

13 Q. The report -- the report and I know you have
14 a copy in front of you, the internal
15 investigation, is this the full file of your
16 investigation or would there be more? I
17 know you discussed people making written
18 statements. Would that have been a part of
19 kind of the investigation file?

20 **A. Yes.**

21 Q. All right. Do you take notes throughout the
22 investigation when you're talking to people?

23 **A. Sometimes.**

24 Q. Is this -- it looks like it's a ten-page
25 document. Is this all that's presented to

1 the supervisor, in this case the chief
2 deputy, or would they have a copy of
3 statements and notes?

4 **A. No. This is what -- this is what goes to**
5 **the chief deputy. This being the final**
6 **report.**

7 Q. What happens to all of the statements and
8 notes and everything?

9 **A. Goes in the case file.**

10 Q. And y'all keep all of your case files?

11 **A. Yes.**

12 Q. Is there a specific amount of time that
13 y'all keep them for?

14 **A. I don't know. I don't know how long they're**
15 **kept.**

16 Q. And that would include the audio of the
17 interviews?

18 **A. Yes, ma'am.**

19 Q. Do you know what the basis was for
20 Mr. Magwood being put on administrative
21 leave?

22 **A. Initially?**

23 Q. Initially, yes.

24 **A. There was a criminal investigation being**
25 **conducted against him would be why he was**

1 **put on admin. leave.**

2 Q. Was he paid initially?

3 A. **He was.**

4 Q. And then at some point he went on
5 administrative leave and was not being paid?

6 A. **Correct.**

7 Q. When was that?

8 A. **I believe that was when he was arrested.**

9 Q. Okay. Did you have any role in him being
10 put on administrative leave initially?

11 A. **No. Those decisions are made above -- above**
12 **my level. Now, I did -- when you asked**
13 **me -- okay. You asked me if I had a role in**
14 **it, I draft the memo and I give it to**
15 **them -- him. Have him sign it, give him a**
16 **copy. That's my role as far as that goes,**
17 **so I guess, yes.**

18 Q. But in that case, just so I understand,
19 you're contacted by someone in the sheriff's
20 office and they let you know that
21 Mr. Magwood is going to be put on
22 administrative leave?

23 A. **Right.**

24 Q. And then you draft the memo?

25 A. **Correct.**

1 Q. Does that happen again, I guess, once he was
2 arrested and he was then put on
3 administrative leave without pay, did you go
4 through that same process again drafting
5 memo and having him sign it?

6 **A. I did.**

7 Q. Okay.

8 **A. I know -- yes.**

9 Q. Did you have any role in Mr. Magwood being
10 terminated?

11 **A. No, ma'am. Now, I may have sat in -- I**
12 **don't know if I sat in on his meeting with**
13 **the assistant sheriff or not. I don't know.**
14 **That's possible, but I had no part in the**
15 **decision making process as far as that goes.**

16 Q. Do you have any say in whether or not
17 someone is either put on administrative
18 leave or terminated?

19 **A. No. No, ma'am.**

20 Q. No one asks for your opinion or anything?

21 **A. I can't ever remember being asked. That's**
22 **something that's out of our hands.**

23 Q. Did you testify at Mr. Magwood's criminal
24 trial?

25 **A. I did.**

1 Q. What were -- what were you testifying to at
2 the trial? What was your basis? Were you
3 testifying to your investigation or...

4 A. I don't remember what exactly I was
5 testifying to, what I was being asked or
6 what the basis, I guess, that I would be
7 testifying.

8 Q. Was any portion of your investigation shared
9 with anyone, other than I know you turned it
10 into the chief deputy and investigator or
11 Lieutenant Antonio?

12 A. Right. Well, I didn't turn it in.

13 Q. Anyone other than that?

14 A. At what point are you talking about? I
15 don't understand necessarily.

16 Q. At any point did you share either statements
17 you received, notes, your report, was that
18 shared with anyone other than your superior
19 and your --

20 A. I know that the assistant attorney general
21 that was prosecuting the case, they -- I'm
22 fairly certain they subpoenaed -- gave us a
23 subpoena. We gave them parts of it. I know
24 that he got nothing in terms of Detective
25 Magwood's interviews with us, information

1 **that came directly from Detective Magwood.**
2 **Beyond that, I don't remember exactly what**
3 **we gave them.**

4 Q. Why wasn't the whole file turned over?

5 A. **Certain things -- there are certain things**
6 **that the criminal investigative side can't**
7 **have legally.**

8 Q. Is a person automatically terminated if
9 they're charged with a crime?

10 MS. JACKSON: Objection to the
11 form.

12 A. **I don't know. I don't -- you know, I can't**
13 **tell you as far as what...**

14 Q. And I'm just asking your basis in Internal
15 Affairs if you know whether it's a policy of
16 the sheriff's department with the
17 officers --

18 A. **No, I don't.**

19 Q. And you said you haven't spoken to anyone
20 about either your investigation or this case
21 aside from your attorney and your superior,
22 obviously, Chief Deputy Sowers you may have
23 spoken to him. I know you said you couldn't
24 remember.

25 A. **Uh-huh.**

1 Q. Anyone else? Have you spoken to anyone else
2 about the case or your findings?

3 A. The chain of command and then, of course,
4 inside Internal Affairs.

5 Q. Yeah. Other than that?

6 A. I know I spoke with an investigator for the
7 insurance, the IRF.

8 Q. Okay. Are you allowed to discuss the case
9 with other people?

10 A. No.

11 Q. That would be a violation of your policy?

12 A. Right.

13 MS. FAJARDO: Can we take a
14 brief break?

15 MS. JACKSON: Sure.

16 (Whereupon, there was a short
17 break in the proceedings.)

18 BY MS. FAJARDO:

19 Q. You -- oh, let me go back to something you
20 said. I know you talked about the assistant
21 attorney general subpoenaed part of your
22 file and you turned over some part of it.
23 Did you ever give a copy of your file to
24 SLED?

25 A. No.

1 Q. Okay. Did you ever discuss your interviews
2 that you had with the witnesses with SLED?

3 **A. No.**

4 Q. Okay. What communication, if any, did you
5 have with SLED?

6 **A. I don't remember any specific communications**
7 **that I had with them.**

8 Q. Let me go back. You spoke with Catherine
9 Boney regarding her involvement in this
10 matter with Mr. Magwood?

11 **A. Yes.**

12 Q. Did you deem her a reliable witness?

13 MS. JACKSON: Objection to
14 form.

15 **A. I don't know. I don't remember what I**
16 **thought after speaking to her.**

17 Q. Do you remember -- did you think she was
18 telling the truth to you?

19 **A. I don't -- yes, I did.**

20 Q. Okay. Do you know anything about Ms. Boney,
21 her criminal record, ever met her before,
22 anything outside of this investigation?

23 **A. No.**

24 Q. You stated Mr. Magwood gave y'all a
25 statement, I think you said earlier he'd

1 given you a statement?

2 **A. He did.**

3 Q. Okay. When did he -- when did he give that
4 statement?

5 **A. It was during the investigation. Now, are**
6 **you talking about his written statement? I**
7 **don't understand. Is that what you're**
8 **looking for?**

9 Q. Let me kind of back up, because I thought
10 there was only a written statement? Did he
11 -- did he talk to you --

12 **A. Yes.**

13 Q. -- at all during the investigation?

14 **A. Yes.**

15 Q. And at some point he gave a written
16 statement?

17 **A. Correct.**

18 Q. Do you remember about when he spoke with you
19 about the investigation?

20 **A. No. I can't -- I don't remember exactly**
21 **when, like what the date or I don't know.**

22 Q. Okay. Did he speak --

23 **A. Go ahead.**

24 Q. Did he speak with you at first and then he
25 gave a written statement?

1 **A.** **Yeah. I don't know. I don't remember when**
2 **he handed us that written statement. I**
3 **don't know. I don't remember.**

4 **Q.** **That's fine. Did his story change at all**
5 **throughout the investigation?**

6 **A.** **It did. Now, you're talking about -- I**
7 **mean, I guess I need clarification on the --**
8 **on the question.**

9 **Q.** **Yeah. When he -- the first time that you**
10 **spoke with him --**

11 **A.** **Right.**

12 **Q.** **-- and he explained what happened with the**
13 **photo lineup --**

14 **A.** **Uh-huh.**

15 **Q.** **-- did that ever change throughout the**
16 **entire investigation? Did he change any of**
17 **the facts or what he did throughout the**
18 **investigation?**

19 **A.** **His verbal statements to us when we**
20 **interviewed him remained the same, the**
21 **two -- interviewed him twice. His written**
22 **statement didn't match up with what he told**
23 **us.**

24 **Q.** **Do you remember what didn't match up?**

25 **A.** **The -- he said that he wrote the date and**

1 time and in his written statement he just
2 said he wrote the date, that all he wrote
3 was the date.

4 Q. Do you remember if anything else didn't
5 match up between his verbal statements and
6 his written statements?

7 A. **I don't remember.**

8 Q. Did you do any kind of investigation or
9 follow-up on the relationships that the
10 witnesses claimed they had with Mr. Magwood
11 and I'm talking about Sergeant Zimmer,
12 Watkins, Williams?

13 A. **No.**

14 Q. Did you have any reason to believe that they
15 weren't being truthful with you, Sergeant
16 Zimmer, Watkins, Williams?

17 A. **No.**

18 Q. Did you ever receive any notes that Ryan
19 Kelly or Greg Voigt made during their
20 meetings, specifically with Ms. Boney or
21 Mr. Magwood?

22 A. **I don't remember.**

23 Q. If they did, would that be in the case file?

24 A. **Yes.**

25 Q. Had there been any other complaints against

1 Mr. Magwood prior to this investigation that
2 you're aware of?

3 **A. Yes.**

4 Q. What were those?

5 **A. The one that I'm aware of, there was an**
6 **incident or case in which he was disciplined**
7 **and it was -- it was Jose Esparsa (ph).**

8 Q. Was there an internal investigation?

9 **A. There was.**

10 Q. You were not involved in that?

11 **A. No, ma'am.**

12 Q. Did you review that file in regards to your
13 investigation with Mr. Magwood?

14 **A. I'm sure I did. I don't remember**
15 **specifically doing it, but I'm sure I did.**

16 Q. Have you ever investigated a complaint
17 against a sworn officer that was accused of
18 misconduct and it turned out to be
19 unfounded?

20 MS. JACKSON: I'm sorry, could
21 you restate that?

22 Q. Yeah. Have you ever investigated an officer
23 on allegations that he -- I mean, I said
24 misconduct, for allegations of misconduct in
25 office --

1 **A. Yeah.**

2 Q. -- and it turned out to be unfounded?

3 **A. I mean, that's kind of a -- misconduct? Are**
4 **you talking -- are you speaking -- I don't**
5 **understand. The criminal charge of**
6 **misconduct or did you do anything wrong**
7 **misconduct. I don't understand what**
8 **you're --**

9 Q. And let me just kind of narrow down as best
10 as I can. Have you ever gotten a complaint
11 of an officer lying? I know you'd said you
12 don't think you'd ever investigated anything
13 regarding someone forging initials on a
14 photo lineup.

15 **A. Uh-huh.**

16 Q. So we'll just go with an officer is lying
17 and it turned out that that complaint was
18 unfounded. There was no evidence that you
19 could find to support the violation of
20 truthfulness or unsatisfactory performance
21 or anything.

22 **A. I -- I'm still -- and I'm sorry, I want to**
23 **make sure I answer you.**

24 Q. Yeah. I'm not sure I'm asking the best
25 questions. When you investigate complaints,

1 do you always have a finding that the
2 officer did something wrong?

3 **A. No.**

4 **Q.** Okay.

5 **A. No.**

6 **Q.** Is it common that the officers are found to
7 not have done anything wrong?

8 MS. JACKSON: Objection to the
9 form.

10 **A. That's -- I mean, I don't --**

11 **Q.** More often than not are they found to do
12 something wrong?

13 **A. I can't -- I really don't know. Yeah. Are**
14 **-- it's been several years and I don't**
15 **know.**

16 **Q.** Okay. That's fine. When you began your
17 Internal Affairs investigation, were you
18 aware that charges were going to be filed
19 against Mr. Magwood?

20 **A. No. I don't think so.**

21 **Q.** Were you ever notified that criminal charges
22 were filed against him?

23 **A. Yes.**

24 **Q.** Do you remember who notified you?

25 **A. No.**

1 **(Exhibit 1 was marked for**
2 **identification.)**

3 Q. Lieutenant Anderson, I'm handing you what's
4 been marked as Plaintiff's Exhibit 1. This
5 is something that was produced in discovery.
6 It looks like a fax that you sent to Bruce
7 Durant (ph).

8 A. **Uh-huh.**

9 Q. Do you know who Bruce Durant is?

10 A. **I do.**

11 Q. Who is he?

12 A. **He is a prosecutor in the solicitor's**
13 **office.**

14 Q. Okay. And it looks like you faxed a letter
15 that had been received from Mr. Magwood's
16 criminal lawyer Cliff Scott. Do you
17 remember faxing this letter?

18 A. **No, ma'am.**

19 MS. FAJARDO: Okay. And let
20 me -- can we go off the Record for
21 a minute?

22 (Off-the-Record conversation.)

23 BY MS. FAJARDO:

24 Q. Lieutenant Anderson, do you know why this
25 letter -- you faxed this letter to Bruce

1 Durant?

2 **A. Can I look at the letter?**

3 Q. Absolutely. Absolutely.

4 **A. No, I don't. I'm sorry.**

5 Q. That's fine. Do you know -- I note the date
6 of this is December 15th, 2008. Do you know
7 if you'd begun your investigation then?

8 **A. I -- no, we had not.**

9 Q. It looks like in the report that you have --
10 you began your investigation April 1st,
11 2009?

12 **A. Yeah.**

13 Q. Okay. Do you recognize this document?

14 **A. Yes. Yes, I do.**

15 Q. What is it exactly?

16 **A. It is a report that's sent to the Criminal
17 Justice Academy for change in status.**

18 Q. Okay. Do you send those reports or is that
19 someone else's job?

20 **A. No. We'll -- well, it's something that we
21 send. More or less we're sort of the
22 clerical part of that.**

23 Q. Okay. And I know, in looking at it, it
24 doesn't have your signature. It looks like
25 the assistant sheriff signed it.

1 **A. Right. Correct.**

2 Q. What was your role with this document, do
3 you remember? Did you just send it or did
4 you fill it out?

5 **A. I filled it out. Thinking about that, I did**
6 **fill it out and then gave it to the**
7 **assistant sheriff.**

8 MS. FAJARDO: Okay. We can
9 mark this as 2?

10 (Exhibit 2 was marked for
11 identification.)

12 Q. It looks like this was signed on June 16th,
13 2009, that date up there and again with the
14 signature, is that fair to say?

15 **A. Yes.**

16 Q. So it probably would have been sent on the
17 same day or close to it?

18 **A. I don't know. I'm sure.**

19 Q. It -- this filled out, it seems to say that
20 this is an administrative or a routine
21 separation and that it's not involving
22 misconduct, good character or moral
23 turpitude. Is there a different form that
24 you would use if the separation was going
25 to -- or it involved misconduct?

1 **A.** I mean, that's kind of a tough question.
2 Are you talking about misconduct as it
3 pertains to misconduct in office or are you
4 talking about misconduct as in he did
5 something wrong? It could have been
6 anything.

7 **Q.** And I'm just basing it on the classification
8 that says, "For all separations not
9 involving misconduct."

10 **A.** Uh-huh.

11 **Q.** So would it be fair to say if this was sent,
12 the separation was not based on misconduct,
13 good character or moral turpitude?

14 MS. JACKSON: Objection to the
15 form.

16 **A.** Well, it's not separation. Again, it's just
17 a change in pay status.

18 **Q.** Okay.

19 **A.** So he was -- it was administrative leave
20 without pay. So he still was a member. He
21 wasn't separated from the agency. With this
22 form it's not...

23 **Q.** Okay. Thank you. When you spoke with
24 Ms. Boney regarding what had happened
25 regarding Mr. Magwood, did she change her

1 story in regards to the photo lineup?

2 **A. Again, are you -- change your story when --**
3 **just in the time that I spoke with her, I**
4 **don't remember.**

5 Q. From -- I mean, you had -- you've reviewed
6 SLED's investigation --

7 **A. Right.**

8 Q. -- and their interview with Ms. Boney. Did
9 her story change between what she told SLED
10 and I think you had said you probably
11 reviewed Greg Voigt and Ryan Kelly --

12 **A. Uh-huh.**

13 Q. -- their conversation. Did what she was
14 telling you ever change from what she told
15 SLED, what she told the solicitor's office?

16 **A. I don't remember that it did. I don't think**
17 **so.**

18 **(Exhibits 3 and 4 were marked for**
19 **identification.)**

20 Q. I am handing you Plaintiff's Exhibit 3. Do
21 you recognize this?

22 **A. Yes.**

23 Q. Are those -- are those your notes that you
24 made?

25 **A. Yes.**

1 Q. Okay. And those -- the title of it, I
2 think, is notes of, I guess, the interview
3 with Ms. Boney.

4 A. **Correct.**

5 Q. Okay. And this was April 1st, 2009, so this
6 would have been the beginning of your
7 investigation?

8 A. **Right.**

9 Q. Okay. In her interview, doesn't she -- does
10 she state that she did sign something in
11 regards to Mr. Magwood?

12 MS. JACKSON: Objection to
13 form.

14 A. **I don't remember exactly what she said as
15 far as that goes.**

16 Q. Okay. If you want to review. I can direct
17 you to what I'm talking about, that will
18 probably help. On this third page and I
19 want you to read the whole thing if you need
20 to, but it says that -- it seems as if she
21 says she was upset and hysterical and may
22 have done it real quick.

23 A. **Right.**

24 Q. Is she talking about the signing something
25 with Mr. Magwood or is she talking about

1 something different here?

2 **A. I don't know.**

3 **Q. If you know?**

4 **A. I mean, I would have to go back.**

5 **Q. Okay.**

6 **A. And going back to what you asked, you asked**
7 **the question about when we began the**
8 **investigation. We interviewed her in**
9 **February --**

10 **Q. Okay.**

11 **A. -- and recorded the interview. And then my**
12 **computer was refreshed, it was changed out**
13 **and everything was supposed to go with it on**
14 **the documents and that interview was lost --**

15 **Q. Okay.**

16 **A. -- during that time. So we went back and**
17 **re-interviewed her on April 1st. I just**
18 **wanted to clarify that.**

19 **Q. That's fine. Do you remember if she told**
20 **you that she may have signed it, she may**
21 **have signed something?**

22 MS. JACKSON: Objection to the
23 form.

24 **A. I don't remember. I'm trying to think back**
25 **to that interview, what she said, and I**

1 **don't remember what she said --**

2 Q. Okay.

3 A. **-- in the interview.**

4 Q. Was Ms. Boney's statement regarding the
5 signing, the initialing of the photo lineup,
6 was that the main basis of support for
7 y'all's investigation regarding the
8 unsatisfactory performance and the
9 truthfulness? Do you understand that
10 question?

11 A. **No, I'm sorry. No, I'm sorry, I don't.**

12 Q. Okay. What -- what was the biggest piece of
13 evidence that you felt there was
14 demonstrating that Mr. Magwood had been
15 untruthful or had violated the policy of
16 unsatisfactory performance?

17 A. **I don't know that I would categorize any**
18 **part of the final -- what we had as being**
19 **bigger or biggest, you know, in relation to**
20 **any other piece of evidence.**

21 Q. Okay. Did anyone else other than
22 Mr. Magwood and Ms. Boney have knowledge
23 about the photo lineup and whether it was
24 signed by Ms. Boney?

25 A. **I'm sorry, can you repeat the question?**

1 Q. Yeah. Did anyone else have any information
2 regarding whether it was signed, the photo
3 lineup was signed by Ms. Boney or was signed
4 by someone else?

5 A. And I'm -- I'm sorry. I'm just having
6 trouble with your question. Have
7 information, anybody else have information.
8 Are you --

9 Q. Right. I know. Let me -- I know you talked
10 to several co-workers and supervisors of
11 Mr. Magwood, but it's my understanding they
12 were relying on allegedly what Mr. Magwood
13 had told them; is that fair to say?

14 MS. JACKSON: Objection to the
15 form.

16 A. I'm trying to think back to all those
17 interviews.

18 Q. Okay.

19 A. I know that that had a lot to do with it. I
20 can't remember if there was anything else
21 besides what they recalled him having said
22 to them, verbal statements. I don't -- I'm
23 not 100 percent sure that there's nothing
24 else besides those verbal statements that
25 those witnesses gave us. When you talk --

1 let me go back. No. It's -- I can't
2 remember exactly what else, if anything,
3 that they gave -- told us.

4 Q. Okay. That's fine. Let me show you. This
5 was Plaintiff's Exhibit 4. Do you recognize
6 this?

7 A. Yes, I do.

8 Q. Is that your handwriting? Are those your
9 notes?

10 A. These are.

11 Q. Okay.

12 A. Yes.

13 Q. And this -- hold on one second, this is the
14 interview with Assistant Solicitor Voigt?

15 A. Yes, ma'am.

16 Q. Okay. Give me one minute to kind of go
17 through everything. We may be done.

18 A. Okay.

19 Q. Was Lieutenant Antonio with you on both of
20 these interviews, both with Ms. Boney and
21 with Voigt?

22 A. Yes.

23 Q. Was he with you during all of the
24 interviews?

25 A. No.

1 Q. Okay. Do you remember which ones he wasn't
2 there for? And I can ask him later if you
3 don't.

4 **A. Certainly. No, that's fine. No, I don't**
5 **remember exactly which ones he sat with me.**

6 Q. Okay. Regarding the handwriting analysis
7 that was received by SLED, was that
8 handwriting analysis initiated by your
9 office or by SLED?

10 **A. You talking the actual analysis itself or**
11 **just the --**

12 Q. The request.

13 **A. The request, I initiated that. It was by**
14 **us.**

15 Q. Okay. When you got the report, was there --
16 did you get a detailed handwriting analysis
17 of percentage, the different -- I know
18 sometimes they have a detailed report?

19 **A. I don't remember.**

20 Q. But that would be in the file if it was
21 received?

22 **A. Yes.**

23 Q. Throughout some of the discovery it names
24 you as being a contact for SLED during the
25 investigation of Magwood. Is that fair to

1 say that you were the contact for the
2 sheriff's office to SLED?

3 **A. Yes, ma'am.**

4 Q. What does that entail, being the contact?
5 What is your purpose in being the contact?
6 What do you do?

7 **A. I don't remember exactly with this case, but**
8 **I can tell you in general terms if they**
9 **needed the contact information for an**
10 **employee or employees, it would come through**
11 **us. That's probably the main -- the main**
12 **part of that. Any kind of records or**
13 **reports that have been filed. Just basic**
14 **incident reports, that sort of thing, it**
15 **would come through us. Sort of facilitate.**

16 Q. Do they include you in their investigation,
17 letting you know what's going on, anything
18 of that sort?

19 **A. No, I don't think so. No.**

20 Q. I think I may have already asked this, but
21 in regards to, let's see, Sergeant Zimmer,
22 Lieutenant Watson, Solicitor Voigt, Ryan
23 Kelly, anybody that you interviewed aside
24 from Mr. Magwood in your investigation, did
25 you have any reason to believe that they

1 weren't being truthful with you?

2 **A. No.**

3 Q. Did any of the people that you interviewed
4 supply you with any documentation backing up
5 what they -- their conversations that they
6 had with Mr. Magwood?

7 **A. I don't remember if anybody did or not.**

8 Q. If they did, it would have been in the
9 file?

10 **A. Yes, ma'am.**

11 Q. On the last page of your report, when it
12 has, "The basis for these conclusions rest
13 on the fact that there's strong evidence to
14 suggest that," with number three, "During
15 pretrial preparation for this case Detective
16 Magwood was untruthful in his statement to
17 Assistant Solicitor Voigt regarding facts
18 one and two," is that based on that he told
19 Solicitor Voigt that he didn't -- he didn't
20 show the large color photograph before the
21 lineup and that he didn't put the victim's
22 initials and the date and time on the
23 lineup?

24 MS. JACKSON: Objection to the
25 form.

1 **A.** **I mean, it was -- it was the whole entire**
2 **investigation. I'm kind of having trouble**
3 **with what you're driving at.**

4 **Q.** I just want to know what you feel that he
5 was untruthful to Solicitor Voigt regarding?
6 Was it just the initials and showing the
7 photograph or was there anything else
8 involved in the investigation, his criminal
9 investigation, that you felt he was
10 untruthful of?

11 **A.** **Well, I had nothing to do with his criminal**
12 **investigation, so I wouldn't have -- are you**
13 **talking about -- here again, are you talking**
14 **about Catherine Boney investigation or are**
15 **you talking about --**

16 **Q.** No. I'm sorry. The Catherine Boney
17 investigation. The only issue that you
18 investigated. I want to make sure we're on
19 the same page, as far as what you were
20 investigating and you feel he was
21 untruthful of was just limited to what
22 you've put in paragraph one and two, nothing
23 else?

24 **A.** **Right. Well, what I said was, "That there**
25 **was strong evidence to suggest that he was**

1 untruthful in facts one and two, which were
2 that he had provided the victim with a large
3 color photograph of the suspect before
4 making any attempt to show the victim a
5 lineup containing the same photo and that he
6 had placed the date time and victim's
7 initial on the lineup and then filed an
8 initial report indicating that the victim
9 had written the date time and her own
10 initials."

11 Q. Okay. And then number four you said, "On
12 two separate occasions during the
13 administrative investigation," do you
14 remember what occasions you're
15 referencing?

16 A. We interviewed him twice, so that would
17 have been the two interviews.

18 Q. Okay. Just the verbal interviews?

19 A. Correct.

20 MS. FAJARDO: I think that is
21 all that I have. Not sure if your
22 attorney has any questions.

23 MS. JACKSON: Yeah. You're not
24 off the hook yet.

25 MS. FAJARDO: Let me go ahead

1 and mark this since I asked him
2 some questions about it.

3 (Exhibit 5 was marked for
4 identification.)

5 E-X-A-M-I-N-A-T-I-O-N

6 BY MS. JACKSON:

7 Q. All right. Lieutenant, real quick, you were
8 shown Exhibit 2 to your deposition. And
9 this is just a personal change in status
10 report; is that correct?

11 **A. Correct.**

12 Q. All right. I'm gonna show you this
13 document, which is three pages long, which
14 we can mark in a second, but I need to make
15 a copy. And is this also a personnel change
16 in status form?

17 **A. Yes, it is.**

18 Q. And is this form different than Exhibit 2?

19 **A. Yes.**

20 Q. Why is it different?

21 **A. This is -- the Exhibit 2 is notification of**
22 **administrative or routine separation,**
23 **termination. And it's**
24 **administrative/routine separation so it's**
25 **three different things. This one is**

1 **personnel change in status report for**
2 **notification of unfavorable non-routine**
3 **separation or termination.**

4 Q. Okay. And what is the date on this
5 document?

6 A. **Exhibit 3, which is the non -- or the**
7 **unfavorable, the date is August the 5th,**
8 **2009.**

9 Q. Okay. It's actually gonna be Exhibit 6.
10 And what box is checked on the list of
11 options?

12 A. **"Termination for violation of agency policy**
13 **involving misconduct, good character, moral**
14 **turpitude as defined in regs. 38-004."**

15 Q. Okay. And page two, is that signed and
16 dated by the same person on the same date?

17 A. **Yes.**

18 Q. Page one?

19 A. **Yes.**

20 Q. Okay. And what is the title of that
21 form?

22 A. **Misconduct report form.**

23 Q. All right. And page three of this exhibit,
24 is that signed and dated by the same person
25 on the same date?

- 1 **A. Yes.**
- 2 Q. Okay. And what is this form called?
- 3 **A. Separation supplement.**
- 4 Q. Okay. And is there a narrative on this
- 5 page?
- 6 **A. Yes, there is.**
- 7 Q. All right. And what officer are these
- 8 forms, these three pages regarding? I know
- 9 it's hard to see because of the --
- 10 **A. Eugene Magwood.**
- 11 Q. All right. We'll mark that in just a
- 12 second. When you interviewed Mr. Magwood,
- 13 did you have him sign a Garrity warning?
- 14 **A. Yes, ma'am.**
- 15 Q. Okay. And what is the purpose of Garrity?
- 16 **A. Garrity states that -- the purpose of**
- 17 **Garrity is that information that's given to**
- 18 **us that we compel an employee to give us**
- 19 **during the course of an administrative**
- 20 **investigation cannot be used against them in**
- 21 **any criminal charges concerning that**
- 22 **interview they gave.**
- 23 Q. Okay. Is the investigation that you perform
- 24 as part of the Internal Affairs division of
- 25 the sheriff's office totally separate from

1 the investigation performed by SLED for the
2 possibility of criminal charges?

3 **A. Yes.**

4 Q. And are those considered also to be mutually
5 exclusive?

6 **A. Yes.**

7 Q. All right. You were asked earlier who all
8 you spoke to about this and at one point you
9 said you spoke with an IRF, Insurance
10 Reserve Fund, adjuster. Was that only after
11 he made his civil claim?

12 **A. Yes.**

13 Q. Did you have any involvement in the arrest
14 of Mr. Magwood?

15 **A. No, ma'am.**

16 Q. Okay. Did you have any involvement in the
17 procuring of an arrest warrant for
18 Mr. Magwood?

19 **A. No.**

20 Q. Okay. Did you have any involvement in the
21 institution or continuation of any
22 judicial proceedings with regard to
23 Mr. Magwood?

24 **A. No.**

25 Q. Have you ever had any malice towards

- 1 Mr. Magwood?
- 2 **A. No.**
- 3 Q. Did you use your position in Internal
- 4 Affairs for the purpose of harming
- 5 Mr. Magwood?
- 6 **A. No.**
- 7 Q. Did you participate in any willful act that
- 8 was not proper in the regular course of your
- 9 interviews and investigation?
- 10 **A. No.**
- 11 Q. Did you ever say anything that you knew to
- 12 be untrue about Mr. Magwood?
- 13 **A. No.**
- 14 Q. Did you ever have any intent to damage
- 15 Mr. Magwood's reputation?
- 16 **A. No.**
- 17 Q. Did you ever meet with any other person for
- 18 the purpose of causing injury or damage to
- 19 Mr. Magwood?
- 20 **A. No, ma'am.**
- 21 Q. Did you ever make any statements about
- 22 Mr. Magwood to any person outside of your
- 23 investigation?
- 24 **A. No.**
- 25 Q. And let me be a little bit more specific,

1 since you worked with him for a long time.

2 **A. Uh-huh.**

3 Q. Did you ever make any statements about the
4 allegations involved in the Boney case to
5 any person outside of your investigation in
6 this case?

7 **A. No.**

8 Q. Okay. Did you volunteer to testify at the
9 criminal trial?

10 **A. No.**

11 Q. Did you receive a subpoena?

12 **A. Yes, I did.**

13 Q. Did that subpoena order you to appear at the
14 trial?

15 **A. Yes, ma'am.**

16 Q. Did you have any involvement in the decision
17 to prosecute Mr. Magwood?

18 **A. No.**

19 Q. Did you have any involvement in the decision
20 to put Mr. Magwood on administrative
21 suspension?

22 **A. No.**

23 Q. Did you have any involvement in the decision
24 to terminate Mr. Magwood's employment?

25 **A. No.**

1 Q. Did you ever meet with any of the
2 prosecuting agencies and ask them to pursue
3 the prosecution of Mr. Magwood?

4 A. No.

5 Q. Were you careful in your investigation of
6 Mr. Magwood?

7 A. Yes.

8 Q. Did you follow all of the sheriff's office
9 policies and procedures with regard to your
10 investigation of Mr. Magwood?

11 A. Yes.

12 Q. Did you follow all of your training that you
13 received as a law enforcement officer at the
14 Criminal Justice Academy with regard to your
15 investigation of Mr. Magwood?

16 A. Yes.

17 Q. Have you ever been disciplined with regard
18 to your investigation of Mr. Magwood?

19 A. No.

20 Q. Have you ever received any information from
21 any of your chain of command that you did
22 anything improper with regard to your
23 investigation of Mr. Magwood?

24 A. No, ma'am.

25 MS. JACKSON: All right. I

1 don't believe I have any further
2 questions.

3 MS. FAJARDO: I have just maybe
4 three or four.

5 R-E-E-X-A-M-I-N-A-T-I-O-N

6 BY MS. FAJARDO:

7 Q. I just want to clarify the Exhibit 6 that's
8 three pages, do they -- this is all one
9 document though?

10 **A. Well, it's --**

11 Q. Do they all go together --

12 **A. It's three.**

13 Q. -- or are there three separate things that
14 would be sent --

15 **A. I don't know --**

16 Q. -- if you know? Okay.

17 **A. -- how they're sent.**

18 Q. I was just trying to get clarification. Did
19 Mr. Magwood tell you that he put the date
20 and time on the lineup?

21 **A. Yes.**

22 Q. Do you think Mr. Magwood should have been
23 fired?

24 **A. I don't know. It's a -- it's -- having to**
25 **investigate somebody with whom you've worked**

1 in the past is tough enough and fortunately
2 for us, we don't have any involvement in any
3 kind of discipline or in what happens after
4 an investigation. It's kind of a tough
5 question. I just, I don't know.

6 Q. Okay. Did you feel that Mr. Magwood should
7 have been prosecuted?

8 A. I understand why he was prosecuted. I
9 don't like it. And for me, that's not just
10 a yes or no question. You know, I don't
11 know.

12 MS. FAJARDO: That's fair.

13 That's all I have. Thank you.

14 R-E-E-X-A-M-I-N-A-T-I-O-N

15 BY MS. JACKSON:

16 Q. All right. Just so we've got it clear on
17 the Record, does the bottom of this form say
18 to -- what does that say?

19 A. "Complete first side and attach separation
20 supplement."

21 Q. Okay. And is page three the separation
22 supplement?

23 A. Yes, it is.

24 MS. JACKSON: And just for the
25 Record, I think the original

1 document is a two-sided document.

2 MS. FAJARDO: Gotcha.

3 MS. JACKSON: Now we're all on
4 the same page. All right.

5 (Exhibit 6 was marked for
6 identification.)

7 (This deposition concluded at 11:53 a.m.)

8

9 (Signature reserved.

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1 CERTIFICATE OF REPORTER

2

3 STATE OF SOUTH CAROLINA)

4 COUNTY OF CHARLESTON)

5

6 I, Nicole D. White, the officer before
7 whom the foregoing deposition was taken, do hereby
8 certify that the witness whose testimony appears in
9 the foregoing deposition was duly sworn by me; that
10 the testimony of said witness was taken by me to the
11 best of my ability and thereafter reduced to
12 typewriting under my direction; that I am neither
13 counsel for, related to, nor employed by any of the
14 parties to the action in which this deposition was
15 taken, and further, that I am not a relative or
16 employee of any attorney or counsel employed by the
17 parties thereto, nor financially or otherwise
18 interested in the outcome of the action.

19

20

21 _____ Date _____
22 Nicole D. White
23 Notary Public in and for the
24 State of South Carolina

25 My Commission expires September 11, 2017

1 E R R A T A S H E E T

2

3 RE: Magwood -vs- J. Al Cannon, Jr., et. al.

4

DEPOSITION OF: MICHAEL ANDERSON

5

6

7 Please read this original deposition with care,

8 and if you find any corrections or changes you wish

9 made, list them by page and line number below. DO

10 NOT WRITE IN THE DEPOSITION ITSELF. Return the

11 deposition to this office after it is signed. We

12 would appreciate your prompt attention to this

13 matter.

14 To assist you in making any such corrections,

15 please use the form below. If supplemental or

16 additional pages are necessary, please furnish same

17 and attach them to this errata sheet.

18 Page Line Should read:

19

20 Page Line Should read:

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22 Page Line Should read:

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24 Page Line Should read:

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1	Page	Line	Should read:
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3	Page	Line	Should read:
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SIGNATURE PAGE

SIGNATURE OF WITNESS

SUBSCRIBED and SWORN TO before me this _____

day of _____, 2014

NOTARY PUBLIC

My Commission expires: _____

J. Al Cannon, Jr. Esq.
Sheriff, Charleston County
Office



Office of Professional Standards
Charleston County Sheriff's

FACSIMILE COVER SHEET

TO:	Bruce Durant
FAX NUMBER:	(843)958-1905
AGENCY:	Solicitor's Office
FROM:	Inspector Michael Anderson Charleston County Sheriff's Office Office of Professional Standards
DATE:	December 15, 2008

MESSAGE:	<i>Re: Magwood file. Please include the attached letter with the package to the AG's Office.</i> <i>Thanks</i>

FAX (843) 308-7323 - ORI #SC0100001 - HQ (24 HRS) (843) 202-1700 - OPS DIV (843) 308-7323 (0830/1700)

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CLIFFORD SCOTT
ATTORNEY AT LAW

A/s Curry-Smith
C/S Fields

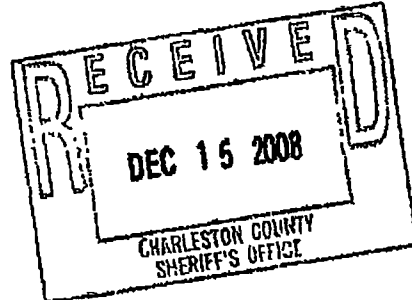
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December 12, 2008

The Honorable J. Al Cannon, Jr.
Sheriff of Charleston County
3505 Pinehaven Drive
North Charleston, South Carolina 29405

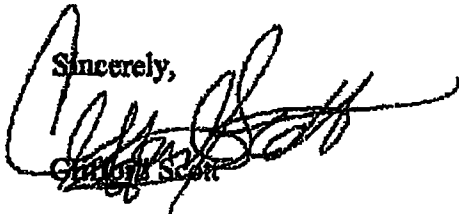


Re: Detective Eugene Magwood

Dear Sheriff Cannon:

I have been retained by Detective Eugene Magwood in connection with his placement on administrative leave with pay, on October 7, 2008. Detective Magwood has informed me that he has not received any information from the Charleston County Sheriff's Office regarding the status of the investigation of the circumstances which resulted in his placement on administrative leave. In view of the amount of time which has passed since he was placed on administrative leave, I would appreciate your indicating the status of any investigation conducted by the Sheriff's Office, and when you anticipate Detective Magwood will be returned to duty.

I look forward to your reply.

Sincerely,

Clifford Scott

cc: Detective Eugene Magwood



South Carolina Criminal Justice Academy Certification-Compliance



PERSONNEL CHANGE IN STATUS REPORT NOTIFICATION OF ADMINISTRATIVE/ROUTINE SEPARATION/TERMINATION

Charleston County Sheriff's Office
Reporting Department

(843)554-2481
Phone #

June 16, 2009
Today's Date

Eugene Magwood
Officer's Name

[REDACTED]
Social Security #

6/2/2012
Current Certification Date

[REDACTED]
Officer's Current Home Address

[REDACTED]
City/Town

[REDACTED]
Zip Code

PLEASE



CHECK ONE:

☐ E-911

☐ Reserve Officer

☒ Class 1 LE

☐ Class 2 LCO (Jailer)

☐ Class 1 LECO (LEO/Jailer)

☐ Class 3SLE (Limited Duty)

(Please check appropriate reason(s) for separation)

ADMINISTRATIVE / ROUTINE SEPARATION

(For all separations NOT involving misconduct, good character or moral turpitude as defined in Regs. 38-004)

PLEASE ATTACH MRN (MANDATORY RETRAINING NOTIFICATION) FORM
INDICATING IN-SERVICE TRAINING RECEIVED WHILE EMPLOYED WITH YOUR AGENCY

Date of Administrative / Routine Separation: N/A (specify mo/day/yr)

Resigned (personal reasons)

Retired

Deceased

New Sheriff

Accepted employment with another Law Enforcement Agency

Medical Leave: Beginning date Ending date

Military Leave: Beginning date Ending date

Voluntary separation or retirement not involving misconduct, good character or moral turpitude

Failure to successfully complete basic training

Failure to successfully complete in-service training

Termination for violation of AGENCY policy NOT involving misconduct, good character or moral turpitude, as defined in Regs. 38-004 (i.e., substandard performance, excessive absenteeism, sleeping on duty, etc)

XXX Other (please specify) Employee placed on Administrative Leave without Pay following his arrest for Misconduct in Office. He will remain in this status pending the outcome of the administrative investigation into the events surrounding his arrest. At this time, he is still a member of this agency.

Would you rehire? N/A YES NO (if NO, state reason)

(This reason must not involve misconduct, good character or moral turpitude as defined in Regs. 38-004 and which requires completion and submission of a different set of forms - PCS of Separation for Unfavorable Separation, Misconduct Report Form and Separation Supplement)

I hereby attest that the reason for separation of this officer does NOT involve misconduct, good character or moral turpitude or otherwise disqualify eligibility for certification as defined in Regulations Chapter 38-004

EMPLOYING AGENCY HEAD (or Designee)

Andrene Cooty-Smith

DATE 06/16/2009

Please print name: Andrene Cooty-Smith

OFFICIAL TITLE Assistant Sheriff

0834 0000424



Anderson/Anderson interview of Catherine Boney
4/1/09 at her residence

Came the same night

hospital

spoke briefly

First time she saw Magwood

The next time saw Magwood

Came by AND SHOWED SOME PICTURES

SHOWED ONE BIG PICTURE

BONEY - HYSTERICAL

said he wanted to show her a set
of pics - refused to look at it.

Really upset. MAGWOOD - "You sure
this is the person?" "yes"

MAGWOOD tried to show the other pics

- Don't worry about it - will take
care of it.

Next time Boney spoke to MAGWOOD

2 other guys came by - problems w/ the
pictures

BONEY called MAGWOOD.

told him problem w/ some pictures

don't remember signing - hysterical
MAGWOOD - don't worry about it, that's

between me + the guys, don't
worry about it, don't get yourself

- took up

last time spoke
to MAGWOOD →

EXHIBIT 3
Anderson

2 guys dressed like Anderson / Antonio
+ Prosecutor

These 2 guys came + spoke about the
Detective - Anderson + Antonio

Another set of guys between prosecutor +
Anderson / Antonio

Photo shown of suspect was big, color photo

* Magwood was never able to show her the photo
lining - If he did, maybe he put
something over the photos so she didn't
have to look at them, then let her
sign.

Boney repeated her recollection of seeing the
single photo, becoming upset + then
refusing to look at the photo lining.

Said he would ride around so she would feel
safe.

* The next time she spoke to Magwood was
when the "guys" came to her and asked
her if her signature was on the set
of pictures - the same meeting where
she called Magwood + told him

about that meeting

Magnwood told her ~~to~~ don't worry about
it, that it would be his fault
if something went wrong - on his part
Not her fault

Again stated she never looked at a photo lineup
with Magnwood.

The three guys that showed up had some
initials and asked her ~~if~~ ^{whether} if they
had been written by her.

She said she did sign something with him
possible he had covered the pictures up & told
her to sign.

The guys that showed up tried to show her a photo
lineup - She didn't want to see it

Remembered signing something with him - he told
her to sign her initials.

The three guys that showed her the photo lineup
asked her to write her initials on a piece of
paper

- looks like her signature
is how she normally writes

Anderson showed her the initials written on the photo lineup
does not look like hers

Says she was upset & hysterical and may have done it real quick.

Boney signed and dated the copy of the initials she stated was hers.

After spoke w/ Magwood on the date that ~~Magwood~~
the three guys came to her w/ the photo
lineup - she never spoke w/ him again
- Sometimes saw him driving by and
would wave - but did not speak w/
him

She felt he did a good job on her case - seemed
like he really cared.

6/30/04 1000 AM ANDERSON / ANTONIO GREG VOIGHT'S OFFICE
INTERVIEW QUESTIONS FOR ASST. PROSECUTOR GREG VOIGHT

1. WHAT DO YOU REMEMBER ABOUT THE MAURICE PRIOLEAU CASE INVOLVING VICTIM CATHERINE BONEY?

- STILL OPEN - FILE ONE (1) MOVED OUT OF STATE.

CONCENTRATING - BONEY WANTED TO TALK IT ALL THE WAY

ONE INTERVIEW IN SOLO OFFICE - EVERYTHING EXCEPT LINEUP VERY EMOTIONAL IN FIRST INTERVIEW

DECIDED TO GO TO HER HOUSE FOR 2ND INTERVIEW. WAS NOT CONCERNED ABOUT LINEUP. 2 PM - ALREADY IN 3RD BEER. GOT TO LINEUP - NEWSPAPER FEEL THAT BEFORE - DIDN'T PRESS HER.

QUESTIONED MAGWOOD IN PREPARATION FOR WHAT DEFENSE ATTORNEY WOULD DO.

MAGWOOD DENIED HAVING WRITTEN - WOULD NOT BUDGE.

2. WHEN YOU MET WITH CATHERINE BONEY, HOW DID SHE REACT TO SEEING THE PHOTO OF MAURICE PRIOLEAU? DID SHE BECOME UPSET? NEVER SEEN BEFORE.

SHE REMEMBERED DETAILS ABOUT THE RAPE THAT MATCHED LAP. HAD SEEN ONE SINGLE PHOTOGRAPH. HAD ALSO GIVEN SOME MORE DETAILS ABOUT THE RAPE.

3. WHEN DID YOU FIRST MEET WITH DETECTIVE MAGWOOD REGARDING THIS CASE? WHERE? WHO PRESENT?

WERE THERE ANY PHONE CONVERSATIONS WITH MAGWOOD PRIOR TO THE MEETING IN PERSON?

BELIEVES TRUCKED TO MAGWOOD ONCE EVERY 6 WKS. ABOUT CASES - VOIGHT GOT A LOT OF THE CASES.

BELIEVES THAT WAS THE LAST TIME HE MET WITH THEM. DON'T BELIEVE TALKED ABOUT THIS CASE UNTIL THEN.

MAGWOOD, VOIGHT, KELLY

EXHIBIT 4
Deponent Anderson

4. WHAT DID MAGWOOD SAY ABOUT THE PHOTO LINEUP?

VOLKERT DID NOT HAVE A FEELING FOR WHAT MAGWOOD DID W/ LINEUP UNTIL LOOKED OVER CASE FILE
AFTER BERRY DENIED HAVING SEEN THE LINEUP
LOOKED AT DATE ON MARVIN PROLEAN + IT WAS EXACTLY

MAGWOOD DENIED HAVING WRITTEN DATE, TIME, LINEUP

ALSO TALKED TO HIM ABOUT SUPPLEMENTAL

- DO A SUPPLEMENTAL
- HOW SHOULD I DATE IT?
- JUST DATE IT FOR WHEN YOU DO IT.

DENIED MAKING ANY MARKINGS

RYAN KELLY WALKED HIM OUT

TRIED TO GET MAGWOOD TO COME OFF STORM

MAGWOOD TOLD VOLKERT THAT WILLIAMS TOLD HIM

TO DO IT - THE PHOTO LINEUP.

PROLEAN POKE AND PUNCH NOT DONE AT VOLKERT'S DIRECTION

5. DID MAGWOOD DENY HAVING WRITTEN THE INITIALS, DATE, AND TIME OR ANY COMBINATION OF THE THREE?

DENIED HAVING MADE ANY MARKS ON THE LINEUP

6. IS IT AT ALL POSSIBLE THAT DET. MAGWOOD ADMITTED TO HAVING WRITTEN THE DATE AND TIME BUT NOT THE INITIALS? IF NO - WHY?

NO. WAS ANGRY WITH HIM - NOTICED THE DATE AND

HOW SIMILAR IT WAS.

EXPECTED MAGWOOD TO HAVE SAID HE WROTE THE DATE AND TIME. SURPRISED WHEN MAGWOOD TOLD HIM HE "FLEW" HER WAS LYING AT THAT POINT.

7. AFTER MEETING WITH DET. MAGWOOD IN WHICH HE DENIED HAVING WRITTEN THE INITIALS - DID YOU SPEAK WITH HIM AGAIN?

DON'T REMEMBER - MAY HAVE BUT DON'T REMEMBER

SENT KELLY BACK OUT B/C FELT LIKE VOICING MIGHT

WAVE BEEN INTIMIDATING HER.

REMEMBER THAT MAGWOOD HAD DONE A REALLY GOOD JOB AND

EMPATHIZED WITH HER.

ALSO DID NOT WANT TO ENDANGER THE CASE.

J. Al Cannon, Jr., Esq.
Sheriff, Charleston County



3505 Pinehaven Drive
Charleston Heights, SC 29405-7789

Memorandum

To: Chief Deputy R. Sowers *RS*
From: Inspector M. Anderson *MA*
Through: Chief Inspector M. Fields and
Assistant Sheriff A. Coury-Smith *[Signature]*
Date: July 7, 2009
Subject: Internal Investigation
I/A # 2008-212

On October 7, 2008, Detective Eugene Magwood was placed on Administrative Leave with Pay pending the outcome of a criminal investigation of which he was the subject. On April 1, 2009, shortly before the conclusion of the criminal investigation, the Office of Professional Standards began an administrative investigation into the allegations contained in the criminal complaint. The investigation has now concluded and I will provide you with a synopsis of my findings.

Narrative:

This investigation revolves around Detective Magwood's investigation of the sexual assault of Catherine Boney and the assertion by Assistant Solicitor Greg Voight that Detective Magwood had possibly forged Catherine Boney's initials on a photo lineup during the course of the investigation. The case was initially referred to the South Carolina Law Enforcement Division (SLED) for criminal investigation, at which time Detective Magwood was placed on Administrative Leave with Pay. At the conclusion of the criminal investigation, and at the direction of the Attorney General's Office, Detective Magwood was charged with Misconduct in Office by SLED Special Agent Charles Ghent. Subsequent to the criminal charge, the Charleston County Sheriff's Office, Office of Professional Standards, placed Detective Magwood on Administrative Leave without Pay and proceeded with the administrative investigation. The administrative investigation included the following:

- A review of Detective Magwood's investigation into the sexual assault of Catherine Boney.
- A review of the SLED investigation.
- Interviews of Detective Eugene Magwood, Lt. Eric Watson, Sgt. Clarice Zimmer, Lt. Paul Tittle, and Sgt. Brian Williams, Assistant Solicitor Greg Voight, Solicitor's Office Investigator Ryan Kelly, and Catherine Boney.
- Forensic handwriting analysis of the photo lineup purported to have been used by Detective Magwood during his investigation into the sexual assault of Catherine Boney.

EXHIBIT 5
Anderson

Internal Investigation

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Sexual Assault Investigation (OCA 2006-018918-B)

On September 2, 2006, Charleston County Deputy Sheriff Mark Watson responded to the residence of Catherine Boney on N. Kenwood Drive in N. Charleston in reference to an allegation of sexual assault. The victim, Catherine Elizabeth Boney, stated that while walking home from a friend's house, an unknown black male approached her, forced her behind a barbershop located on Stall Rd., and sexually assaulted her.

Detective Magwood, who was the on-call detective on the incident date, responded to the scene, met with the victim and completed a written statement on her behalf. After the initial investigation, the case went cold until September of 2008 when Detective Magwood received a letter from the SLED Forensic Services Laboratory notifying him of a DNA "hit" indicating that semen recovered from a vaginal swab of Catherine Boney matched the DNA of Maurice Jerome Prioleau.

According to Detective Magwood's report, he then met with Catherine Boney and showed her a photo lineup from which she selected Maurice Prioleau as her assailant. In a supplement report dated September 21, 2008, Detective Magwood stated that after selecting Prioleau from the photo lineup, Catherine Boney then circled the photo and initialed and dated the lineup. Detective Magwood then charged Maurice Prioleau with First Degree Criminal Sexual Conduct and Kidnapping. He then met with and interviewed Maurice Prioleau at the Detention Center at which time Prioleau admitted to having consensual sex with Catherine Boney.

Initial Allegation

On October 14, 2008, Inspector Antonio and I met with SLED Special Agent Charles Ghent, Assistant Solicitor Greg Voight, and Investigator Ryan Kelly at the 9th Circuit Solicitor's Office. The purpose of the meeting was for Assistant Solicitor Voight to provide Special Agent Ghent with an overview of the concerns associated with the case. Inspector Antonio and I were present only as observers and did not take an active role in the meeting.

Assistant Solicitor Voight provided information on the initial investigation into the sexual assault of Catherine Boney. He further related that while preparing for trial on the case, he met with and interviewed Catherine Boney. It was then that Boney denied having ever seen the photo lineup that Detective Magwood submitted to the Solicitor's Office. At the request of the Solicitor's Office, Catherine Boney provided a handwriting sample of her initials and the date and time recorded on the photo lineup. The handwriting sample was noticeably different than that which was on the photo lineup. Voight stated that he then met with Detective Magwood and confronted him at which time Magwood denied having placed the victim's initials on the photo lineup.

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SLED Investigative Report

On December 8, 2008, SLED Special Agent Charles Ghent filed his official report into the alleged misconduct of Detective Magwood. The SLED investigation included interviews and written statements from Lt. Eric Watson, Sgt. Clarice Zimmer, Sgt. Brian Williams, and Lt. Paul Tittle of the Charleston County Sheriff's Office. The investigation also included a summary of a phone call between Special Agent Ghent and Assistant Solicitor Voight, a written statement from Solicitor's Office Investigator Ryan Kelly, and a summary of an interview with Catherine Boney. The information gained from the SLED report included the following:

- Detective Magwood declined to speak with Special Agent Ghent, stating that he "didn't feel he had done anything wrong" and that he was "pretty much done talking." He also stated that all of his cases were signed off on by his supervisors and if he had done something wrong, then they should not have signed off on them.
- Solicitor's Office Investigator Ryan Kelly provided a written memorandum to Special Agent Ghent in which he stated that during the pre-trial preparation for *State v. Prioleau*, the victim, Catherine Boney, denied having signed, nor even seen the photo lineup submitted with the case file by Detective Magwood. Investigator Kelly then participated in a meeting with Detective Magwood and Assistant Solicitor Voight during which Detective Magwood maintained that during his investigation he showed the lineup to Catherine Boney after which *she* placed the date, time, and her initials upon it.
- Special Agent Ghent conducted an interview with Catherine Boney during which Boney advised that Detective Magwood had met with her at her residence and told her that her case had probably been solved because the suspect had been identified through DNA. She said that Detective Magwood then showed her a single color photograph of a man she identified as her attacker. She further stated that Detective Magwood attempted to show her another piece of paper that had a lot of pictures on it and told her he "needed her to sign some things." Boney stated that she had only seen one large picture; however, she did state that she was upset and didn't know if she had signed anything.
- Special Agent Ghent conducted an interview with Lt. Paul Tittle during which Lt. Tittle was unable to provide any information regarding the Prioleau case, stating that while he was the Lieutenant over the Criminal Investigations Division during that time, he did not remember that specific case. Lt. Tittle did provide information concerning an incident in which Detective Magwood was found to have sworn out a faulty arrest warrant against a citizen after only a cursory attempt to confirm the person's identity as the actual suspect in the case (*Jose Esparza IA 2005-098*).

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- Special Agent Ghent conducted an interview with Sgt. Brian Williams during which Sgt. Williams stated that although he did not specifically recall the *Prioleau* case, he did remember conducting case reviews with Detective Magwood during which he "came down hard" on Detective Magwood for grammatical and other writing issues. Sgt. Williams did not recall having any specific conversations with Detective Magwood regarding photo lineups or other identification issues; however, he added that it may have come up during one of the case reviews.
- Sgt. Clarice Zimmer provided a written statement to Special Agent Ghent in which she stated that after Detective Magwood's Administrative Leave began, she contacted him by telephone and questioned him about Catherine Boney's identification of Jerome Prioleau as her attacker. According to Sgt. Zimmer, Detective Magwood advised her that he had shown Catherine Boney a single photograph of Jerome Prioleau. After Boney identified Prioleau using the single photograph, Magwood stated that he showed her the photo lineup and she again identified Prioleau as the suspect. Magwood stated that he forgot to have the witness circle and initial the photograph; however, according to Sgt. Zimmer, Detective Magwood stated that he had a conversation with Assistant Solicitor Greg Voight regarding the oversight after which he (Magwood) understood that it would be permissible to circle and initial the photograph on behalf of Boney since she had previously made the positive identification.
- Lt. Eric Watson provided a written statement to Special Agent Ghent in which he stated that prior to Detective Magwood being placed on Administrative Leave, he spoke with him regarding the Prioleau case. According to Lt. Watson, Detective Magwood advised him that he initially showed Catherine Boney a single photo of Jerome Prioleau, after which he was advised by Sgt. Williams to show her a photo lineup, which he did. Lt. Watson further stated that it was relayed to him that Catherine Boney was too emotional to circle Prioleau's photo on the lineup.
- During a telephone conversation between Special Agent Ghent and Assistant Solicitor Voight, Voight stated that he did not think he would have told Detective Magwood that it would be acceptable for him to sign a photo lineup on behalf of a victim. Voight also stated that while he was preparing the case for trial, Magwood adamantly denied having signed the lineup for the victim, repeatedly stating that Catherine Boney had signed the lineup. Voight further stated that during the pre-trial meeting he had with Magwood, he never mentioned showing the victim a single photo of Jerome Prioleau, nor did he mention any previous conversations he had had with Voight about the lineup. Finally, Assistant Solicitor Voight stated that prior to meeting with Detective Magwood on the case, he met with Catherine Boney. It was during *that* meeting that Catherine Boney stated she had never seen the photo lineup. Voight stated that he was completely unprepared for that revelation.

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Administrative Investigation:

On May 7, 2009, Detective Magwood was charged with the Common Law offense of Misconduct in Office. Shortly before that, the administrative investigation into the events surrounding this allegation was begun. The administrative investigation began with the interview of the Sexual Assault victim, Catherine Boney.

Catherine Boney:

On April 1, 2009, Inspector Antonio and I interviewed Catherine Boney at her residence. Boney recalled that Detective Magwood met with her on the night she was assaulted. The next time she saw him was when he came by her house to show her some pictures. Boney stated that initially, Detective Magwood showed her a single, large photo of a subject she immediately recognized as her attacker. Boney further stated that Detective Magwood then attempted to show her another set of photos; however, she was "hysterical" at that point and refused to look at the photos. She stated that at that point, Magwood advised her, "don't worry about it, we'll take care of it."

The next time Boney spoke with Detective Magwood was by phone after "two other guys" (*presumably Assistant Solicitor Voight and Investigator Kelly*) met with her at her residence and showed her the photo lineup that Detective Magwood had submitted with the case file. Boney stated that after that meeting, she had called Magwood by phone and explained to him what had happened during the meeting with Voight and Kelly. She further told him that she was afraid she had "gotten him in trouble," to which Magwood replied that if something went wrong, it was his fault and not hers.

Later in the interview, Boney repeated her recollection of only seeing the single photo of Jerome Prioleau; however, she did say that she had signed something with him; offering the possibility that Magwood had covered the photos on the lineup and allowed her to initial it without having to look at Prioleau's picture again. When I showed her the initials that had been placed on the photo lineup and asked her about the inconsistencies between the handwriting on the lineup and the writing sample she provided to the Solicitor's Office, she again explained that she had been hysterical and this may have caused her to change her handwriting style.

Lt. Paul Tittle

On June 17, 2009, Inspector Antonio and I interviewed Lt. Paul Tittle in the Office of Professional Standards. Prior to the interview, Lt. Tittle was reminded of Garrity and Truthfulness. During the interview, Lt. Tittle advised that he did not have any additional information to provide, further stating that he did not remember this specific case.

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Sgt. Brian Williams

On July 7, 2009, Inspector Antonio and I interviewed Sgt. Brian Williams in the Office of Professional Standards. Prior to the interview, Sgt. Williams was reminded of Garrity and Truthfulness. During the interview, Sgt. Williams advised that he did not have any additional information to provide, further stating that he did not remember this case.

Sgt. Clarice Zimmer

On May 29, 2009, Chief Inspector Fields and I interviewed Sgt. Clarice Zimmer in the Office of Professional Standards. Prior to the interview, Sgt. Zimmer was reminded of Garrity and Truthfulness. During the interview, Sgt. Zimmer advised that the written statement she provided to SLED during the criminal investigation was truthful and accurate. She further stated that around the time Detective Magwood was placed on Administrative Leave with Pay (*she was not certain as to whether she had spoken to him before or after he was placed on leave; however, she thought she remembered him coming to work on the day after the conversation*) she had a phone conversation with Detective Magwood during which he stated during the investigation, Sgt. Williams had told him to show the victim a photo lineup. Magwood stated that he did as he was told and that the victim picked Jerome Prioleau out of the lineup; however, Magwood stated that he had forgotten to have the victim circle and initial the lineup. According to Zimmer, Magwood then stated that he had spoken with Assistant Solicitor Greg Voight and had gotten the impression that Voight was "ok" with this. Sgt. Zimmer stated that the phone call was then ended and she did not speak with Detective Magwood again until November when she called to check on him. She stated that during that phone call, they did not discuss Magwood's pending criminal and administrative investigation. Sgt. Zimmer was unable to provide any further pertinent information.

Lt. Eric Watson

On May 29, 2009, Chief Inspector Fields and I interviewed Lt. Eric Watson in the Office of Professional Standards. Prior to the interview, Lt. Watson was reminded of Garrity and Truthfulness. During the interview, Lt. Watson advised that the written statement he provided to SLED during the criminal investigation was truthful and accurate. He further advised that he had spoken with Detective Magwood regarding the Prioleau case prior to Detective Magwood being placed on Administrative Leave. During that conversation, Lt. Watson recalled that Detective Magwood stated that he had shown Catherine Boney a single photo of the suspect after which Sgt. Williams had advised him to show her a photo lineup. Lt. Watson specifically questioned Detective Magwood as to whether or not he circled Prioleau's photo on the lineup, to which Magwood responded that he did not know. Lt. Watson stated that this conversation took place in person, in the Criminal Investigations Division office. Lt. Watson was unable to provide any further information.

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Assistant Solicitor Greg Voight

On June 30, 2009, Inspector Antonio and I interviewed Assistant Solicitor Greg Voight at the 9th Circuit Solicitor's Office. Voight stated that during a pre-trial preparation meeting with Catherine Boney, she advised him that she had never before seen the photo lineup that Detective Magwood had submitted with the case file. Voight stated that after his meeting with Boney, and prior to his pre-trial meeting with Magwood, he reviewed the case file and noticed that the date that was printed on the photo lineup, beneath Catherine Boney's initials, bore a striking resemblance to the date printed on the written statement of the suspect, Maurice Prioleau. Voight stated that he expected Magwood to tell him that he *had* printed the date and time on the lineup, but not the initials, and was completely shocked when Magwood denied having made any handwritten marks on the lineup. At that point, Voight stated, he became angry as he felt Magwood was lying to him. He also denied having told Magwood that it was acceptable for him to print the victim's initials on the photo lineup.

Solicitor's Office Investigator Ryan Kelly

On June 30, 2009, Inspector Antonio and I met with Investigator Ryan Kelly at the 9th Circuit Solicitor's Office. Investigator Kelly recalled some of the details of the case, most notably that Detective Magwood adamantly denied having printed the date, time, and/or Catherine Boney's initials on the photo lineup. He was also present for the meeting with Boney at her residence when she denied having seen the photo lineup, as well as the pre-trial meeting with Detective Magwood and Assistant Solicitor Voight during which Voight confronted Magwood about the lineup.

Detective Eugene Magwood

On May 27, 2009, Inspector Antonio and I interviewed Detective Eugene Magwood in the Office of Professional Standards. Prior to the interview, Detective Magwood was reminded of Garrity and Truthfulness. Detective Magwood also provided a signed written statement prior to the interview in which he stated the following:

- Magwood met with Catherine Boney outside her residence on November 7, 2007.
- Magwood showed her the lineup, at which time Boney, who immediately began to cry and curse, identified the suspect.
- Magwood told Boney that he needed her to initial and date the lineup.
- Boney initialed the lineup and then turned away, still crying.
- Magwood then placed a single photo of the suspect next to the lineup and told Boney that he needed her to date the lineup.
- Boney refused to look at the lineup again.
- Magwood then dated the lineup where Boney had initialed it.

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During the interview, Detective Magwood restated the above facts gained from his written statement. The following statements were also made:

- Detective Magwood stated that the only time he showed Catherine Boney a single photograph of Maurice Prioleau was *after* he had shown her the lineup (*this contradicts what Catherine Boney told the Solicitor's Office and the Office of Professional Standards; however, Detective Magwood did question her credibility since she had made some conflicting statements about the lineup. Lt. Watson also stated that Detective Magwood told him that he had shown Catherine Boney a single photo of Maurice Prioleau prior to showing her the photo lineup. Sgt. Zimmer stated that Magwood told her the same thing*).
- Detective Magwood adamantly denied having placed Catherine Boney's initials on the photo lineup, reiterating that Catherine Boney was the one who had placed her initials on the lineup (*this contradicts the findings of the Questioned Documents Section of the SLED Forensics Lab – see page 9*).
- Detective Magwood stated that during the pre-trial meeting with Assistant Solicitor Voight and Investigator Kelly, he denied having written Catherine Boney's initials, but admitted to having written the date on the lineup (*Assistant Solicitor Voight and Investigator Kelly stated that Magwood told them that Catherine Boney had written the date, time, and her initials on the lineup. In addition to this, Detective Magwood's supplemental report that documents the photo lineup indicates that Catherine Boney wrote the date, time, and her initials. When questioned about the supplemental report, Magwood stated that he must have made an error*).
- Detective Magwood stated that he never spoke with Lt. Watson about the Prioleau case. He further stated that he had no reason not to trust Lt. Watson; however, he did state that Sgt. Zimmer was lying in her statement in which she claimed to have had a conversation with him regarding the case (*this contradicts the statements made by Lt. Watson and Sgt. Zimmer*).
- Detective Magwood denied having been told by Assistant Solicitor Voight that it was acceptable for him to place the victim's initials on the photo lineup.
- Detective Magwood stated that Sgt. Williams had suggested to him that he should show Catherine Boney the photo lineup, stating that it would be "icing on the cake."

On June 1, 2009, Inspector Antonio and I again interviewed Detective Magwood in the Office of Professional Standards. Prior to the interview, Detective Magwood was reminded of Garrity and Truthfulness. During the interview, Detective Magwood maintained that he wrote the date and time and that Catherine Boney had placed her own initials on the photo lineup. Magwood also stated that during the pre-trial meeting with Assistant Solicitor Voight, he told Voight and Investigator Kelly that *he* had written the date and time under Catherine Boney's initials.

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Detective Magwood also maintained that the date and time that had been written on the photo lineup were accurate. He recalled having picked up the lineup on the same date that he met with Catherine Boney. Detective Magwood also stated that he had obtained the time from a watch he was wearing when he placed the date and time on the lineup (*Detective Magwood further explained that he owns two watches. According to Magwood, each watch carries the correct time; however, they are both behind one day on the date*). We then questioned Magwood as to why the lineup was created at the jail on 11/7/07 at 3:45 pm and he had indicated that Catherine Boney had initialed the lineup on 11/7/07 at 10:40 am. Detective Magwood could not provide an explanation for this.

SLED Forensic Handwriting Analysis

On June 10, 2009, Inspector Antonio and I met with Detective Magwood in the Office of Professional Standards for the purpose of obtaining a handwriting sample from him. Prior to giving the sample, Detective Magwood was reminded of his Garrity rights. Detective Magwood provided twenty-five handwriting samples as per the instructions given by Special Agent Gail Heath of the Questioned Documents Section of the SLED Forensics Laboratory. These handwriting samples, along with similar samples voluntarily submitted by Catherine Boney, were submitted to the SLED Forensics Laboratory for analysis on June 11, 2009.

On June 29, 2009, I received the SLED Forensic Services Laboratory Report from Special Agent Gail Heath. Special Agent Heath compared the known writing samples from Detective Magwood and Catherine Boney to the photo lineup in question. Based on the evidence examined, it was determined that Catherine Boney did not write the date, time, nor the initials "CEB" on the photo lineup. It was also determined that Detective Magwood did write the date and time on the photo lineup. Also, there were indications that Detective Magwood wrote the initials "CEB" on the photo lineup (*in an earlier phone conversation, Special Agent Heath explained that this is a finding with lesser certainty than that of "did" or "did not" write the initials in question.*)

Findings:

After a careful review of the facts and circumstances surrounding this incident, the Office of Professional Standards has concluded that the complaint against Detective Magwood is **SUSTAINED**. The Office of Professional Standards has further concluded that Detective Magwood violated the policies and procedures of the Charleston County Sheriff's Office, specifically, Procedure 1-09, Agency Rules and Regulations, Section III, Paragraph A, Sub-paragraph thirty-four, "*Truthfulness*," which states:

Upon order of the Sheriff or other superior officer, personnel will truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Sheriff's Office which may be asked of them.

Internal Investigation

I/A # 2008-212

Page 10 of 10

The Office of Professional Standards has also concluded that Detective Magwood violated Procedure 1-09, Agency Rules and Regulations, Section III, Paragraph A, Sub-paragraph ten, "*Unsatisfactory Performance*," which states:

Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees will perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the agency. Unsatisfactory performance may be demonstrated by lack of knowledge of the application of laws required to be enforced (sworn personnel); unwillingness or inability to perform assigned tasks; failure to conform to work standards established for the employee's rank, grade, or position; failure to take appropriate action on the occasion of a crime or disorder; failure to provide assistance to any member of the public whether requested to do so or observed by the deputy sheriff to apparently be in need; other conditions deserving attention; or absence without leave. In addition to other indicators of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of infractions of rules, regulations, directives, or orders of the agency.

The basis for these conclusions rests on the fact that there is strong evidence to suggest that:

- 1) Detective Magwood provided the victim with a large color photograph of the suspect before making any attempt to show the victim the lineup containing the same photo.
- 2) Detective Magwood placed the date, time, and the victim's initials on the lineup and then filed an official report indicating that the victim had written the date, time, and her own initials.
- 3) During pre-trial preparation for this case, Detective Magwood was untruthful in his statements to Assistant Solicitor Voight regarding facts one and two, listed above.
- 4) On two separate occasions during the administrative investigation, Detective Magwood was untruthful in his statements to the Office of Professional Standards regarding facts one and two, listed above.

Cc: Sheriff J. Al Cannon, Jr. Esq.



South Carolina Department of Public Safety
Criminal Justice Academy Division/Certification-Compliance

PERSONNEL CHANGE IN STATUS REPORT
NOTIFICATION OF UNFAVORABLE/NON-ROUTINE SEPARATION/TERMINATION

Reporting Department _____ Phone # _____ Today's Date _____
Officer's Name _____ Social Security # _____ Current Certification Date _____
Officer's Current Home Address _____ City/Town _____ Zip Code _____

PLEASE ☒ CHECK ONE: ☐ E-911 ☐ Reserve Officer

☒ Class 1 LE ☐ Class 2LCO(Jailer) ☐ Class 1LECO(LEO/Jailer) ☐ Class 3SLE (Limited Duty)

(Please check appropriate reason(s) for separation)

(Attachment of Separation Supplement is REQUIRED)

Date of Unfavorable Separation: _____ (specify mo/day/yr)

Voluntary Separation or retirement pending investigation for _____

Voluntary Separation or retirement pending civil action or indictment for _____

Termination for violation of AGENCY policy involving misconduct, good character or moral turpitude, as defined in Regs. 38-004)

Other (please specify) _____

TERMINATION DUE TO DISQUALIFICATION

(Involving misconduct, good character or moral turpitude, etc., defined in Regs. 38-004.)

(Completion of the back of this form and attachment of Separation Supplement is REQUIRED)

APPOINTMENT AS AN OFFICER BY THE EMPLOYING AGENCY HAS BEEN TERMINATED DUE TO THE FOLLOWING DISQUALIFICATION WHICH WOULD RENDER THE OFFICER UNCERTIFIABLE UNDER SOUTH CAROLINA TRAINING LAW, SECTION 23-6-440:

Date of Unfavorable Separation: _____ (specify mo/day/yr)

Driver's License Suspension within past 5 years for DUI or equivalent, Reckless Homicide, Involuntary Manslaughter or Leaving the Scene of an Accident(23-6-440 B)(5)(b))

MISCONDUCT *** (COMPLETE REVERSE SIDE & ATTACH SEPARATION SUPPLEMENT)***

EMPLOYING AGENCY HEAD (Chief, Sheriff, Director)

Andrew Perry, Sr. DATE 8/5/09

Please print name: _____

OFFICIAL TITLE _____

MRN: _____ Archived: _____ CODE: _____ Copy Sent: _____ ID: _____ DATE: _____

EXHIBIT 6

MISCONDUCT REPORT FORM

This form is to be completed within 15 days of the discovery of any event of misconduct which is determined to be "FOUNDED" by the agency or department. Report of misconduct is required by Regulation (38-017) and is the responsibility of the chief executive officer of every law enforcement agency regardless of any possible adjudication, and regardless of the action taken by the agency. Misconduct Reports, including summary of internal investigation report(s), should be forwarded with the Separation Supplement to the Criminal Justice Academy's Certification/Compliance Unit, Attention: Katherine Gunter.

Date of Discovery: Termination Date:

Reporting Department Reporting Date (Today): 8/5/09

Officer's Name Current Home Address
Social Security # Birth Date Driver's License #

Please indicate the nature of misconduct by checking the appropriate selection below. Misconduct includes, but may not be limited to:

- ☐ Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any) or a crime of moral turpitude in this or any other jurisdiction;
- ☐ Unlawful use of a controlled substance;
- ☐ The repeated use of excessive force in dealing with the public and/or prisoners;
- ☐ Dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of persons or property;
- ☐ Physical or psychological abuses of members of the public and/or prisoners;
- ☐ Misrepresentation of employment-related information;
- ☐ Dishonesty/untruthfulness with respect to his/her employer;
- ☒ Other (please specify): See Narrative

Only events which have been have been reported above. The facts & information herein are true & accurate to the best of my knowledge.

Andrew Perry Smith 8/5/09
EMPLOYING AGENCY HEAD (Chief, Sheriff, Director) DATE

Andrew Perry Smith
Please print name Official Title

NOTE: A willful failure to report shall subject the violator to a civil penalty as provided by law.

OFFICE USE ONLY

Copy sent to Officer on by

Date

CJA'S Authorized Signature

Revised 12-9-05

South Carolina Department of Public Safety

SEPARATION SUPPLEMENT

824

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Eugene Magwood,

Plaintiff,

v.

J. Al Cannon, Jr., in his official capacity as
Sheriff of Charleston County, Investigator
Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law Enforcement
Division,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2013-CP-10-3669

**AFFIDAVIT OF
AGENT RYAN KELLY**

NOW COMES, affiant Agent Ryan Kelly, and states and affirms as follows:

1. My name is Ryan Kelly. I am over the age of 21 and a resident of the state of South Carolina.
2. I am an agent at the South Carolina Law Enforcement Division.
3. At the time of this matter, I was an investigator for the 9th Circuit Solicitor's Office.
4. I assisted assistant solicitor Greg Voigt with interviewing Catherine Boney, a victim who had made an allegation of rape.
5. Greg Voigt and I met with Catherine Boney several times while preparing for this case.
6. During one meeting, Ms. Boney mentioned being shown a photo of the suspect. Upon questioning, she said she was certain she had only been shown a single photo.
7. In order to refresh her memory, we showed her the six photo line up.
8. Ms. Boney advised that the writing on the line up was not hers, and she had never been shown the line up by Detective Magwood.
9. Ms. Boney provided a handwriting sample.
10. Mr. Voigt and I then met with Det. Magwood in reference to preparing for trial.
11. We asked him about the photo line up. He said she had circled, initialed, timed and dated

the photo.

12. When we told Det. Magwood that Boney denied doing so, he said she was incorrect.
13. Det. Magwood told me she was upset and probably forgot.
14. After our meeting, I walked him out and asked him for clarification, pointing out that if there is not a logical explanation, he would risk being called a liar on the stand. He insisted that none of it was his handwriting and the victim was wrong.

Further Affiant Sayeth Naught!

Ryan Kelly
Ryan Kelly

Signed and Sworn to Before me
This 25th day of July, 2014.
Kindsay E. Motes
Notary Public for South Carolina
Expires: 7-24-18

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Eugene Magwood,

Plaintiff,

v.

J. Al Cannon, Jr., in his official capacity as
Sheriff of Charleston County, Investigator
Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law Enforcement
Division,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2013-CP-10-3669

**AFFIDAVIT OF
GREGORY VOIGT**

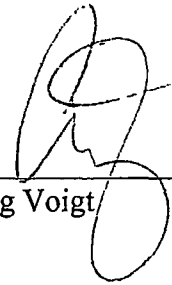
NOW COMES, affiant **GREGORY VOIGT**, and states and affirms as follows:

1. My name is Gregory Voigt. I am over the age of 21 and a resident of the state of South Carolina.
2. I am an assistant solicitor with the Ninth Circuit Solicitor's Office. I have been employed with the Solicitor's Office at all times relevant to this matter.
3. I was the solicitor assigned to prosecute the rape (CSC 1st) of Catherine Boney.
4. Investigator Ryan Kelly and I met with Catherine Boney several times while preparing for trial in this case.
5. During one meeting, we questioned Ms. Boney about being shown a six-person photographic line-up of the suspect by Detective Eugene Magwood and identifying the perpetrator thereon.
6. Ms. Boney denied having seen the six-person line-up. She insisted that Det. Magwood had shown her a single photograph of the perpetrator, Maurice Prioleau.
7. Ms. Boney further advised that the writing on the six-person line-up was not hers.
8. Ms. Boney provided a handwriting sample to Inv. Kelly.
9. Inv. Kelly and I then met with Det. Magwood in reference to preparing for trial.
10. We asked Det. Magwood about the photographic line-up. Det. Magwood said that Ms. Boney had circled, initialed, timed and dated the photo. During this meeting I confirmed

with Det. Magwood that he had written the biographic information at the top of Maurice Prioleau's statement.

11. When we told Det. Magwood that Boney denied making an in, he said she was incorrect.
12. Det. Magwood opined that Ms. Boney was upset at the time of the displaying of the photographic array and probably forgot.
13. I showed Magwood the writing on the line-up and the writing he wrote on Maurice Prioleau's statement. When I questioned him about the similarities, specifically the numbering of the date, he repeated that the victim had signed the line-up and was mistaken.

Further Affiant Sayeth Naught!



Greg Voigt

Signed and Sworn to Before me

This 28 day of July, 2014.

Pauletta Harrison

Notary Public for South Carolina

Expires: 1-3-2017

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Eugene Magwood,

Plaintiff,

v.

J. Al Cannon, Jr., in his official capacity as
Sheriff of Charleston County, Investigator
Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law Enforcement
Division,

Defendants.

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2013-CP-10-3669

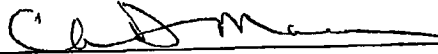
**AFFIDAVIT OF
CLARICE MARANA**

NOW COMES, affiant CLARICE MARANA, and states and affirms as follows:

1. My name is Clarice Marana. At the time of the incident I was married and was known as Clarice Zimmer. I am over the age of 21 and a resident of the state of South Carolina.
2. I am a Leutenant at Family Court with the Charleston County Sheriff's Office. I was employed with the Sheriff's Office at all times relevant to this matter.
3. I started supervising Mr. Magwood in mid-2007.
4. I did not speak with Mr. Magwood during his original investigation into this matter.
5. I spoke with Eugene Magwood in 2008 after he was placed on Administrative Leave. I called him to ask about events that led up to the witness identification.
6. Mr. Magwood told me that he showed the victim a single photo of the suspect which she identified as the suspect.
7. Mr. Magwood told me he then showed her a six pack line up, but the victim was too emotional and he forgot to have her circle and initial the photograph. On his way back to the station he said he realized his oversight and spoke with assistant solicitor Greg Voight.
8. Mr. Magwood told me that as a result of his conversation with Mr. Voight, he thought it would be permissible for him to circle and initial the photograph of the suspect on behalf of the victim, since she knew the suspect and had identified him.

9. I have seen Mr. Magwood's deposition where he calls me a liar. I have no personal feelings against Mr. Magwood and have no reason to make up anything about him.

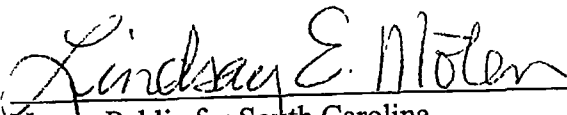
Further Affiant Sayeth Naught!



Clarice Marana

Signed and Sworn to Before me

This 28 day of July, 2014.



Notary Public for South Carolina
Expires: 7-18-18

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Eugene Magwood,

Plaintiff,

v.

J. Al Cannon, Jr., in his official capacity as
Sheriff of Charleston County, Investigator
Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law Enforcement
Division,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2013-CP-10-3669

**AFFIDAVIT OF
ERIC WATSON**

NOW COMES, affiant ERIC WATSON, and states and affirms as follows:

My name is Eric Watson. I am over the age of 21 and a resident of the state of South Carolina.

I am a Major with the Charleston County Sheriff's Office. I was employed with the Sheriff's Office at all times relevant to this matter.

I was just assigned to the Criminal Investigations Division in March, 2008, and was not assigned there when the original investigation was performed in 2005.

I never spoke with Magwood during his original investigation into this matter.

I spoke with Eugene Magwood in 2008 before he was placed on Administrative Leave, and I have reviewed this matter.

Mr. Magwood told me that the victim had personally known the suspect and had provided sufficient identifiers for the suspect.

Mr. Magwood told me he showed her a single photo only to confirm the suspect's identity.

Mr. Magwood told me that later, he showed the victim a line-up of photos and she was too emotional to circle the suspect's photograph.

After reviewing the file, I felt the purpose of showing the victim a line-up was confusing, because the victim knew the person she alleged assaulted her, the suspect admitted sexual contact, and DNA linked the suspect to the victim.

At no time have I condoned or trained officers to sign a victim's initials to a line up.

Further Affiant Sayeth Naught!


Eric Watson

Signed and Sworn to Before me

This 25th day of July, 2014.


Notary Public for South Carolina
Expires: 2/12/2023

J. Al Cannon, Jr., Esq.
Sheriff, Charleston County



3505 Pinehaven Drive
Charleston Heights, SC 29405-7789

Memorandum

To: Chief Deputy R. Sowers *RS*
From: Inspector M. Anderson *MA*
Through: Chief Inspector M. Fields and
Assistant Sheriff A. Coury-Smith *CS*
Date: July 7, 2009
Subject: Internal Investigation
I/A # 2008-212

On October 7, 2008, Detective Eugene Magwood was placed on Administrative Leave with Pay pending the outcome of a criminal investigation of which he was the subject. On April 1, 2009, shortly before the conclusion of the criminal investigation, the Office of Professional Standards began an administrative investigation into the allegations contained in the criminal complaint. The investigation has now concluded and I will provide you with a synopsis of my findings.

Narrative:

This investigation revolves around Detective Magwood's investigation of the sexual assault of Catherine Boney and the assertion by Assistant Solicitor Greg Voight that Detective Magwood had possibly forged Catherine Boney's initials on a photo lineup during the course of the investigation. The case was initially referred to the South Carolina Law Enforcement Division (SLED) for criminal investigation, at which time Detective Magwood was placed on Administrative Leave with Pay. At the conclusion of the criminal investigation, and at the direction of the Attorney General's Office, Detective Magwood was charged with Misconduct in Office by SLED Special Agent Charles Ghent. Subsequent to the criminal charge, the Charleston County Sheriff's Office, Office of Professional Standards, placed Detective Magwood on Administrative Leave without Pay and proceeded with the administrative investigation. The administrative investigation included the following:

- A review of Detective Magwood's investigation into the sexual assault of Catherine Boney.
- A review of the SLED investigation.
- Interviews of Detective Eugene Magwood, Lt. Eric Watson, Sgt. Clarice Zimmer, Lt. Paul Tittle, and Sgt. Brian Williams, Assistant Solicitor Greg Voight, Solicitor's Office Investigator Ryan Kelly, and Catherine Boney.
- Forensic handwriting analysis of the photo lineup purported to have been used by Detective Magwood during his investigation into the sexual assault of Catherine Boney.

Internal Investigation

I/A # 2008-212

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Sexual Assault Investigation (OCA 2006-018918-B)

On September 2, 2006, Charleston County Deputy Sheriff Mark Watson responded to the residence of Catherine Boney on N. Kenwood Drive in N. Charleston in reference to an allegation of sexual assault. The victim, Catherine Elizabeth Boney, stated that while walking home from a friend's house, an unknown black male approached her, forced her behind a barbershop located on Stall Rd., and sexually assaulted her.

Detective Magwood, who was the on-call detective on the incident date, responded to the scene, met with the victim and completed a written statement on her behalf. After the initial investigation, the case went cold until September of 2008 when Detective Magwood received a letter from the SLED Forensic Services Laboratory notifying him of a DNA "hit" indicating that semen recovered from a vaginal swab of Catherine Boney matched the DNA of Maurice Jerome Prioleau.

According to Detective Magwood's report, he then met with Catherine Boney and showed her a photo lineup from which she selected Maurice Prioleau as her assailant. In a supplement report dated September 21, 2008, Detective Magwood stated that after selecting Prioleau from the photo lineup, Catherine Boney then circled the photo and initialed and dated the lineup. Detective Magwood then charged Maurice Prioleau with First Degree Criminal Sexual Conduct and Kidnapping. He then met with and interviewed Maurice Prioleau at the Detention Center at which time Prioleau admitted to having consensual sex with Catherine Boney.

Initial Allegation

On October 14, 2008, Inspector Antonio and I met with SLED Special Agent Charles Ghent, Assistant Solicitor Greg Voight, and Investigator Ryan Kelly at the 9th Circuit Solicitor's Office. The purpose of the meeting was for Assistant Solicitor Voight to provide Special Agent Ghent with an overview of the concerns associated with the case. Inspector Antonio and I were present only as observers and did not take an active role in the meeting.

Assistant Solicitor Voight provided information on the initial investigation into the sexual assault of Catherine Boney. He further related that while preparing for trial on the case, he met with and interviewed Catherine Boney. It was then that Boney denied having ever seen the photo lineup that Detective Magwood submitted to the Solicitor's Office. At the request of the Solicitor's Office, Catherine Boney provided a handwriting sample of her initials and the date and time recorded on the photo lineup. The handwriting sample was noticeably different than that which was on the photo lineup. Voight stated that he then met with Detective Magwood and confronted him at which time Magwood denied having placed the victim's initials on the photo lineup.

Internal Investigation

I/A # 2008-212

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SLED Investigative Report

On December 8, 2008, SLED Special Agent Charles Ghent filed his official report into the alleged misconduct of Detective Magwood. The SLED investigation included interviews and written statements from Lt. Eric Watson, Sgt. Clarice Zimmer, Sgt. Brian Williams, and Lt. Paul Tittle of the Charleston County Sheriff's Office. The investigation also included a summary of a phone call between Special Agent Ghent and Assistant Solicitor Voight, a written statement from Solicitor's Office Investigator Ryan Kelly, and a summary of an interview with Catherine Boney. The information gained from the SLED report included the following:

- Detective Magwood declined to speak with Special Agent Ghent, stating that he "didn't feel he had done anything wrong" and that he was "pretty much done talking." He also stated that all of his cases were signed off on by his supervisors and if he had done something wrong, then they should not have signed off on them.
- Solicitor's Office Investigator Ryan Kelly provided a written memorandum to Special Agent Ghent in which he stated that during the pre-trial preparation for *State v. Prioleau*, the victim, Catherine Boney, denied having signed, nor even seen the photo lineup submitted with the case file by Detective Magwood. Investigator Kelly then participated in a meeting with Detective Magwood and Assistant Solicitor Voight during which Detective Magwood maintained that during his investigation he showed the lineup to Catherine Boney after which *she* placed the date, time, and her initials upon it.
- Special Agent Ghent conducted an interview with Catherine Boney during which Boney advised that Detective Magwood had met with her at her residence and told her that her case had probably been solved because the suspect had been identified through DNA. She said that Detective Magwood then showed her a single color photograph of a man she identified as her attacker. She further stated that Detective Magwood attempted to show her another piece of paper that had a lot of pictures on it and told her he "needed her to sign some things." Boney stated that she had only seen one large picture; however, she did state that she was upset and didn't know if she had signed anything.
- Special Agent Ghent conducted an interview with Lt. Paul Tittle during which Lt. Tittle was unable to provide any information regarding the Prioleau case, stating that while he was the Lieutenant over the Criminal Investigations Division during that time, he did not remember that specific case. Lt. Tittle did provide information concerning an incident in which Detective Magwood was found to have sworn out a faulty arrest warrant against a citizen after only a cursory attempt to confirm the person's identity as the actual suspect in the case (*Jose Esparza IA 2005-098*).

Internal Investigation

I/A # 2008-212

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- Special Agent Ghent conducted an interview with Sgt. Brian Williams during which Sgt. Williams stated that although he did not specifically recall the *Prioleau* case, he did remember conducting case reviews with Detective Magwood during which he "came down hard" on Detective Magwood for grammatical and other writing issues. Sgt. Williams did not recall having any specific conversations with Detective Magwood regarding photo lineups or other identification issues; however, he added that it may have come up during one of the case reviews.
- Sgt. Clarice Zimmer provided a written statement to Special Agent Ghent in which she stated that after Detective Magwood's Administrative Leave began, she contacted him by telephone and questioned him about Catherine Boney's identification of Jerome Prioleau as her attacker. According to Sgt. Zimmer, Detective Magwood advised her that he had shown Catherine Boney a single photograph of Jerome Prioleau. After Boney identified Prioleau using the single photograph, Magwood stated that he showed her the photo lineup and she again identified Prioleau as the suspect. Magwood stated that he forgot to have the witness circle and initial the photograph; however, according to Sgt. Zimmer, Detective Magwood stated that he had a conversation with Assistant Solicitor Greg Voight regarding the oversight after which he (Magwood) understood that it would be permissible to circle and initial the photograph on behalf of Boney since she had previously made the positive identification.
- Lt. Eric Watson provided a written statement to Special Agent Ghent in which he stated that prior to Detective Magwood being placed on Administrative Leave, he spoke with him regarding the Prioleau case. According to Lt. Watson, Detective Magwood advised him that he initially showed Catherine Boney a single photo of Jerome Prioleau, after which he was advised by Sgt. Williams to show her a photo lineup, which he did. Lt. Watson further stated that it was relayed to him that Catherine Boney was too emotional to circle Prioleau's photo on the lineup.
- During a telephone conversation between Special Agent Ghent and Assistant Solicitor Voight, Voight stated that he did not think he would have told Detective Magwood that it would be acceptable for him to sign a photo lineup on behalf of a victim. Voight also stated that while he was preparing the case for trial, Magwood adamantly denied having signed the lineup for the victim, repeatedly stating that Catherine Boney had signed the lineup. Voight further stated that during the pre-trial meeting he had with Magwood, he never mentioned showing the victim a single photo of Jerome Prioleau, nor did he mention any previous conversations he had had with Voight about the lineup. Finally, Assistant Solicitor Voight stated that prior to meeting with Detective Magwood on the case, he met with Catherine Boney. It was during *that* meeting that Catherine Boney stated she had never seen the photo lineup. Voight stated that he was completely unprepared for that revelation.

Internal Investigation
I/A # 2008-212
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Administrative Investigation:

On May 7, 2009, Detective Magwood was charged with the Common Law offense of Misconduct in Office. Shortly before that, the administrative investigation into the events surrounding this allegation was begun. The administrative investigation began with the interview of the Sexual Assault victim, Catherine Boney.

Catherine Boney:

On April 1, 2009, Inspector Antonio and I interviewed Catherine Boney at her residence. Boney recalled that Detective Magwood met with her on the night she was assaulted. The next time she saw him was when he came by her house to show her some pictures. Boney stated that initially, Detective Magwood showed her a single, large photo of a subject she immediately recognized as her attacker. Boney further stated that Detective Magwood then attempted to show her another set of photos; however, she was "hysterical" at that point and refused to look at the photos. She stated that at that point, Magwood advised her, "don't worry about it, we'll take care of it."

The next time Boney spoke with Detective Magwood was by phone after "two other guys" (*presumably Assistant Solicitor Voight and Investigator Kelly*) met with her at her residence and showed her the photo lineup that Detective Magwood had submitted with the case file. Boney stated that after that meeting, she had called Magwood by phone and explained to him what had happened during the meeting with Voight and Kelly. She further told him that she was afraid she had "gotten him in trouble," to which Magwood replied that if something went wrong, it was his fault and not hers.

Later in the interview, Boney repeated her recollection of only seeing the single photo of Jerome Prioleau; however, she did say that she had signed something with him; offering the possibility that Magwood had covered the photos on the lineup and allowed her to initial it without having to look at Prioleau's picture again. When I showed her the initials that had been placed on the photo lineup and asked her about the inconsistencies between the handwriting on the lineup and the writing sample she provided to the Solicitor's Office, she again explained that she had been hysterical and this may have caused her to change her handwriting style.

Lt. Paul Tittle

On June 17, 2009, Inspector Antonio and I interviewed Lt. Paul Tittle in the Office of Professional Standards. Prior to the interview, Lt. Tittle was reminded of Garrity and Truthfulness. During the interview, Lt. Tittle advised that he did not have any additional information to provide, further stating that he did not remember this specific case.

Internal Investigation

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Sgt. Brian Williams

On July 7, 2009, Inspector Antonio and I interviewed Sgt. Brian Williams in the Office of Professional Standards. Prior to the interview, Sgt. Williams was reminded of Garrity and Truthfulness. During the interview, Sgt. Williams advised that he did not have any additional information to provide, further stating that he did not remember this case.

Sgt. Clarice Zimmer

On May 29, 2009, Chief Inspector Fields and I interviewed Sgt. Clarice Zimmer in the Office of Professional Standards. Prior to the interview, Sgt. Zimmer was reminded of Garrity and Truthfulness. During the interview, Sgt. Zimmer advised that the written statement she provided to SLED during the criminal investigation was truthful and accurate. She further stated that around the time Detective Magwood was placed on Administrative Leave with Pay (*she was not certain as to whether she had spoken to him before or after he was placed on leave; however, she thought she remembered him coming to work on the day after the conversation*) she had a phone conversation with Detective Magwood during which he stated during the investigation, Sgt. Williams had told him to show the victim a photo lineup. Magwood stated that he did as he was told and that the victim picked Jerome Prioleau out of the lineup; however, Magwood stated that he had forgotten to have the victim circle and initial the lineup. According to Zimmer, Magwood then stated that he had spoken with Assistant Solicitor Greg Voight and had gotten the impression that Voight was "ok" with this. Sgt. Zimmer stated that the phone call was then ended and she did not speak with Detective Magwood again until November when she called to check on him. She stated that during that phone call, they did not discuss Magwood's pending criminal and administrative investigation. Sgt. Zimmer was unable to provide any further pertinent information.

Lt. Eric Watson

On May 29, 2009, Chief Inspector Fields and I interviewed Lt. Eric Watson in the Office of Professional Standards. Prior to the interview, Lt. Watson was reminded of Garrity and Truthfulness. During the interview, Lt. Watson advised that the written statement he provided to SLED during the criminal investigation was truthful and accurate. He further advised that he had spoken with Detective Magwood regarding the Prioleau case prior to Detective Magwood being placed on Administrative Leave. During that conversation, Lt. Watson recalled that Detective Magwood stated that he had shown Catherine Boney a single photo of the suspect after which Sgt. Williams had advised him to show her a photo lineup. Lt. Watson specifically questioned Detective Magwood as to whether or not he circled Prioleau's photo on the lineup, to which Magwood responded that he did not know. Lt. Watson stated that this conversation took place in person, in the Criminal Investigations Division office. Lt. Watson was unable to provide any further information.

Internal Investigation

I/A # 2008-212

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Assistant Solicitor Greg Voight

On June 30, 2009, Inspector Antonio and I interviewed Assistant Solicitor Greg Voight at the 9th Circuit Solicitor's Office. Voight stated that during a pre-trial preparation meeting with Catherine Boney, she advised him that she had never before seen the photo lineup that Detective Magwood had submitted with the case file. Voight stated that after his meeting with Boney, and prior to his pre-trial meeting with Magwood, he reviewed the case file and noticed that the date that was printed on the photo lineup, beneath Catherine Boney's initials, bore a striking resemblance to the date printed on the written statement of the suspect, Maurice Prioleau. Voight stated that he expected Magwood to tell him that he *had* printed the date and time on the lineup, but not the initials, and was completely shocked when Magwood denied having made any handwritten marks on the lineup. At that point, Voight stated, he became angry as he felt Magwood was lying to him. He also denied having told Magwood that it was acceptable for him to print the victim's initials on the photo lineup.

Solicitor's Office Investigator Ryan Kelly

On June 30, 2009, Inspector Antonio and I met with Investigator Ryan Kelly at the 9th Circuit Solicitor's Office. Investigator Kelly recalled some of the details of the case, most notably that Detective Magwood adamantly denied having printed the date, time, and/or Catherine Boney's initials on the photo lineup. He was also present for the meeting with Boney at her residence when she denied having seen the photo lineup, as well as the pre-trial meeting with Detective Magwood and Assistant Solicitor Voight during which Voight confronted Magwood about the lineup.

Detective Eugene Magwood

On May 27, 2009, Inspector Antonio and I interviewed Detective Eugene Magwood in the Office of Professional Standards. Prior to the interview, Detective Magwood was reminded of Garrity and Truthfulness. Detective Magwood also provided a signed written statement prior to the interview in which he stated the following:

- Magwood met with Catherine Boney outside her residence on November 7, 2007.
- Magwood showed her the lineup, at which time Boney, who immediately began to cry and curse, identified the suspect.
- Magwood told Boney that he needed her to initial and date the lineup.
- Boney initialed the lineup and then turned away, still crying.
- Magwood then placed a single photo of the suspect next to the lineup and told Boney that he needed her to date the lineup.
- Boney refused to look at the lineup again.
- Magwood then dated the lineup where Boney had initialed it.

Internal Investigation

I/A # 2008-212

Page 8 of 10

During the interview, Detective Magwood restated the above facts gained from his written statement. The following statements were also made:

- Detective Magwood stated that the only time he showed Catherine Boney a single photograph of Maurice Prioleau was *after* he had shown her the lineup (*this contradicts what Catherine Boney told the Solicitor's Office and the Office of Professional Standards; however, Detective Magwood did question her credibility since she had made some conflicting statements about the lineup. Lt. Watson also stated that Detective Magwood told him that he had shown Catherine Boney a single photo of Maurice Prioleau prior to showing her the photo lineup. Sgt. Zimmer stated that Magwood told her the same thing*).
- Detective Magwood adamantly denied having placed Catherine Boney's initials on the photo lineup, reiterating that Catherine Boney was the one who had placed her initials on the lineup (*this contradicts the findings of the Questioned Documents Section of the SLED Forensics Lab – see page 9*).
- Detective Magwood stated that during the pre-trial meeting with Assistant Solicitor Voight and Investigator Kelly, he denied having written Catherine Boney's initials, but admitted to having written the date on the lineup (*Assistant Solicitor Voight and Investigator Kelly stated that Magwood told them that Catherine Boney had written the date, time, and her initials on the lineup. In addition to this, Detective Magwood's supplemental report that documents the photo lineup indicates that Catherine Boney wrote the date, time, and her initials. When questioned about the supplemental report, Magwood stated that he must have made an error*).
- Detective Magwood stated that he never spoke with Lt. Watson about the Prioleau case. He further stated that he had no reason not to trust Lt. Watson; however, he did state that Sgt. Zimmer was lying in her statement in which she claimed to have had a conversation with him regarding the case (*this contradicts the statements made by Lt. Watson and Sgt. Zimmer*).
- Detective Magwood denied having been told by Assistant Solicitor Voight that it was acceptable for him to place the victim's initials on the photo lineup.
- Detective Magwood stated that Sgt. Williams had suggested to him that he should show Catherine Boney the photo lineup, stating that it would be "icing on the cake."

On June 1, 2009, Inspector Antonio and I again interviewed Detective Magwood in the Office of Professional Standards. Prior to the interview, Detective Magwood was reminded of Garrity and Truthfulness. During the interview, Detective Magwood maintained that he wrote the date and time and that Catherine Boney had placed her own initials on the photo lineup. Magwood also stated that during the pre-trial meeting with Assistant Solicitor Voight, he told Voight and Investigator Kelly that *he* had written the date and time under Catherine Boney's initials.

Internal Investigation

I/A # 2008-212

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Detective Magwood also maintained that the date and time that had been written on the photo lineup were accurate. He recalled having picked up the lineup on the same date that he met with Catherine Boney. Detective Magwood also stated that he had obtained the time from a watch he was wearing when he placed the date and time on the lineup (*Detective Magwood further explained that he owns two watches. According to Magwood, each watch carries the correct time; however, they are both behind one day on the date*). We then questioned Magwood as to why the lineup was created at the jail on 11/7/07 at 3:45 pm and he had indicated that Catherine Boney had initialed the lineup on 11/7/07 at 10:40 am. Detective Magwood could not provide an explanation for this.

SLED Forensic Handwriting Analysis

On June 10, 2009, Inspector Antonio and I met with Detective Magwood in the Office of Professional Standards for the purpose of obtaining a handwriting sample from him. Prior to giving the sample, Detective Magwood was reminded of his Garrity rights. Detective Magwood provided twenty-five handwriting samples as per the instructions given by Special Agent Gail Heath of the Questioned Documents Section of the SLED Forensics Laboratory. These handwriting samples, along with similar samples voluntarily submitted by Catherine Boney, were submitted to the SLED Forensics Laboratory for analysis on June 11, 2009.

On June 29, 2009, I received the SLED Forensic Services Laboratory Report from Special Agent Gail Heath. Special Agent Heath compared the known writing samples from Detective Magwood and Catherine Boney to the photo lineup in question. Based on the evidence examined, it was determined that Catherine Boney did not write the date, time, nor the initials "CEB" on the photo lineup. It was also determined that Detective Magwood did write the date and time on the photo lineup. Also, there were indications that Detective Magwood wrote the initials "CEB" on the photo lineup (*in an earlier phone conversation, Special Agent Heath explained that this is a finding with lesser certainty than that of "did" or "did not" write the initials in question.*)

Findings:

After a careful review of the facts and circumstances surrounding this incident, the Office of Professional Standards has concluded that the complaint against Detective Magwood is **SUSTAINED**. The Office of Professional Standards has further concluded that Detective Magwood violated the policies and procedures of the Charleston County Sheriff's Office, specifically, Procedure 1-09, Agency Rules and Regulations, Section III, Paragraph A, Sub-paragraph thirty-four, "Truthfulness," which states:

Upon order of the Sheriff or other superior officer, personnel will truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Sheriff's Office which may be asked of them.

Internal Investigation

I/A # 2008-212

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The Office of Professional Standards has also concluded that Detective Magwood violated Procedure 1-09, Agency Rules and Regulations, Section III, Paragraph A, Sub-paragraph ten, "*Unsatisfactory Performance*," which states:

Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees will perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the agency. Unsatisfactory performance may be demonstrated by lack of knowledge of the application of laws required to be enforced (sworn personnel); unwillingness or inability to perform assigned tasks; failure to conform to work standards established for the employee's rank, grade, or position; failure to take appropriate action on the occasion of a crime or disorder; failure to provide assistance to any member of the public whether requested to do so or observed by the deputy sheriff to apparently be in need; other conditions deserving attention; or absence without leave. In addition to other indicators of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of infractions of rules, regulations, directives, or orders of the agency.

The basis for these conclusions rests on the fact that there is strong evidence to suggest that:

- 1) Detective Magwood provided the victim with a large color photograph of the suspect before making any attempt to show the victim the lineup containing the same photo.
- 2) Detective Magwood placed the date, time, and the victim's initials on the lineup and then filed an official report indicating that the victim had written the date, time, and her own initials.
- 3) During pre-trial preparation for this case, Detective Magwood was untruthful in his statements to Assistant Solicitor Voight regarding facts one and two, listed above.
- 4) On two separate occasions during the administrative investigation, Detective Magwood was untruthful in his statements to the Office of Professional Standards regarding facts one and two, listed above.

Cc: Sheriff J. Al Cannon, Jr. Esq.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

MARK SANFORD
Governor



REGINALD I. LLOYD
Director

December 9, 2008

INVESTIGATIVE REPORT

TO: File 31080106
FROM: Special Agent Charles Ghent
RE: Official Misconduct Investigation
Magwood, Eugene (police detective)
COUNTY: Charleston

Introduction

On October 7, 2008, the South Carolina Law Enforcement Division (SLED) received a written request (**Attachment 1**) from Assistant Sheriff A. Coury-Smith of the Charleston County Sheriff's Office (CCSO), to investigate an allegation of possible misconduct involving Detective Eugene Magwood. SLED Captain Roger Heaton assigned Special Agent (S/A) Charles Ghent to conduct an investigation.

Summary

On November 11, 2008, S/A Ghent received a copy of a memorandum from Investigator Ryan Kelly of the 9th Circuit Solicitor's Office (**Attachment 2**), which detailed pretrial meetings



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between Assistant Solicitor Greg Voigt, Kelly, Detective Eugene Magwood, and Catherine Boney; who was the victim in a sexual assault case worked by Det. Magwood. During one such meeting in September of 2008, Boney was asked about a photo lineup in which she had allegedly identified a picture of the suspect, Maurice Jerome Prioleau, and initialed and dated it. This lineup had been included in the case file that was submitted to the Solicitor's Office by Magwood. In the meeting with Voigt and Kelly, Boney denied signing the lineup and stated that she had only been shown a single photograph by Magwood. Kelly conducted a follow-up interview with Boney at her residence on September 24, 2008 during which Boney denied that the handwriting on the lineup was hers and also provided Kelly with a handwriting sample. On September 25, 2008, Voigt and Kelly met with Detective Magwood and advised him of Boney's claim about the lineup. Magwood said that the victim was extremely upset at the time the lineup was shown to her and that she must have forgotten that she signed it. Magwood said that the handwriting on the lineup was not his.

On October 15, 2008, S/A Ghent and S/A Justin Smith conducted an interview with Catherine Boney. The interview was documented by S/A Ghent on a Memorandum of Interview (**Attachment 3**). Boney stated that Detective Magwood came to her house one day and told her that they had probably identified the guy who assaulted her through a DNA match. He then showed Boney a single color photograph, which she identified as her assailant. Magwood then told her he needed to show her another picture, but she got upset and said she didn't want to see anymore pictures. Boney said that she didn't know if she ever signed anything.

On October 24, 2008, S/A Ghent interviewed Lieutenant. (Lt.) Paul Tittle of the Charleston County Sheriff's Office, who had previously been a supervisor of Detective Magwood. The interview was documented by S/A Ghent on a Memorandum of Interview (**Attachment 4**). Lt. Tittle stated that Magwood had problems with documentation and administrative aspects of investigations, but he did not think Magwood would fabricate information. Lt. Tittle did not recall any specific information about the Prioleau investigation.

On October 28, 2008, S/A Ghent called Detective Eugene Magwood at his home number. The conversation was documented by S/A Ghent on a Memorandum of Interview (**Attachment 5**). Magwood said that he had talked to an attorney and that he was "pretty much done talking."

0834 0000377 Magwood stated that he didn't feel that he had done anything wrong.

On October 30, 2008, S/A Ghent interviewed Sergeant (Sgt.) Brian Williams of the Charleston County Sheriff's Office. The interview was documented by S/A Ghent on a Memorandum of Interview (**Attachment 6**). Sgt. Williams had been a supervisor of Detective Magwood at the time of the Prioleau investigation. Sgt. Williams stated that he did not specifically remember that investigation or any issues that may have come up during it. Sgt. Williams said that he did not think that Detective Magwood would ever fabricate or falsify information on a report or case file. He said that Magwood had weaknesses with administrative matters and he could see him making a mistake such as forgetting to get a witness to sign a photo following an identification.

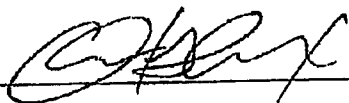
On November 7, 2008, S/A Ghent obtained a voluntary signed statement (**Attachment 7**) from Sgt. Clarice Zimmer of the Charleston County Sheriff's Office. Sgt. Zimmer stated that she spoke to Magwood by phone after he was placed on administrative leave and asked him about the incident with the Prioleau investigation. Magwood told Sgt. Zimmer that he had showed Boney a single photograph of Prioleau which Boney identified as the suspect. Magwood then showed her a "six pack" lineup and Boney again identified Prioleau before becoming very emotional. Magwood left and then realized that he forgot to get her to sign the lineup. Magwood then circled the photo that Boney identified and wrote Boney's initials by the circle. Magwood told Sgt. Zimmer that he believed it was permissible for him to do this on Boney's behalf since she had made the identification.

On November 7, 2008, S/A Ghent obtained a voluntary signed statement (**Attachment 8**) from Lt. Eric Watson of the Charleston County Sheriff's Office. Lt. Watson stated that he spoke to Magwood about the incident with the Prioleau investigation. Magwood told Lt. Watson that he showed Boney a single photo only to confirm the identity of her assailant, whom she apparently knew. Magwood then later returned to show a photographic lineup to Boney per Sgt. Williams' instructions. Magwood did so and Boney became upset and was unable to circle the photograph of the suspect. Lt. Watson commented that the lineup itself would not have had any evidentiary value in the case because identification had already been made through DNA and from the victim knowing the identity of the suspect, in addition to the suspect having given a written statement admitting to having sex with the victim.

The following documents were obtained pertinent to this investigation:

- Case Summary Report from Charleston County Sheriff's Office (**Attachment 9**)

This report will be submitted to the proper prosecutorial authority for their review.

A handwritten signature in black ink, appearing to read 'C. Ghent', is written over a horizontal line.

S/A Charles L. Ghent

Attachments

- 1 Written Request for Investigative Assistance from CCSO
- 2 Memorandum from Investigator Ryan Kelly, including notes and handwriting sample from Catherine Boney
- 3 Memorandum of Interview with Catherine Elizabeth Boney
- 4 Memorandum of Interview with Lt. Paul L Tittle
- 5 Memorandum of Interview for phone conversation with Detective Eugene Magwood
- 6 Memorandum of Interview with Sgt. Brian K. Williams
- 7 Statement of Sgt. Clarice Zimmer
- 8 Statement of Lt. Eric Watson
- 9 Case Summary Report from Charleston County Sheriff's Office

7/11/11

ATTACHMENT #1

0834 0000381

J. Al Cannon, Jr., Esq.
Sheriff, Charleston County



3505 Pinehaven Drive
Charleston Heights, SC 29405-7789

October 7, 2008

OCT 8 '08 PM 1:08

Chief Reginald Lloyd
South Carolina Law Enforcement Division
P.O. Box 21398
Columbia, S.C. 29211-1398

Dear Chief Lloyd,

On October 6, 2008, the Charleston County Sheriff's Office was provided information by Assistant Solicitor Gregory Voigt of the Ninth Circuit Solicitors Office regarding Charleston County Sheriff's Detective Eugene Magwood. Assistant Solicitor Voigt conveyed issues of concern regarding the possible misconduct of Detective Magwood in submitting cases for prosecution.

Due to the nature of this allegation, and on behalf of the Sheriff's Office, please accept this correspondence as an official request for the South Carolina Law Enforcement Division (SLED) to conduct an investigation into this matter.

As always we thank you in advance for your prompt assistance in this matter. Inspector Michael Anderson will be the point of contact for the Sheriff's Office and can be reached at (843) 554-2481

Respectfully,


A. Coury-Smith
Assistant Sheriff

MEMORANDUM

TO: Agent Ghent

FROM: Inv. Ryan Kelly

SUBJECT: Inv. Magwood

DATE: 11/04/08

Agent Ghent,

During the course of preparing for the trial of State V. Prioleau, Assistant Solicitor Greg Voigt and I met with the victim Ms. Catherine Boney several times in September, 2008. During the meeting, Ms. Boney made mention to us of being shown a photograph by Det. Magwood of the suspect identified by SLED in her attack. Mr. Voigt and I previously observed in the case file a signed, six picture photo lineup where the photograph of Maurice Prioleau had been circled, dated, timed, and initialed. When Ms. Boney advised she was shown a photograph of the suspect by Det. Magwood, we assumed Ms. Boney was referring to the lineup present in the case file. After two separate conversations with Ms. Boney, she was certain she was only shown a single photograph of suspect Prioleau, and not a photograph of Prioleau in a six photograph lineup. We initially believed her to be mistaken. Ms. Boney was then shown the lineup in an attempt to refresh her memory, Ms. Boney again advised she was not shown the document. On 09/24/08, I met with Ms. Boney at her residence and again questioned her in reference to the photo lineup. Ms. Boney advised the writing on the lineup is not hers and that she had never been shown the lineup by Det. Magwood. Ms. Boney then provided a hand writing sample.

On 09/25/08 Mr. Voigt and I met with Det. Magwood in reference to preparing for trial. We planned to address the lineup issue during the meeting. Det. Magwood advised us during the course of our conversation that the lineup was shown to Ms. Boney and that she identified Prioleau, and then proceeded to circle, time and date his photo. We then advised Det. Magwood of Ms. Boney's claim of her not signing the lineup. Det. Magwood stated the victim was incorrect. Det. Magwood advised the victim was extremely upset at the time she was shown the lineup and must have forgotten. At this point, Mr. Voigt showed Det. Magwood the writing on the photo lineup with a copy of a written statement where Det. Magwood wrote the statement of Maurice Prioleau. When questioned of the similarities in the handwriting on the written statement and photo lineup, Det. Magwood again advised the victim signed the lineup and is incorrect in her recollection. Mr. Voigt then ended the meeting. As I walked Det. Magwood to our lobby, I attempted to get clarification from him. I advised Det. Magwood the writing on the lineup appeared to be his and that unless we could present a logical explanation, he would run the risk of being called a "liar" on the witness stand by the defense attorney. Det. Magwood again insisted it was not his writing and that the victim is wrong. I escorted Det. Magwood to the lobby and ended our conversation.

VOIGT, KEM

MAGWOOD

STATE V. PRIOLEAU

LINEUP -

BONEY - DOESN'T RECOGNIZE HANDWRITING
- ONLY SHOWN ONE PHOTO

MET W/ VICTIM 9/24/08 AT RESIDENCE

HANDWRITING ON LINEUP APPEARS TO BE
MAGWOODS.

MAGWOOD - VICTIM IS WRONG
DID NOT SIGN PHOTO LINEUP;

NO LINEUP ADMONITION
- B/L SHE DID NOT KNOW
SUSPECT

DOES
NOT MAKE
SENSE

C.E.B.

1/7/07

10:40 AM.

ATTACHMENT #3

0834 0000387

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

OCT 24 '08 AM 9:54

MARK SANFORD
Governor



REGINALD I. LLOYD
Director

October 24, 2008

MEMORANDUM OF INTERVIEW

TO: File # 31080106

FROM: Special Agent Charles Ghent *CG*

RE: Interview with Catherine Elizabeth Boney, B/F/DOB: [REDACTED]

COUNTY: Charleston

Catherine Elizabeth Boney was interviewed on Wednesday, October 15, 2008 beginning at approximately 11:42 am by Special Agent (S/A) Charles Ghent and S/A Justin Smith. The interview was conducted at Boney's residence, located at [REDACTED]

[REDACTED] Boney provided her telephone number as [REDACTED].

Boney stated that Detective Eugene Magwood of the Charleston County Sheriff's Office had investigated a sexual assault case in which she was the victim. One day he came by her house out of the blue and told Boney that they had probably caught the guy who did it because they had identified him with DNA. Magwood then showed Boney a color photograph which he produced from a folder he had with him that contained other paperwork. Boney looked at this single photograph and identified the person on the photograph as being the person who sexually assaulted her. Boney said that as soon as she saw the man's eyes, she knew it was him.



Boney stated that Detective Magwood then told her that he had to show her another picture. Boney was upset and crying, and she told Magwood that she did not want to see another picture. Boney said that she did not remember signing anything. She said that she only saw the one large picture. Boney said that Magwood then got ready to show her another piece of paper that had a lot of pictures on it and told her that she needed to sign some things. She said that she was upset and doesn't know if she ever did sign anything. She stated that Magwood never came by at any other time to showed her any other pictures.

Boney stated that after the investigator from the Solicitor's Office came and spoke to her, she called Detective Magwood and told him about it. Boney stated that Magwood told her not to worry about it and said that it might have been "bad on his part."

Boney stated that she later heard from people in the neighborhood that the man who assaulted her had been asking other people in the neighborhood about her prior to the attack.

The interview was concluded at approximately 12:00 pm.

ATTACHMENT #4

0834 0000390

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



OCT 28 '08 11:27

MARK SANFORD
Governor

REGINALD I. LLOYD
Director

October 28, 2008

MEMORANDUM OF INTERVIEW

TO: File # 31080106

FROM: Special Agent Charles Ghent *CG*

RE: Interview with Lieutenant Paul L. Tittle, Charleston County Sheriff's Office

COUNTY: Charleston

Lt. Paul L. Tittle was interviewed on Friday, October 24, 2008 beginning at approximately 8:00 am by Special Agent (S/A) Charles Ghent. The interview was conducted at the Charleston County Sheriff's Office's Traffic Office on Labor Camp Road in Mount Pleasant, South Carolina. Tittle provided his telephone number as 843-259-0307. Tittle was interviewed because he was formerly the Lieutenant over Investigations at the Charleston County Sheriff's Office during the time that Detective Eugene Magwood arrested Maurice Jerome Prioleau for C.S.C. 1st Degree and Kidnapping.

Lt. Tittle stated that Detective Magwood had problems with his case reports. Magwood would often not write down information and did not keep god notes. Detective Magwood was, however, very well connected in parts of Charleston County and was very good at getting information in cases such as homicides. Tittle recalled that a complaint came from the solicitor's office about a



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case that Magwood submitted where Magwood had apparently not documented important case information in a case file. The complaint came to Tittle and he advised Magwood that he needed to be more thorough in his documentation. Tittle stated that Magwood's direct supervisor at the time was Sergeant Claire Zimmer, and that she along with Sergeant B.K. Williams would probably have more insight on Magwood and the incidents in question.

Lt. Tittle stated that approximately three to four years ago he had to suspect Magwood over a case involving a false identification. Tittle recalled that the case was an assault that occurred on a club in John's Island on River Road. Tittle believed that the victim in the case knew the name of the suspect and knew about where he lived. Magwood later told Tittle in a statement what happened next: Magwood looked up the name in the RMS system and located two subjects with the same name who lived in the same area in question. Magwood then called his victim on the phone and asked the victim to describe his assailant. Magwood then took this information and made a personal judgement between the pictures and information of the two subjects as to which was the suspect. Magwood did not show the photographs of either subject to the victim. Magwood then obtained a warrant for the subject he believed was the suspect and arrested him. The subject was in custody over the weekend and Magwood later determined that he had arrested the wrong person and admitted this to his supervisors. Tittle found out about this from Sgt. Williams or Sgt. Walker, after which he got a statement from Magwood and afterwards suspended him for one day.

Following that incident, Lt. Tittle had another meeting regarding Magwood with the solicitor's office. In this incident a statement was apparently missing from a case file. Tittle stated that the incident was determined to not be malicious or intentional.

Lt. Tittle stated that while Magwood's administrative work is not good, he did not think that Magwood would fabricate information outright.

Lt. Tittle was not familiar specifically with the Proileau investigation, and referred S/A Ghent to Sgt. Williams and Sgt. Zimmer. The interview was concluded at approximately 8:50 a.m.

ATTACHMENT #5

0834 0000394

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

MARK SANFORD
Governor



REGINALD I. LLOYD
Director

May 26, 2009

INVESTIGATIVE REPORT (Addendum)

TO: File # 31080106
FROM: Special Agent Charles Ghent *[Signature]*
RE: Official Misconduct Investigation
Magwood, Eugene (police detective)
COUNTY: Charleston

Introduction

This is an addendum to the investigative report.

Summary

On February 10, 2009, S/A Ghent interviewed Assistant Solicitor Greg Voight by telephone. The conversation was documented by S/A Ghent on a Memorandum of Interview (**Attachment 10**). Voight stated that he did not think he would have told Detective Eugene Magwood that it would be acceptable for him to sign a photo lineup on behalf of a victim. Voight said that during the pre-trial preparation for the Prioleau case, Magwood adamantly denied to Voight as well as Investigator Ryan Kelly that the signature on the lineup was his own handwriting.



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0834 0000395

File # 31080106

Page 2

On May 7, 2009, Detective Eugene Magwood was arrested and charged with one count of Misconduct in Office. Magwood was booked and released from the Charleston County Detention Center the same day (**Attachment 11**).

This report will be submitted to the proper prosecutorial authority for their review.


S/A Charles L. Ghent

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



NOV 4 '08 2:10

MARK SANFORD
Governor

REGINALD I. LLOYD
Director

November 4, 2008

MEMORANDUM OF INTERVIEW *CL*

TO: File # 31080106
FROM: Special Agent Charles Ghent
RE: Phone conversation with Detective Eugene Magwood, Charleston County Sheriff's Office on October 28, 2008.

COUNTY: Charleston

On Tuesday, October 28, 2008 at approximately 2:30 pm, Special Agent (S/A) Charles Ghent called Detective Eugene Magwood at his home number (██████████).

Magwood stated that he was "pretty much done talking" and that he didn't feel that he had done anything wrong. Magwood stated that all of his cases were reviewed and signed off by his supervisors and that if there had been something wrong with them then the supervisors should not have signed off on them.

S/A Ghent asked Magwood if there was anyone that he would like S/A Ghent to talk to in reference to this investigation. Magwood replied that he usually worked his cases alone and that the only people who knew about the case were the victim that he showed the lineup to and himself.



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File 31080106

Page 2

Magwood thanked S/A Ghent for calling him. S/A Ghent again provided Magwood with his telephone number and told Magwood that if he changed his mind and wanted to give a full statement to contact him. The phone call was concluded at approximately 2:42 pm.

ATTACHMENT #6

0834 0000399

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NOV 05 2008

MARK SANFORD
Governor



REGINALD L. LLOYD
Director

November 4, 2008

MEMORANDUM OF INTERVIEW

TO: File # 31080106

FROM: Special Agent Charles Ghent *CG*

RE: Interview with Sergeant Brian K. Williams, Charleston County Sheriff's Office on October 30, 2008.

COUNTY: Charleston

On Thursday, October 30, 2008 beginning at approximately 10:08 am, Special Agent (S/A) Charles Ghent interviewed Sergeant (Sgt.) Brian "B.K." Williams of the Charleston County Sheriff's Office. The interview was conducted at the SLED Lowcountry regional office in North Charleston, SC. Sgt. Williams provided his phone number as 843-297-6712.

Sgt. Williams was interviewed because he was a former supervisor of Detective Eugene Magwood in the Criminal Investigation Division of the Charleston County Sheriff's Office.

Sgt. Williams stated that Detective Magwood had once applied for the Sergeant's exam as part of the promotional process at the Sheriff's Office and had been turned down. Magwood was upset about this because he had been at the Sheriff's Office for a long time. Sgt. Williams spoke with Magwood and told him that he needed to work on his report writing skills and that if he did, his



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chances in the promotional process would improve. To this end, Sgt. Williams offered to help Magwood through case review. Sgt. Williams said that he came down hard on Magwood for grammatical and other writing issues in his subsequent reports.

Sgt. Williams said that Detective Magwood was very good at getting information on cases, particularly ones that occurred in James and John's Island where he had a lot of contacts and informants. Magwood possessed very good instincts as a detective but his writing and organizational skills were not good. Sgt. Williams recalled Lieutenant Paul Tittle informing him that there had been a complaint from the Solicitor's Office about Magwood's cases not being very strong. Sgt. Williams did not recall personally receiving any complaints from the Solicitors Office about Magwoods cases, but he did occasionally hear about Magwood missing a meeting or other scheduled appointment.

Sgt. Williams said that he did not remember ever having any specific conversations with Detective Magwood involving photo line-ups or identification issues, although he added that it was possible that those discussions may have come up during case reviews. He said that it was possible that he may have suggested to Magwood to have a photo line-up done in a case where there was already a CODIS hit because it would help strengthen the case with an additional identification from the victim. Sgt. Williams added that he would not have made such a suggestion if he was aware that a single photo identification had already been done because that would have "tainted" the line-up.

Sgt. Williams said that he did not remember any specifics about the Maurice Prioleau investigation or any administrative action or input he may have had on the case.

Sgt. Williams stated that he did not think that Detective Magwood would ever fabricate or falsify information on a report or case file. He could see Magwood possibly making an administrative mistake such as forgetting to get a witness to sign a photo after an identification was made. Sgt. Williams said that Magwood was a great detective but that case files and administrative matters were his weakness.

The interview was concluded at approximately 11:00 am.

ATTACHMENT #7

1834 0000402

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

NOV 28 '07 10:33

DATE Nov. 7, 08

OCA # _____

STATEMENT OF	Clarice Zimmer		
ADDRESS	3505 Pinehaven Drive	PHONE #	843-554-2473
EMPLOYER	Charleston County	PHONE #	██████████
RACE:	Caucasian	SEX	F
		DATE OF BIRTH	██████████

I have supervised Detective Magwood since mid-2007. During that time, the only disciplinary action I have had to take has been minor. During the time I have been Detective Magwood's supervisor, I have never known him to display any malfeasance in regards to his responsibilities, fabricate any statement and/or forge a document. After Detective Magwood's Administrative Leave began, I contacted him by telephone to ask him about the events that led up to the witness identification of the suspect. He stated to me that he showed the victim a single photograph of the suspect which the witness identified as our suspect. He then showed her a six pack line up and when the witness identified our suspect for a second time, she became very emotional. Detective Magwood consoled the witness while she was processing her emotions. During this time, Detective Magwood forget to have the witness circle and initial the suspect photograph she identified twice for him previously. After the witness departed, and Detective Magwood was in route back to the office he realized his oversight. He stated he had a conversation with Solicitor Greg Voight regarding this oversight. As a result of his conversation with Solicitor Voight, Detective Magwood understand that it would be permissible for him to circle and initial the photograph of the suspect on behalf of the witness since she knew the suspect and identified the suspect to Detective Magwood. I believe Detective Magwood when he indicated that he acted without malice of forth thought when he circled and initialed the suspects photograph on behalf of the witness. I believe that Detective Magwood's was doing this simply validate what the witness had stated to him. The only violation I see is that Detective Magwood failed to provide complete details in his case notes. The suspect was matched by DNA, the victim new him by nickname and sight, and identified him by a single photo, prior to this occurring.

HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: _____

Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____

Signature

ATTACHMENT #8

0834 0000404

Statement of Eric Watson

NOV 20 08 4:50:34

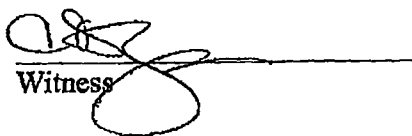
Employment: Charleston County Sheriff's Office

Phone Number: (843) 554-2457

On October 28, 2008, I was interviewed at the Sheriff's Office Criminal Investigations Division by Special Agent Charles Ghent of the South Carolina Law Enforcement Division (SLED) regarding Detective Eugene Magwood's handling of a 2005 sexual assault case and him allegedly forging the victim's initials on a photographic lineup. This information was reported to the Sheriff by the Solicitor's Office. I have just recently been assigned to the Criminal Investigations Division on March 13, 2008, as its Lieutenant. Due to this fact, I do not have any direct knowledge of this particular case. However, I had the opportunity to speak with Detective Magwood before he was placed on Administrative Leave about this case and I also had the opportunity to review this case. I was informed by Detective Magwood that the victim in this case had personally known the suspect and had provided sufficient identifiers for the suspect. Detective Magwood showed the victim a single photograph of the suspect who she had already identified only to confirm his identity. Detective Magwood stated that he was later instructed to by Sgt. Williams to show the victim a photographic lineup which he did. It was relayed to me that the victim was very emotional and she was not able to circle the suspect's photograph. This is the extent of my knowledge regarding this incident. After my review of this case, the purpose of this particular photographic lineup is somewhat confusing to me, in that, it didn't add any significant element to the credibility of the victim because she knew the person who assaulted her and had already confirmed the identity of her assailant. Furthermore, the suspect provided Detective Magwood with a signed written statement wherein he admitted engaging in sexual intercourse with the victim. Moreover, the suspect was identified by DNA evidence linking to the crime. In any case, the victim is your best and most reliable witness. I have never known Detective Magwood to fabricate, manipulate, or intentionally provide false testimony in any criminal investigations. I have had the opportunity to participate in many interviews with Detective Magwood as a detective and have never witnessed any inappropriate conduct displayed by him. Detective Magwood is a very passive interviewer who relies a lot on his faith to guide him. Detective Magwood has been awarded many accolades for his work. Two of his most recent awards were Deputy of the Month for solving an 8 year old murder and an award from People against Rape (PAR) for a sexual assault case that he investigated.


Signature

11/7/08
Date


Witness

11/7/08
Date

ATTACHMENT #9

20071111 33)

OCT 14 '08 12:37



Criminal Investigation Division

PROSECUTIVE SUMMARY CASE PREPARATION FORM

Case Number: 06-018918

Detective: Det. E. Magwood

Defendant:

Prioleau, Maurice Jerome

☒ STATEMENT ON FILE

☒ CONFESSION

Charges: C.S.C.1 st. Degree
Kidnapping

This prosecutive package includes the following:

☒ Synopsis	☒ Copy Of Warrant
☒ All Supplemental Report	☒ Advisement Of Rights
☒ Arrest and Booking Report	☒ Copy Of Incident Report
☒ Rap Sheet	☐ Witness list
☒ List of Evidence	☒ Other Reports Pertinent to this case

 11/14/2007
Signature of Deputy (Date)


Approving Supervisor (Date)



Charleston County Sheriffs Office
Criminal Investigation Division

GRAND JURY INDICTMENT FORM

OCA#

06-018918

Incident Date

Detective

Det. E. Magwood

Incident Location

6939 Stall Rd. N. Charleston S.C. 29406

Date Of Birth

Statement

Confession

Prioleau, Maurice Jerome

☐ CCSC Serious Habitual Offender

Reason:

CHARGE 1 C.S.C.1 st. Degree

CHARGE 2 Kidnapping

CHARGE 3

CHARGE 4

Victim Information

Phone 1

Phone 2

Date Of Birth

Statement

Boney

Catherine
Elizabeth

☒

Synopsis

On 09/02/06 the victim gave a written statement to Detective Magwood stating that as she was walking from a friends house she was approached by a black male only known by the street name at "Poochie". This subject came up behind her and grabbed her from behind by the back of the neck and dragged her behind a vacant building, possibly a Barber Shop. He then proceeded to force her clothes off and physically forcing his penis into her vagina. He also while raping her took a beer bottle and broke it then held it to her throat. The beer bottle was tested negative for prints and no other evidence was located at the time. The victim described the suspect As being approximately 5'6", 170 to 175lb, Black/ Brown, wearing a black pant and dark boxer shorts he appeared to be 20 to 25 yoa.

On 09/08/06 this I/D received a phone call from the victim and the complainant, who stated that they saw the suspect walking pass her residence. He is known by the name of "Poochie" on the street, but they do not know his real name. They will attempt to get his real name and call this I/D back with the information.

On October 23, 2007 this I/D received a SLED report on the DNA evidence

recovered from the victim. The report indicated that the listed suspect, Maurice Jerome Prioleau seamen was found in the victim, Catherine Boney.

This I/D located the victim and showed her a photo lineup that contained a photo of the listed suspect and five other individuals. The victim picked out the suspect and positively identified him as being her assailant.

On 11/13/07 this I/D interviewed the suspect, Maurice Jerome Prioleau, he gave a written statement after he was advised of his Miranda rights and signing a written waiver waiving same. He stated that he met the victim while walking home from a club. they got together they went behind an abandoned building where they had consensual sexual intercourse. The victim got \$50.00 in Crack Cocaine for the sex, because that's what she wanted. After she had smoked up all of the Crack Cocaine, she got upset and wanted more Crack Cocaine. This was when she was left at that location.

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 202-1700J. Al Cannon, Jr.
Sheriff

00100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2006-018918-B	PAGE ____ OF ____ PAGES	NCIC ENTRY	FILED	FILED
☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL WITNESSES	☐ ADDITIONAL STOLEN PROPERTY		
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL SUBJECTS	☐ ADDITIONAL RECOVERED PROPERTY		

INCIDENT TYPE: Criminal Sexual Conduct

Incident Location: [REDACTED]

Incident Date: 09/02/06

On 09/02/06 the victim gave a written statement to Detective Magwood stating that as she was walking from a friends house she was approached by a blk male only known by the street name at "June". This subject came up behind her and grabbed her from behind by the back of the neck and dragged her behind a vacant building, possibly a Barber Shop. He then proceeded to force her clothes off and physically forcing his penis into her vagina. He also while raping her took a beer bottle and broke it then held it to her throat. The beer bottle was tested negative for prints and no other evidence was located at the time. The victim described the suspect As being approximately 5'6", 170 to 175lb, Balk/ Brno, wearing a black pant and dark boxer shorts he appeared to be 20 to 25 yoa.

On 09/08/06 this I/D received a phone call from the victim and the complainant, who stated that they saw the suspect walking pass her residence. He is known by the name of "June" on the street, but they do not know his real name. They will attempt to get his real name and call this I/D back with the information.

On 10/03/06 this I/D telephoned the victim and spoke to her son, he will have the victim contact this I/D when she returns home.

This I/D again stoke to the victim on 10/13/06, she at that time refused to talk about the possible suspect or give any other information on the incident.

The listed suspect was apprehended and transported to the Charleston County Detention where he was lodged pending a hearing.

Case closed with two warrants served and one arrest.

TYPE (GROUP)						TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	n/a
DAMAGED	0	0	0	0	0	0	
BURNED	0	0	0	0	0	0	
RECOVERED	0	0	0	0	0	0	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
SEIZED	0	0	0	0	0	0	n/a
SUBJECT IDENTIFIED ☐ YES ☐ NO		SUBJECT LOCATED ☐ YES ☐ NO		ACTIVE ☐ UNFOUNDED	☒ ADM CLOSED	ARREST UNDER 18 ARREST 18 AND OVER	EX-CLEARED UNDER 18 EX-CLEARED 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE		OFFENDER DEATH		NO PROSECUTION		EXTRADITION DENIED	
REPORTING OFFICER(S)		DATE		BADGE NUMBER		APPROVING OFFICER	
Det. E. Magwood		11/9/2007		9116		DATE	
						BADGE NUMBER	
						FOLLOW-UP INVESTIGATION YES NO OFFICER	

PERSON SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
INEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 2940 • (843) 202-1700J Al Cannon, Jr.
Sheriff

100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2006-018918-B	PAGE ____ OF ____ PAGES	NCIC ENTRY	INQ	ENT
☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL WITNESSES	☐ ADDITIONAL STOLEN PROPERTY	☐ ADDITIONAL RECOVERED PROPERTY	
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL SUBJECTS			

SUBJ. I.D.	COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	DOB	ETH
	VICTIM # 1	Boney, Catherine Elizabeth		AQ		J S O U	B	F	1		Blk
	SUSPECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
	SUBJECT #	5'4"	130	Blk	Brn						
	WITNESS #	ADDRESS		CITY	STATE	ZIP CODE	DAY PHONE	H	EVENING PHONE	H	
	WANTED							B		B	
	WARRANT	VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE			
	ARREST	EXPLAIN.		DRUGS: ☐ NO ☐ YES		TYPE: ☐ UNK.		ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED			
	RUNAWAY	OCCUPATION		EMPLOYER		ALIAS		NIC #			
	MISSING PERSON	unemployed		none							

CHARGE	(C) CHARGE
CHARGE	(D) CHARGE

SUBJ. I.D.	COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	DOB	ETH
	VICTIM #	Prileau, Maurice Jerome		N/A		J S O U	B	M	31		N
	SUSPECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
	SUBJECT # 1	5'7"	145	Blk	Bro						
	WITNESS #	ADDRESS		CITY	STATE	ZIP CODE	DAY PHONE	H	EVENING PHONE	H	
	WANTED							B	same	B	
	WARRANT	VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE			
	ARREST	EXPLAIN.		DRUGS: ☐ NO ☐ YES		TYPE: ☐ UNK.		ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED			
	RUNAWAY	OCCUPATION		EMPLOYER		ALIAS		NIC #			
	MISSING PERSON	UNK		UNK							

CHARGE	(C) CHARGE
CHARGE	(D) CHARGE

1st Degree

SUBJ. I.D.	COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	DOB	ETH
	VICTIM #					J S O U					
	SUSPECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
	SUBJECT #										
	WITNESS #	ADDRESS		CITY	STATE	ZIP CODE	DAY PHONE	H	EVENING PHONE	H	
	WANTED							B		B	
	WARRANT	VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE			
	ARREST	EXPLAIN.		DRUGS: ☐ NO ☐ YES		TYPE: ☐ UNK.		ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED			
	RUNAWAY	OCCUPATION		EMPLOYER		ALIAS		NIC #			
	MISSING PERSON										

CHARGE	(C) CHARGE
CHARGE	(D) CHARGE

Battering

SUBJ. I.D.	COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	DOB	ETH
	VICTIM #					J S O U					
	SUSPECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
	SUBJECT #										
	WITNESS #	ADDRESS		CITY	STATE	ZIP CODE	DAY PHONE	H	EVENING PHONE	H	
	WANTED							B		B	
	WARRANT	VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE			
	ARREST	EXPLAIN.		DRUGS: ☐ NO ☐ YES		TYPE: ☐ UNK.		ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED			
	RUNAWAY	OCCUPATION		EMPLOYER		ALIAS		NIC #			
	MISSING PERSON										

SUBJECT IDENTIFIED	SUBJECT LOCATED	ACTIVE	ADM CLOSED	ARREST UNDER 18	EX CLEARED UNDER 18
☐ YES ☐ NO	☐ YES ☐ NO	☐ UNFOUNDED	☒	☐ ARREST 18 AND OVER	☐ EX-CLEARED 18 AND OVER
REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER

Det. E. Magwood	11/9/2007	9116			

34 0000411			FOLLOW UP INVESTIGATION	YES	NO	OFFICER		

INCIDENT SUPPLEMENT

J. Al Cannon, Jr.

SC0100000	DISPATCH NUMBER	ORIGINAL CASE NUMBER 2006-018918-B	PAGE 1 OF 1 PAGES	FILED ENTRY	NO. 1	BY 1
☐ ORIGINAL ☐ REPORT ☐ MODIFIES ☐ ORIGINAL	☒ SUPPLEMENTAL ☒ REPORT ☐ CASE STATUS ☐ CHANGE	☐ ADDITIONAL ☐ VICTIMS ☐ ADDITIONAL ☐ OFFENDERS	☐ ADDITIONAL ☐ WITNESSES ☐ ADDITIONAL ☐ SUBJECTS	☐ ADDITIONAL ☐ STOLEN PROPERTY ☐ ADDITIONAL ☐ RECOVERED PROPERTY		

Incident Type : C S C 1st. Degree

Incident Date : 09/02/06

Incident Location :

Victim : Catherine Elizabeth Boney B/F, 44 yoa, 5'4" 140lb

Suspect : Maurice Jerome Prioleau B/M 31 yoa 5'4" 145

On January 7, 2007 the victim, Catherine Elizabeth Boney was shine a photo line up that included the listed suspect, Maurice Prioleau. The victim identified the suspect in the line up as #6, she then circled the photo of the suspect then initialed and dated under the photo.

On September 9, 2008 a search warrant was secured and served on the listed suspect. The biological sample was collected from the defendant on September 9, 2008 to be compared with specimens obtained from the victim,s body and forwarded to S L E D for analysis.

TYPE (GROUP)						TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN							n/a
DAMAGED							JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
BURNED							n/a
RECOVERED							
SEIZED							
SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER	
						☒ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE IN CUSTODY							
REPORTING OFFICER(S) Detective Magwood		DATE 09/21/08	RADGE NUMBER 9116	APPROVING OFFICER Sgt. Zimmer		DATE 09/21/08	RADGE NUMBER 9338
334 0000412				FOLLOW-UP INVESTIGATION ☐ YES ☒ NO			

2144-1 INC 08:55 AM
EDUCATION 12TH

Charleston County Sheriff's Office Advisement of Rights

OCA#: 2006-018918-B Date: _____
 Name: MAURICE JEROME Prolegu Race: BLK Sex: MALE DOB: _____
 Address: _____ Phone: _____
 Employment: _____ Phone: _____
 Social Security #: _____ Driver's Lic. # _____
 State: SCOL

Det. E. Magwood has advised me that he is a member of the
 Charleston County Sheriff's Office, and has further advised me.

- MP 1. That I have the absolute right to remain silent and do not have to answer any questions or give a statement and this fact cannot be used against me.
- MP 2. That if I do answer questions or give a statement, anything I say can and will be used against me in a Court of Law.
- MP 3. That I have the right to consult with a lawyer of my choice before I answer questions or give a statement and also to have him present while I am being questioned.
- MP 4. That if I wish to talk to a lawyer or have him present, but am unable to afford to hire a lawyer, one will be appointed to represent me free of charge.
- MP 5. That if I decide to answer questions or give a statement without having a lawyer present representing me, I have the absolute right during this interview to stop answering questions and remain silent.

I FULLY UNDERSTAND EACH OF THESE RIGHTS WHICH HAVE BEEN EXPLAINED TO ME.

Maurice Prolegu

Witnesses:

E. Magwood

WAIVER OF RIGHTS

I fully understand each of these rights which have been explained to me, and having these in mind, I wish to waive these rights and answer questions. No threats, force or promises of any kind have been made to me by anyone to induce or cause me to waive these rights and answer questions.

Maurice Prolegu

Witnesses:

E. Magwood

CHARLESTON COUNTY SHERIFF'S OFFICE

OCA # 2006-018918-BDATE 01-13-07STATEMENT OF MAURICE JEROME PRIOLEAUADDRESS [REDACTED]PHONE # [REDACTED]EMPLOYMENT: PHONE # [REDACTED]RACE: BLACKSEX: MALEDATE OF BIRTH: [REDACTED]

Q: Did you force the victim behind a building on the night of September 2, 2006?

A: NO

Q: Did you force the victim, Catherine Boney to have sexual intercourse with you?

A: NO

Q: Where did you meet the victim, Catherine Boney?

A: walks down Stall Rd. 3:30 AM or 400 AM

Q: Did you have sexual intercourse with the victim, Catherine Boney?

A: Yes

Q: Was the sex consensual?

A: Yes

Q: Did she ask to be paid for the sex?

A: YES

Q: Who initiated the conversation?

A: She did

Q: What or how much was the victim, Catherine Boney paid?

A: \$50 in crack cocaine

Q: Was there an argument at any time during the incident?

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES:

[Signature]Maurice Prioleau

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT

Maurice Prioleau

LineUp ID: ID2621

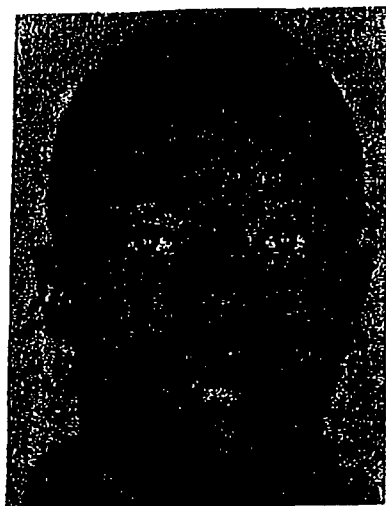
Officer: QROBERTS

Requested By:

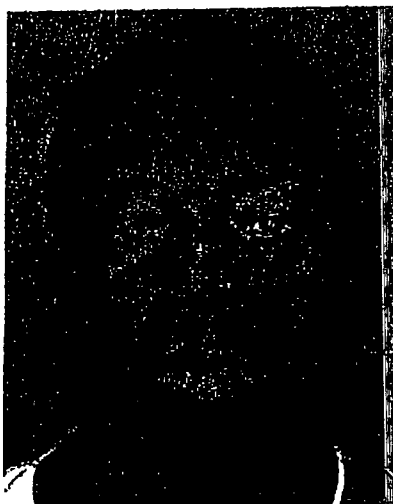
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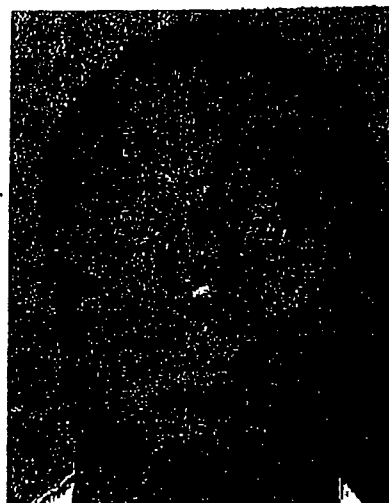
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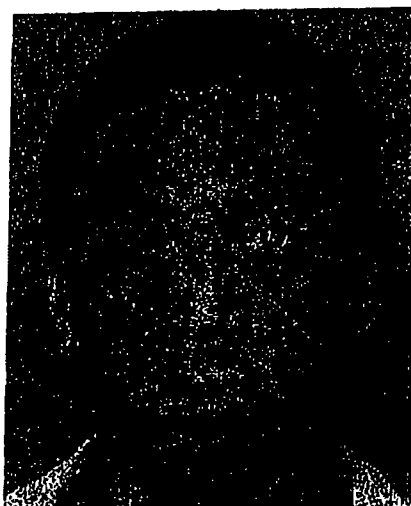
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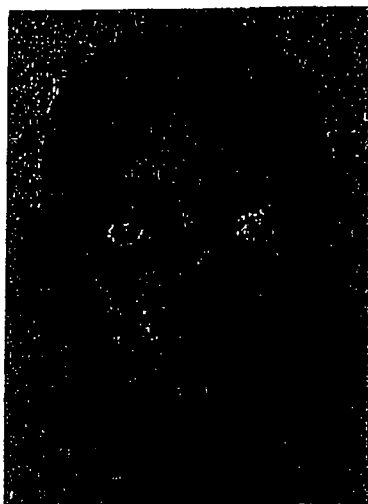
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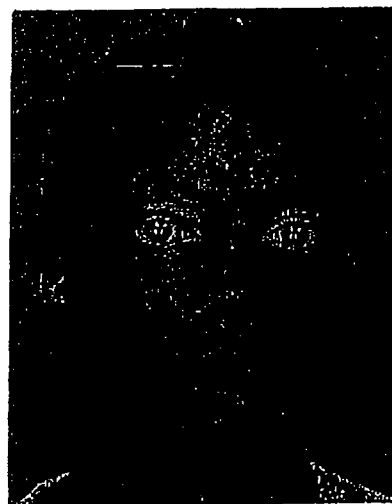
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<6>

CEB
91-07-007
10/16/07

J. Al Cannon, Jr. Esq.
Sheriff, Charleston County
Office



Office of Professional Standards
Charleston County Sheriff's

FACSIMILE COVER SHEET

TO:	Captain Heaton
FAX NUMBER:	(843) 797-3662
AGENCY:	South Carolina Law Enforcement Division
FROM:	Inspector Michael Anderson Charleston County Sheriff's Office Office of Professional Standards
DATE:	October 8, 2008

MESSAGE:	<i>Re: Request for assistance.</i>

FAX (843) 554-2494 - ORI #SC0100001 - HQ (24 HRS) (843) 202-1700 - OPS DIV (843) 308-7323 (0830/1700)

THIS TRANSMISSION CONSISTS OF (2) PAGE(S) INCLUDING COVER SHEET

NOTE: ALL INFORMATION TRANSMITTED HEREBY IS INTENDED ONLY FOR THE ADDRESSEE(S) NAMED ABOVE. IF THIS COMMUNICATION IS RECEIVED IN ERROR, PLEASE NOTIFY SPECIAL OPERATIONS DEPARTMENT, CHARLESTON COUNTY SHERIFF'S OFFICE IMMEDIATELY BY CALLING COLLECT AT THE ABOVE LISTED NUMBER AND RETURNING THE ORIGINAL MESSAGE TO THE ABOVE ADDRESS VIA U. S. MAIL. THIS AGENCY WILL REIMBURSE ANY INCURRED EXPENSE.

J. Al Cannon, Jr., Esq.
Sheriff, Charleston County



3505 Pinehaven Drive
Charleston Heights, SC 29405-7789

October 7, 2008

Chief Reginald Lloyd
South Carolina Law Enforcement Division
P.O. Box 21398
Columbia, S.C. 29211-1398

Dear Chief Lloyd,

On October 6, 2008, the Charleston County Sheriff's Office was provided information by Assistant Solicitor Gregory Voigt of the Ninth Circuit Solicitors Office regarding Charleston County Sheriff's Detective Eugene Magwood. Assistant Solicitor Voigt conveyed issues of concern regarding the possible misconduct of Detective Magwood in submitting cases for prosecution.

Due to the nature of this allegation, and on behalf of the Sheriff's Office, please accept this correspondence as an official request for the South Carolina Law Enforcement Division (SLED) to conduct an investigation into this matter.

As always we thank you in advance for your prompt assistance in this matter. Inspector Michael Anderson will be the point of contact for the Sheriff's Office and can be reached at (843) 554-2481

Respectfully,


A. Coury-Smith
Assistant Sheriff

J. Al Cannon, Jr. Esq.
Sheriff, Charleston County
Office



Office of Professional Standards
Charleston County Sheriff's

FACSIMILE COVER SHEET

TO:	Katherine Gunter
FAX NUMBER:	(803)896-7777
AGENCY:	SCCJA
FROM:	Inspector Michael Anderson Charleston County Sheriff's Office Office of Professional Standards
DATE:	June 16, 2009

MESSAGE:	Re: Detective Magwood

FAX (843) 308-7323 - ORI #SC0100001 - HQ (24 HRS) (843) 202-1700 - OPS DIV (843) 308-7323 (0830/1700)

THIS TRANSMISSION CONSISTS OF (3) PAGE(S) INCLUDING COVER SHEET

NOTE: ALL INFORMATION TRANSMITTED HEREBY IS INTENDED ONLY FOR THE ADDRESSEE(S) NAMED ABOVE. IF THIS COMMUNICATION IS RECEIVED IN ERROR, PLEASE NOTIFY SPECIAL OPERATIONS DEPARTMENT, CHARLESTON COUNTY SHERIFF'S OFFICE IMMEDIATELY BY CALLING COLLECT AT THE ABOVE LISTED NUMBER AND RETURNING THE ORIGINAL MESSAGE TO THE ABOVE ADDRESS VIA U. S. MAIL. THIS AGENCY WILL REIMBURSE ANY INCURRED EXPENSE.

J. Al Cannon Jr., Esq.
Charleston County Sheriff



Office of Professional Standards

FACSIMILE COVER SHEET

TO:	Katherine Gunter
FAX NUMBER:	(803) 896-7803
AGENCY:	SC Dept. of Public Safety
FROM:	Inspector Roger Antonio Charleston County Sheriff's Office Office of Professional Standards-Internal Affairs
DATE:	August 5, 2009
MESSAGE:	

FAX (843) 308-7347 / HQ (24 HRS) (843) 202-1700 / Office of Professional Standards (843) 554-2454

THIS TRANSMISSION CONSISTS OF (4) PAGE(S) INCLUDING COVER SHEET

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South Carolina Department of Public Safety
Criminal Justice Academy Division/Certification-Compliance

PERSONNEL CHANGE IN STATUS REPORT
NOTIFICATION OF UNFAVORABLE/NON-ROUTINE SEPARATION/TERMINATION

Reporting Department	Phone #	Today's Date
Officer's Name	Social Security #	Current Certification Date
Officer's Current Home Address	City/Town	Zip Code

PLEASE



CHECK ONE:



E-911



Reserve Officer

☒ Class 1 LE ☐ Class 2LCO(Jailer) ☐ Class 1LECO(LEO/Jailer) ☐ Class 3SLE (Limited Duty)

(Please check appropriate reason(s) for separation)

(Attachment of Separation Supplement is REQUIRED)

Date of Unfavorable Separation: (specify mo/day/yr)

Voluntary Separation or retirement pending investigation for

Voluntary Separation or retirement pending civil action or indictment for

Termination for violation of AGENCY policy involving misconduct, good character or moral turpitude, as defined in Regs. 38-004)

Other (please specify)

TERMINATION DUE TO DISQUALIFICATION

(Involving misconduct, good character or moral turpitude, etc., defined in Regs. 38-004.)

(Completion of the back of this form and attachment of Separation Supplement is REQUIRED)

APPOINTMENT AS AN OFFICER BY THE EMPLOYING AGENCY HAS BEEN TERMINATED DUE TO THE FOLLOWING DISQUALIFICATION WHICH WOULD RENDER THE OFFICER UNCERTIFIABLE UNDER SOUTH CAROLINA TRAINING LAW, SECTION 23-6-440:

Date of Unfavorable Separation: (specify mo/day/yr)

Driver's License Suspension within past 5 years for DUI or equivalent, Reckless Homicide, Involuntary Manslaughter or Leaving the Scene of an Accident(23-6-440 B)(5)(b))

MISCONDUCT *** (COMPLETE REVERSE SIDE & ATTACH SEPARATION SUPPLEMENT) ***

EMPLOYING AGENCY HEAD (Chief, Sheriff, Director)

DATE 8/5/09

Please print name:

OFFICIAL TITLE

CJA USE:

MRN

Archived:

CODE:

Copy Sent:

ID:

DATE:

MISCONDUCT REPORT FORM

This form is to be completed within 15 days of the discovery of any event of misconduct which is determined to be "FOUNDED" by the agency or department. Report of misconduct is required by Regulation (38-017) and is the responsibility of the chief executive officer of every law enforcement agency regardless of any possible adjudication, and regardless of the action taken by the agency. Misconduct Reports, including summary of internal investigation report(s), should be forwarded with the Separation Supplement to the Criminal Justice Academy's Certification/Compliance Unit, Attention: Katherine Genter.

Date of Discovery: 10/1/08 Termination Date: 10/1/08

Reporting Department Charleston County Sheriff's Office Reporting Date (Today): 10/5/09

Officer's Name [REDACTED] Current Home Address [REDACTED]
Social Security # [REDACTED] Birth Date [REDACTED] Driver's License # [REDACTED]

Please indicate the nature of misconduct by checking the appropriate selection below. Misconduct includes, but may not be limited to:

- ☐ Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any) or a crime of moral turpitude in this or any other jurisdiction;
- ☐ Unlawful use of a controlled substance;
- ☐ The repeated use of excessive force in dealing with the public and/or prisoners;
- ☐ Dangerous and/or unsafe practices involving firearms, weapons and/or vehicle which indicated either a willful or wanton disregard for the safety of persons or property;
- ☐ Physical or psychological abuses of members of the public and/or prisoners;
- ☐ Misrepresentation of employment-related information;
- ☐ Dishonesty/untruthfulness with respect to his/her employer;
- ☒ Other (please specify): See Narrative

Only events which have been [REDACTED] have been reported above. The facts & information herein are true & accurate to the best of my knowledge.

Andrew Perry Smith 8/5/09
EMPLOYING AGENCY HEAD (Chief, Sheriff, Director) DATE

[REDACTED] [REDACTED]
Please print name Official Title

NOTE: A willful failure to report shall subject the violator to a civil penalty as provided by law.

OFFICE USE ONLY

Copy sent to Officer on _____ by _____
Date CJA'S Authorized Signature

Revised 12-9-05



South Carolina Department of Public Safety

Criminal Justice Academy Division/Certification-Compliance

SEPARATION SUPPLEMENT

Officer's Name [REDACTED] SS # [REDACTED]
Address [REDACTED] Ph # [REDACTED]
City [REDACTED] State [REDACTED] Zip Code [REDACTED]
Employing Agency Name [REDACTED] Today's Date [REDACTED]
Employing Agency Address [REDACTED] Ph # [REDACTED]
City [REDACTED] State [REDACTED] Zip Code [REDACTED]
Employing Agency Contact Person (for more information) [REDACTED]
Contact Telephone Number (Area Code and Telephone Number): [REDACTED]
Date of Separation [REDACTED]

The below information is REQUIRED for all unfavorable, non-routine and/or misconduct separations:
Reason for Separation: (Do not use generic terminology such as conduct unbecoming, failed to meet agency standards, violation of agency operating procedures, etc. Please be specific. Detailed information describing unfavorable acts or acts of misconduct is necessary for efficient processing.)

Detective Eugene Magwood, during the course of a criminal investigation that he was conducting, allegedly forged a victim's initials in a photo line-up. The alleged misconduct was discovered during the solicitor's preparation for trial. This agency requested SLED to conduct a criminal investigation against Detective Magwood. The criminal investigation resulted in a charge of Misconduct in Office against Eugene Magwood. A departmental administrative investigation was also conducted, resulting in his termination for violating the agency's "Truthfulness" policy.

Criminal Charges Filed: Yes ☒ No ☐ Date: [REDACTED]

CHARGE(S):

[REDACTED]
[REDACTED]

Only events which have been [REDACTED] have been reported above. The facts & information herein are true & accurate to the best of my knowledge.

EMPLOYING AGENCY HEAD (Chief, Sheriff, Director) [REDACTED]

DATE 8/5/09

Please print name: Andrene Coury-Smith

AUTHORIZED TITLE: Assistant Sheriff

Revised 12-9-05



South Carolina Criminal Justice Academy Certification-Compliance



PERSONNEL CHANGE IN STATUS REPORT NOTIFICATION OF ADMINISTRATIVE/ROUTINE SEPARATION/TERMINATION

Charleston County Sheriff's Office
Reporting Department

(843)554-2481
Phone #

June 16, 2009
Today's Date

Eugene Magwood
Officer's Name

[REDACTED]
Social Security #

6/2/2012
Current Certification Date

[REDACTED]
Officer's Current Home Address

[REDACTED]
City/Town

[REDACTED]
Zip Code

PLEASE



CHECK ONE:

☐ E-911

☐ Reserve Officer

☒ Class 1 LE

☐ Class 2LCO(Jailer)

☐ Class 1LECO(LEO/Jailer)

☐ Class 3SLE (Limited Duty)

(Please check appropriate reason(s) for separation)

ADMINISTRATIVE / ROUTINE SEPARATION

(For all separations NOT involving misconduct, good character or moral turpitude as defined in Regs. 38-004)

PLEASE ATTACH MRN (MANDATORY RETRAINING NOTIFICATION) FORM
INDICATING IN-SERVICE TRAINING RECEIVED WHILE EMPLOYED WITH YOUR AGENCY

Date of Administrative / Routine Separation: N/A (specify mo/day/yr)

Resigned (personal reasons)

Retired

Deceased

New Sheriff

Accepted employment with another Law Enforcement Agency

Medical Leave: Beginning date _____ Ending date _____

Military Leave: Beginning date _____ Ending date _____

Voluntary separation or retirement not involving misconduct, good character or moral turpitude

Failure to successfully complete basic training

Failure to successfully complete in-service training

Termination for violation of AGENCY policy NOT involving misconduct, good character or moral turpitude, as defined in Regs. 38-004 (i.e., substandard performance, excessive absenteeism, sleeping on duty, etc)

XXX Other (please specify) Employee placed on Administrative Leave without Pay following his arrest for Misconduct in Office. He will remain in this status pending the outcome of the administrative investigation into the events surrounding his arrest. At this time, he is still a member of this agency.

Would you rehire? N/A YES _____ NO (if NO, state reason _____)

(This reason must not involve misconduct, good character or moral turpitude as defined in Regs. 38-004 and which requires completion and submission of a different set of forms - PCS of Separation for Unfavorable Separation, Misconduct Report Form and Separation Supplement)

I hereby attest that the reason for separation of this officer does NOT involve misconduct, good character or moral turpitude or otherwise disqualify eligibility for certification as defined in Regulations Chapter 38-004

EMPLOYING AGENCY HEAD (or Designee) Andreene Coury-Smith DATE 06/16/2009

Please print name: Andreene Coury-Smith

OFFICIAL TITLE Assistant Sheriff

J. Al Cannon, Jr. Esq.
Sheriff, Charleston County
Office



Office of Professional Standards
Charleston County Sheriff's

FACSIMILE COVER SHEET

TO:	Bruce Durant
FAX NUMBER:	(843)958-1905
AGENCY:	Solicitor's Office
FROM:	Inspector Michael Anderson Charleston County Sheriff's Office Office of Professional Standards
DATE:	December 15, 2008

MESSAGE:	<i>Re: Magwood file. Please include the attached letter with the package to the AG's Office.</i> <i>Thanks</i>

FAX (843) 308-7323 - ORI #SC0100001 - HQ (24 HRS) (843) 202-1700 - OPS DIV (843) 308-7323 (0830/1700)

THIS TRANSMISSION CONSISTS OF (2) PAGE(S) INCLUDING COVER SHEET

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CLIFFORD SCOTT
ATTORNEY AT LAW

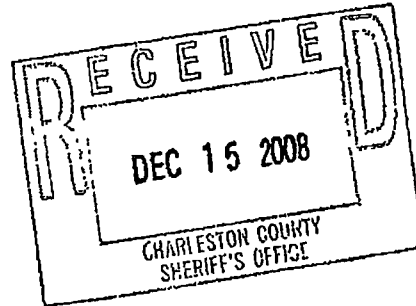
2026 Assembly Street, Suite 203
Mailing Address: P.O. Box 555
Columbia, South Carolina 29202

Telephone: 803-771-0904

Fax: 803-733-5944

December 12, 2008

The Honorable J. Al Cannon, Jr.
Sheriff of Charleston County
3505 Pinchaven Drive
North Charleston, South Carolina 29405



Re: Detective Eugene Magwood

Dear Sheriff Cannon:

I have been retained by Detective Eugene Magwood in connection with his placement on administrative leave with pay, on October 7, 2008. Detective Magwood has informed me that he has not received any information from the Charleston County Sheriff's Office regarding the status of the investigation of the circumstances which resulted in his placement on administrative leave. In view of the amount of time which has passed since he was placed on administrative leave, I would appreciate your indicating the status of any investigation conducted by the Sheriff's Office, and when you anticipate Detective Magwood will be returned to duty.

I look forward to your reply.

Sincerely,

cc: Detective Eugene Magwood

J. Al Cannon, Jr. Esq.
Sheriff, Charleston County
Office



Office of Professional Standards
Charleston County Sheriff's

FACSIMILE COVER SHEET

TO:	Greg Voight
FAX NUMBER:	(843)958-1905
AGENCY:	9 th Circuit Solicitor's Office
FROM:	Inspector Michael Anderson Charleston County Sheriff's Office Office of Professional Standards
DATE:	October 24, 2008

MESSAGE:	Re: Subpoena Duces Tecum

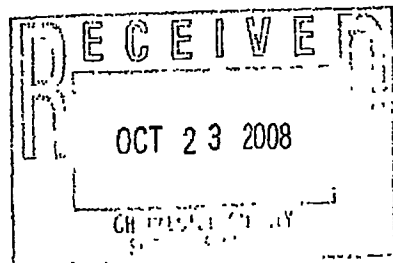
FAX (843) 308-7323 • ORI #SC0100001 - HQ (24 HRS) (843) 202-1700 - OPS DIV (843) 308-7323 (0830/1700)

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SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA GENERAL SESSION COURT		COUNTY: CHARLESTON
THE STATE OF v. JASON BUNCUM SOUTH CAROLINA		CASE NO. 2006-GS-10 11275,11276,11277,11278,11279
		SUBPOENA FOR PERSON X DOCUMENT(S) OR OBJECT(S)
TO: CUSTODIAN OF INTERNAL AFFAIRS RECORDS CCSO MARK FIELDS 554-2453		
PLACE CHARLESTON COUNTY JUDICIAL CENTER 100 BROAD ST CHARLESTON, SC 29401	COURTROOM GENERAL SESSIONS DATE AND TIME: NOVEMBER 10, 2008	
YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s).		
LIST DOCUMENT(S) or OBJECT(S) DUCES TECUM: ANY AND ALL RECORDS, DOCUMENTS, EMAILS, MEMMOS, VIDEOS, COMPLAINTS AND ANY OTHER MATERIALS RELATIVE TO THE PENDING CRIMINAL AND INTERNAL AFFAIRS INVESTIGATIONS REGARDING DETECTIVE EUGENE MAGWOOD.		
This subpoena shall remain in effect until you are granted to depart by the court or by an officer acting on behalf of the court.		
CLERK OF COURT Julie J. Armstrong	DATE	
(BY) DEPUTY Ronald J. Ringer	10/22/08	
This subpoena is issued upon application of the ☐ SOLICITOR ☒ DEFENDANT		ATTORNEY'S NAME AND ADDRESS MICHELLE R. SUGGS, ESQ. ASSISTANT NINTH CIRCUIT PUBLIC DEFENDER CHARLESTON COUNTY O.T. Wallace County Office Building 101 Meeting Street, 5 th Floor Charleston, South Carolina 29401-2214 (843) 958-1850 (843) 958-1860 (fax)



PROOF OF SERVICE

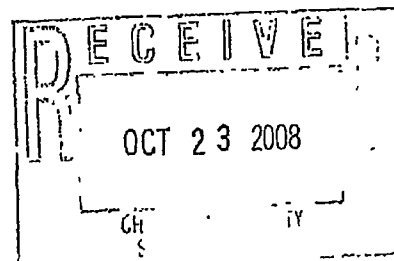
SERVED	DATE 10/23/08	PLACE CCSD
SERVED ON (PRINT NAME) SUSAN SINGLETON	MANNER OF SERVICE Hand Delivered	
SERVED BY (PRINT NAME) ARTHUR M. DELGROSS	TITLE INVESTIGATOR	
DECLARATION OF SERVER		
I certify that the foregoing information contained in the Proof of Service is true and correct.		
Executed on 10/23/08 DATE	ARTHUR M. DELGROSS SIGNATURE OF SERVER	
	101 MEETING ST ADDRESS OF SERVER	
	CHARLESTON SC	

06-017984

 *** ACTIVITY REPORT ***

ST. TIME	DESTINATION TEL/ID	NO.	MODE	PGS.	RESULT
*09/22 09:06		0031	TRANSMIT ECM	2	OK 01'01
*09/22 10:29		5012	AUTO RX ECM	10	OK 01'46
*09/22 14:26		5013	AUTO RX ECM	2	OK 00'57
*09/22 14:49		0032	TRANSMIT ECM	2	OK 01'01
*09/23 15:30		5014	AUTO RX ECM	1	OK 00'16
*09/25 08:50		5015	AUTO RX ECM	5	OK 01'39
*09/25 16:14		0033	TRANSMIT ECM	4	OK 01'00
*09/26 16:18		0034	TRANSMIT ECM	1	OK 00'40
*09/29 09:23		5016	AUTO RX ECM	3	OK 00'48
*09/29 13:19		5017	AUTO RX ECM	8	OK 04'35
*09/29 14:04		5018	AUTO RX ECM	4	OK 01'43
*09/30 09:15		0035	TRANSMIT ECM	2	OK 00'55
*10/01 15:01		0036	TRANSMIT ECM	3	OK 00'51
*10/02 09:31		5019	AUTO RX ECM	1	OK 00'16
*10/02 11:12		0037	TRANSMIT ECM	2	OK 00'31
*10/03 09:36		0038	TRANSMIT	0	NG 00'00
				1	STOP
*10/03 09:37		0039	TRANSMIT ECM	3	OK 00'49
*10/03 10:09		0040	TRANSMIT ECM	2	OK 00'26
*10/06 10:06		5020	AUTO RX ECM	2	OK 00'59
*10/06 15:00		0041	TRANSMIT	0	NG 00'00
				1	#0018
*10/06 15:01		0042	TRANSMIT ECM	3	OK 00'29
*10/06 16:43		0043	TRANSMIT ECM	2	OK 00'54
*10/07 09:48		0044	TRANSMIT ECM	15	OK 05'33
*10/07 16:30		5021	AUTO RX ECM	1	OK 00'16
*10/07 17:19		5022	AUTO RX ECM	1	OK 00'16
*10/08 12:53		0045	TRANSMIT	0	NG 00'00
				1	#0018
*10/08 12:54		0046	TRANSMIT ECM	2	OK 00'25
*10/08 14:15		5023	AUTO RX ECM	2	OK 00'48
*10/08 14:28		0047	TRANSMIT ECM	2	OK 01'02
*10/09 13:37		0048	TRANSMIT ECM	1	OK 00'16
*10/09 16:29		5024	AUTO RX ECM	2	OK 00'49
*10/10 10:18		0049	TRANSMIT ECM	2	OK 00'57
*10/13 16:04		5025	AUTO RX ECM	2	OK 00'27
*10/14 11:46		0050	TRANSMIT ECM	3	OK 01'13
*10/14 14:28		0051	TRANSMIT ECM	2	OK 00'32
10/16 09:36		5026	AUTO RX ECM	1	OK 00'20
10/16 14:50		5027	AUTO RX ECM	1	OK 00'22
10/20 11:47		5028	AUTO RX ECM	3	OK 00'58
10/22 11:29		0052	TRANSMIT ECM	1	OK 00'28
10/24 16:22	99581905	0053	TRANSMIT ECM	4	OK 00'38

SOUTH CAROLINA GENERAL SESSION COURT		COUNTY: CHARLESTON
THE STATE OF v. JASON BUNCUM SOUTH CAROLINA		CASE NO. 2006-GS-10 11275,11276,11277,11278,11279
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(BY) DEPUTY Ronald J. Rye		10/22/08
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INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 202-1700J. Al Cannon, Jr.
Sheriff

SC0100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2006-018918-B	PAGE ____ OF ____ PAGES	NCIO ENTRY	IND.	ENT.
☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL WITNESSES	☐ ADDITIONAL STOLEN PROPERTY		
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL SUBJECTS	☐ ADDITIONAL RECOVERED PROPERTY		

INCIDENT TYPE: Criminal Sexual Conduct

Incident Location: [REDACTED]

Incident Date: 09/02/06

On 09/02/06 the victim gave a written statement to Detective Magwood stating that as she was walking from a friends house she was approached by a blk male only known by the street name at "June". This subject came up behind her and grabbed her from behind by the back of the neck and dragged her behind a vacant building, possibly a Barber Shop. He then proceeded to force her clothes off and physically forcing his penis into her vagina. He also while raping her took a beer bottle and broke it then held it to her throat. The beer bottle was tested negative for prints and no other evidence was located at the time. The victim described the suspect As being approximately 5'6", 170 to 175lb, Balk/ Brno, wearing a black pant and dark boxer shorts he appeared to be 20 to 25 yoa.

On 09/08/06 this I/D received a phone call from the victim and the complainant, who stated that they saw the suspect walking pass her residence. He is known by the name of "June" on the street, but they do not know his real name. They will attempt to get his real name and call this I/D back with the information.

On 10/03/06 this I/D telephoned the victim and spoke to her son, he will have the victim contact this I/D when she returns home.

This I/D again spoke to the victim on 10/13/06, she at that time refused to talk about the possible suspect or give any other information on the incident.

The listed suspect was apprehended and transported to the Charleston County Detention where he was lodged pending a hearing.

Case closed with two warrants served and one arrest.

NARRATIVE

PROPERTY EST.

ADMINISTRATIVE

TYPE (GROUP)						TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	n/a
DAMAGED	0	0	0	0	0	0	
BURNED	0	0	0	0	0	0	
RECOVERED	0	0	0	0	0	0	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
SEIZED	0	0	0	0	0	0	n/a

☒ SUBJECT IDENTIFIED		☐ SUBJECT LOCATED		☐ ACTIVE UNFOUNDED	☒ ADM CLOSED	☐ ARREST UNDER 18	☐ EX-CLEARED UNDER 18
☐ YES ☐ NO		☐ YES ☐ NO				☐ ARREST 18 AND OVER	☐ EX-CLEARED 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE		☐ OFFENDER DEATH	☐ NO PROSECUTION	☐ EXTRADITION DENIED	☐ VICTIM DECLINES COOPERATION	☐ JUVENILE NO CUSTODY	
REPORTING OFFICER(S)		DATE	BADGE NUMBER	APPROVING OFFICER		DATE	BADGE NUMBER
Det. E. Magwood		11/9/2007	9116				
				FOLLOW-UP INVESTIGATION		YES	NO

CCSO - 100 3/1/99

PERSON SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE

PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405 9 (843) 202-1700

J. Al Cannon, Jr.
Sheriff

SCD 100000		DISPATCH NUMBER	N/A		ORIGINAL CASE NUMBER	2006-018918-B		PAGE	OF	PAGES	NCIC ENTRY	INO.	ENT.	
☐ ORIGINAL REPORT ☐ MODIFIES ORIGINAL		☒ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE		☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS		☐ ADDITIONAL WITNESSES ☐ ADDITIONAL SUBJECTS		☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY						
SUBJ. I.D.	COMPLAINANT	NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	DOB	ETH
	VICTIM #	Boney, Catherine Elizabeth				AQ			JSOU	B	F	1		Blk
	SUSPECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				DRIVERS LIC. D. & STATE		SOCIAL SECURITY #		
	SUBJECT #	5'4"	130	Blk	Bm					101091959 S.C.D.L.				
	WITNESS #	ADDRESS				CITY		STATE	ZIP CODE	DAY PHONE		H	EVENING PHONE	H
	WANTED											B		B
	WARRANT	VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON VISIBLE INJURIES ☐ NO ☐ YES		USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		☐ TWO MAN VEHICLE ☐ DETECTIVE/SPASMIT ☐ ALONE						
	ARREST	EXPLAIN:		DRUGS: ☐ NO ☐ YES ☐ UNK.		TYPE ☐ UNK.		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED						
	UNAWAY	OCCUPATION		EMPLOYER		ALIAS		NIC #						
	MISSING PERSON	unemployed		none										
ARREST	CHARGE				(C) CHARGE									
	CHARGE				(D) CHARGE									
SUBJ. I.D.	COMPLAINANT	NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	DOB	ETH
	VICTIM #	Prileau, Maurice Jerome				N/A			JSOU	B	M	31		N
	SUSPECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				DRIVERS LIC. D. & STATE		SOCIAL SECURITY #		
	SUBJECT #	5'7"	145	Blk	Bro									
	WITNESS #	ADDRESS				CITY		STATE	ZIP CODE	DAY PHONE		H	EVENING PHONE	H
	WANTED											B	same	B
	WARRANT	VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON VISIBLE INJURIES ☐ NO ☐ YES		USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPASMIT ☐ ALONE						
	ARREST	EXPLAIN:		DRUGS: ☐ NO ☐ YES ☐ UNK.		TYPE ☐ UNK.		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED						
	UNAWAY	OCCUPATION		EMPLOYER		ALIAS		NIC #						
	MISSING PERSON	UNK		UNK										
ARREST	CHARGE				(C) CHARGE									
	CHARGE				(D) CHARGE									
SUBJ. I.D.	COMPLAINANT	NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	DOB	ETH
	VICTIM #								JSOU					
	SUSPECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				DRIVERS LIC. D. & STATE		SOCIAL SECURITY #		
	SUBJECT #													
	WITNESS #	ADDRESS				CITY		STATE	ZIP CODE	DAY PHONE		H	EVENING PHONE	H
	WANTED											B		B
	WARRANT	VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON VISIBLE INJURIES ☐ NO ☐ YES		USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPASMIT ☐ ALONE						
	ARREST	EXPLAIN:		DRUGS: ☐ NO ☐ YES ☐ UNK.		TYPE ☐ UNK.		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED						
	UNAWAY	OCCUPATION		EMPLOYER		ALIAS		NIC #						
	MISSING PERSON													
ARREST	CHARGE				(C) CHARGE									
	CHARGE				(D) CHARGE									
REMARKS	1 st. Degree													
	Kidnapping													
ADMINISTRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED		ACTIVE UNFOUNDED		☒ ADM. CLOSED		ARREST UNDER 18		EX-CLEARED UNDER 18			
	☐ YES ☐ NO		☐ YES ☐ NO		☐ YES ☐ NO		☐ YES ☐ NO		☐ YES ☐ NO		☐ YES ☐ NO		☐ YES ☐ NO	
	REASON FOR EXCEPTIONAL CLEARANCE		OFFENDER DEATH		NO PROSECUTION		EXTRADITION DENIED		VICTIM DECLINES COOPERATION		JUVENILE NO CUSTODY			
	REPORTING OFFICER(S)		DATE		BADGE NUMBER		APPROVING OFFICER		DATE		BADGE NUMBER			
	Det. E. Magwood		11/9/2007		9116									

RILEY 5

CCSO - 103 3/7/89

INCIDENT SUPPLEMENT

J. Al Cannon, Jr.
Sheriff

SC0100000		DISPATCH NUMBER	ORIGINAL CASE NUMBER	PAGE 1 OF 1 PAGES	NO. ENTRY	REC.	EXT.
ORIGINAL ☐ REPORT ☐ MODIFIES ☐ ORIGINAL	SUPPLEMENTAL ☒ REPORT CASE STATUS ☐ CHANGE	ADDITIONAL ☐ VICTIMS ADDITIONAL ☐ OFFENDERS	ADDITIONAL ☐ WITNESSES ADDITIONAL ☐ SUBJECTS	ADDITIONAL ☐ STOLEN PROPERTY ADDITIONAL ☐ RECOVERED PROPERTY			

Incident Type : C S C 1st. Degree

Incident Date : 09/02/06

Incident Location :

Victim : Catherine Elizabeth Boney B/F, 44 yoa, 5'4" 140lb

Suspect : Maurice Jerome Prioleau B/M 31 yoa 5'4" 145

On January 7, 2007 the victim, Catherine Elizabeth Boney, was shown a photo line up that included the listed suspect, Maurice Prioleau. The victim identified the suspect in the line up as #8, she then circled the photo of the suspect then initialed and dated under the photo.

On September 9, 2008 a search warrant was secured and served on the listed suspect. The biological sample was collected from the defendant on September 9, 2008 to be compared with specimens obtained from the victim's body and forwarded to S L E D for analysis.

TYPE (GROUP)						TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN							n/a
DAMAGED							
BURNED							
RECOVERED							JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
SEIZED							n/a
SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER	
						☒ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE. 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY							
REPORTING OFFICER(S)		DATE	BADGE NUMBER	APPROVING OFFICER		DATE	BADGE NUMBER
Detective Magwood		09/21/08	9116	Sgt. Zimmer		09/21/08	9338
				FOLLOW-UP INVESTIGATION ☐ YES ☒ NO			

0834 0000454

CCSO-101 3/1/89

J. Al Cannon, Jr., Esq.
Sheriff, Charleston County



3505 Pinehaven Drive
Charleston Heights, SC 29405-7789

October 7, 2008

OCT 8 '08 PM 1:08

Chief Reginald Lloyd
South Carolina Law Enforcement Division
P.O. Box 21398
Columbia, S.C. 29211-1398

Dear Chief Lloyd,

On October 6, 2008, the Charleston County Sheriff's Office was provided information by Assistant Solicitor Gregory Voigt of the Ninth Circuit Solicitors Office regarding Charleston County Sheriff's Detective Eugene Magwood. Assistant Solicitor Voigt conveyed issues of concern regarding the possible misconduct of Detective Magwood in submitting cases for prosecution.

Due to the nature of this allegation, and on behalf of the Sheriff's Office, please accept this correspondence as an official request for the South Carolina Law Enforcement Division (SLED) to conduct an investigation into this matter.

As always we thank you in advance for your prompt assistance in this matter. Inspector Michael Anderson will be the point of contact for the Sheriff's Office and can be reached at (843) 554-2481

Respectfully,


A. Coury-Smith
Assistant Sheriff

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor



REGINALD I. LLOYD
Director

Inspector Michael Anderson
Charleston County Sheriff's Office
3505 Pinehaven Drive
North Charleston, SC 29405

QUESTIONED DOCUMENT

June 18, 2009
SLED LAB: L09-07046
Your Case No: IA2008212
Incident Date: 11/7/2007
[S] Eugene Magwood
[S] Catherine Boney

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Sub # 1 On June 11, 2009, items were received from Inspector Michael Anderson of the Charleston County Sheriff's Office.

Item: 1 Original photo lineup ID #2621

Item: 2 Known writing of Eugene Magwood

Item: 3 Known writing of Catherine Boney

EXAMINATION REQUESTED:

Hand Printing



RESULTS OF EXAMINATION:

Based on the evidence examined it has been determined that Catherine Boney did not write the entries "CEB, 11-07-07, 10:40 AM" on Item 1. It has further been determined that Eugene Magwood wrote the entries "11-07-07" and "10:40 AM" on Item 1. There are indications that Eugene Magwood also wrote the "CEB" entry on Item 1.

DISPOSITION:

The evidence in this case is ready for you to pick up at the SLED Central Evidence Repository at your earliest convenience.

Gaile Heath

Gaile Heath
Forensic Scientist



SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



REGINALD I. LLOYD
Director

S/A Charles Ghent
South Carolina Law Enforcement Division
4400 Broad River Road
Columbia, SC 29210

QUESTIONED DOCUMENT

February 02, 2011
SLED LAB: L09-07046
Your Case No: 31080106
Incident Date: 11/7/2007
[S] Eugene Magwood
[S] Catherine Boney

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director
South Carolina Law Enforcement Division

SUPPLEMENTAL REPORT

ITEMS OF EVIDENCE:

- Item: 1** Original photo lineup ID #2621
- Item: 3** Known writing (26) of Catherine Boney
- Item: 4** Known writing (25) of Eugene Magwood

RESULTS OF EXAMINATION:

Based on the evidence examined, it is probable that Eugene Magwood wrote the entries "11-07-07, 10:40 AM" on Item 1. There is no conclusion as to whether Eugene Magwood did or did not write the "CEB" initials on Item 1. Based on the evidence examined, Catherine Boney has been eliminated as the writer of the "CEB, 11-07-07, 10:40 AM" entries appearing on Item 1.



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

Gaile Heath
Gaile Heath
Forensic Scientist



DEFINITIONS OF TERMINOLOGY

1. **IDENTIFICATION** – This is the highest degree of confidence expressed. Based on evidence contained in the handwriting, the examiner has no reservations that the known writer actually wrote the writing in question.
2. **STRONG PROBABILITY** - The evidence is very persuasive, yet some critical feature or quality is missing so that an identification is not in order. The examiner is virtually certain that the questioned and known writings were written by the same individual.
3. **PROBABLE** – The evidence contained in the handwriting points rather strongly toward the questioned and known writings having been written by the same individual; however, it falls short of a “virtually certain” degree of confidence.
4. **INDICATIONS** - A body of writing has few features which are of significance for handwriting comparison purposes, but those features are in agreement with another body of writing.
5. **NO CONCLUSION** – This is the zero point of the confidence scale. The examiner does not have even a leaning one way or another.
6. **INDICATIONS DID NOT** – A body of writing has few features which are of significance for handwriting comparison purposes, but those features are in disagreement with another body of writing.
7. **PROBABLY DID NOT** – The evidence points rather strongly against the questioned and known writings having been written by the same individual, but it is not quite up to the “virtually certain” range.
8. **STRONG PROBABILITY DID NOT** – There is a virtual certainty that the questioned and known writings were not written by the same individual.
9. **ELIMINATION** – The examiner has no doubt that the questioned and known writings were not written by the same individual.



SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



REGINALD I. LLOYD
Director

S/A Charles Ghent
South Carolina Law Enforcement Division
4400 Broad River Road
Columbia, SC 29210

QUESTIONED DOCUMENT

June 30, 2011
SLED LAB: L09-07046
Your Case No: 31080106
Incident Date: 11/7/2007
[S] Eugene Magwood
[S] Catherine Boney

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director
South Carolina Law Enforcement Division

SUPPLEMENTAL REPORT

ITEMS OF EVIDENCE:

- Item: 5** Machine copy of questioned photo lineup ID#2621
- Item: 6** Two (2) page Charleston County Sheriff's Office statement form dated 11-13-07 in the name of Maurice Jerome Prioleau submitted as known writing of Eugene Magwood
- Item: 6.1** Page one of a two (2) page Charleston County Sheriff's Office statement form dated 11-13-07 in the name of Maurice Jerome Prioleau submitted as known writing of Eugene Magwood
- Item: 6.2** Page two of a two (2) page Charleston County Sheriff's Office statement form dated 11-13-07 in the name of Maurice Jerome Prioleau submitted as known writing of Eugene Magwood



RESULTS OF EXAMINATION:

Based on examination of machine copies, there is a strong probability that the writer (Eugene Magwood) of the "11-13-07" date appearing on Item 6 (6.1 and 6.2) also wrote the "11-07-07" date appearing on Item 5.

Gaile Heath

Gaile Heath
Forensic Scientist



DEFINITIONS OF TERMINOLOGY

1. **IDENTIFICATION** – This is the highest degree of confidence expressed. Based on evidence contained in the handwriting, the examiner has no reservations that the known writer actually wrote the writing in question.
2. **STRONG PROBABILITY** - The evidence is very persuasive, yet some critical feature or quality is missing so that an identification is not in order. The examiner is virtually certain that the questioned and known writings were written by the same individual.
3. **PROBABLE** – The evidence contained in the handwriting points rather strongly toward the questioned and known writings having been written by the same individual; however, it falls short of a “virtually certain” degree of confidence.
4. **INDICATIONS** - A body of writing has few features which are of significance for handwriting comparison purposes, but those features are in agreement with another body of writing.
5. **NO CONCLUSION** – This is the zero point of the confidence scale. The examiner does not have even a leaning one way or another.
6. **INDICATIONS DID NOT** – A body of writing has few features which are of significance for handwriting comparison purposes, but those features are in disagreement with another body of writing.
7. **PROBABLY DID NOT** – The evidence points rather strongly against the questioned and known writings having been written by the same individual, but it is not quite up to the “virtually certain” range.
8. **STRONG PROBABILITY DID NOT** – There is a virtual certainty that the questioned and known writings were not written by the same individual.
9. **ELIMINATION** – The examiner has no doubt that the questioned and known writings were not written by the same individual.



ARREST WARRANT

F- 969830

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
CHARLESTON

 THE STATE
 against
EUGENE MAGWOOD
 Address: **2820 BOHICKET ROAD**
JOHNS ISLAND, SC 29455

 Phone: **247-06-2891**
 SSN:

 Sex: **M** Race: **B** Height: Weight:

Date: DL #:

 DOB: **10/29/1954** Agency ORI #:

 Prosecuting Agency: **SLED**

 Prosecuting Officer: **GHEINT**

 Offense: **MISCONDUCT IN OFFICE**

 Offense Code:
 Code/Ordinance Sec. **COMMON LAW**

 This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge (L.S.)

RETURN

 A copy of this arrest warrant was delivered to
 defendant **Eugene Magwood**
 on **5-7-09** **12:51**

 Signature of Constable/Law Enforcement Officer
JIM SMITH SLED 750

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
CHARLESTON

 Personally appeared before me the affiant **SPECIAL AGENT CHARLES GHEINT** who
 being duly sworn deposes and says that defendant **EUGENE MAGWOOD**
 did within this county and state on **NOV. 1, 2007 THRU DEC. 31, 2008** violate the criminal laws of the
 State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of **CHARLESTON**)
 in the following particulars:

DESCRIPTION OF OFFENSE:

AFFIDAVIT

SPECIAL AGENT CHARLES GHEINT**EUGENE MAGWOOD****NOV. 1, 2007 THRU DEC. 31, 2008**
MISCONDUCT IN OFFICE
COMMON LAW

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

 Sworn to and subscribed before me
 on **7 May 2009**

 Signature of Affiant
 Affiant's Address
 Affiant's Telephone

SPECIAL AGENT CHARLES GHEINT
6435 FAIR STREET
NORTH CHARLESTON, SC 29406
843-797-3662

Signature of Issuing Judge

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
CHARLESTON

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 appears above, affidavit that there are reasons to believe that
 on **NOV. 1, 07 - DEC 31, 08** defendant **EUGENE MAGWOOD**

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of **CHARLESTON** as set forth below:

DESCRIPTION OF OFFENSE:

MISCONDUCT IN OFFICE
COMMON LAW

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

 Judge's Address **3870 LEEDS AVE, SUITE 112**
N. CHARLESTON, SC 29405
 Judge's Telephone **843-745-2390**
 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

 Signature of Issuing Judge
 Judge Code: **3904 (MAG)**

ORIGINAL

 Form Approved by
 S.C. Attorney General
 July 28, 1990
 SCCA 518

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

**AFFIDAVIT
OCA# 31080106**

Personally appeared before me, a magistrate of this County, one Special Agent Charles Ghent, State Law Enforcement Division, who, first being duly sworn, deposes and says that,

EUGENE MAGWOOD

**Black, Male, DOB: 10/29/1954, SSN: 247-06-2891
, LKA: 2820 Bohicket Road, John's Island, South Carolina 29455.**

did within this County and State violate the laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE
MISCONDUCT IN OFFICE**

Common Law

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That between November 01, 2007 and December 31, 2008 one EUGENE MAGWOOD did commit the offense of **MISCONDUCT IN OFFICE** in violation of the Common Law of South Carolina.

In that Magwood did, while employed as a Sheriff's Deputy with the Charleston County Sheriff's Office, submit an investigative report for Charleston County Sheriff's Office case #06-018918 against defendant Maurice Jerome Prioleau. That Magwood did knowingly and willfully provide false information in this investigative report in the form of a photo lineup purported to have been signed by a witness in the investigation. That in later pre-trial meetings with the Solicitor's Office, Magwood did knowingly and willfully provide false information to an Assistant Solicitor and an investigator for the Solicitor's Office regarding the investigation and the accompanying investigative report. All this was done was done in violation of his duties, of good faith, honesty, and accountability in his capacity as a public official, and was done against the peace and dignity of the State of South Carolina. Special Agent Charles Ghent, SLED, conducted an investigation obtaining evidence and statements from witnesses that attest to the same.

Sworn to and Subscribed before me
this 7 day of May, 2009.

Signature of Judge

SA Charles Ghent
(AFFIANT)

Address: 6435 FAN ST
NORTH CHARLESTON, SC 29406
Phone: 843-797-3662

LineUp ID: ID2621

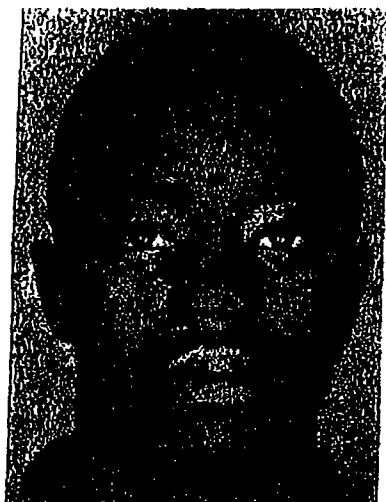
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Officer: QROBERTS

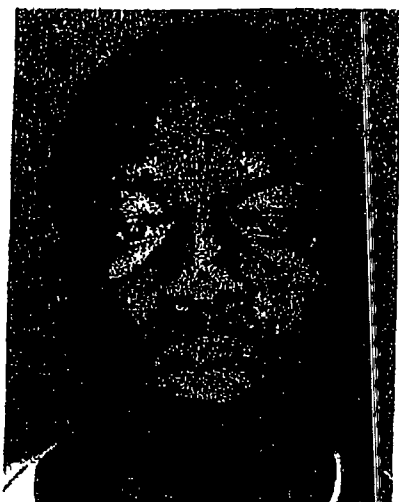
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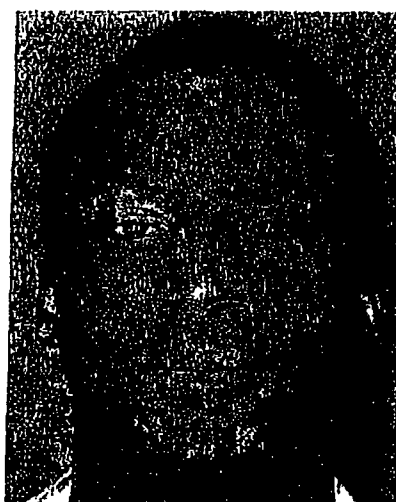
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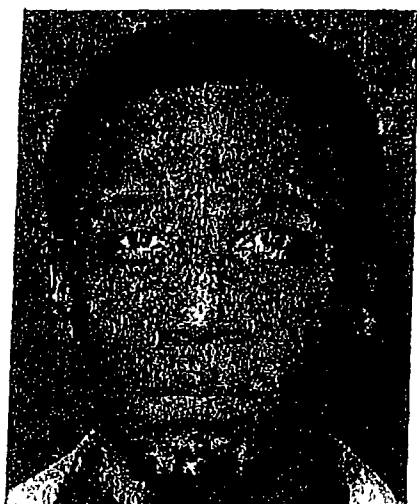
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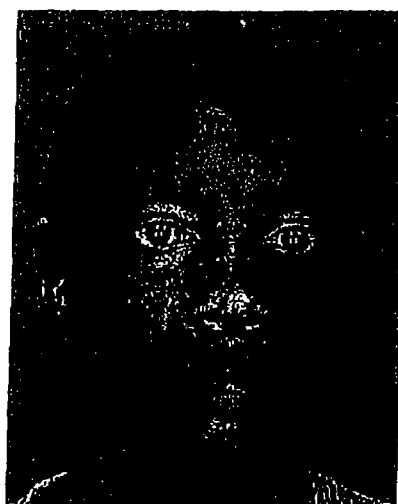
<3>



<4>



<5>



<6>

CEB
11-07-06
10:00 AM

COPY

①

M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046
3.28

Catherine Boney

6/9/09

②

M. Anderson

COPY

C. E. B.

11/7/07

10:40 A.M.

LOG-7046
3.38

Catherine Boney

6/9/09

③

M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046
3.48

Catherine Boney

6/9/09

④

B. M. Anderson

C. E. B.

11/7/07

10.40. A.M.

LOG-7046
3.58

Catherine Boney 6/9/09

⑤

B. M. Anderson

C. E. B.

11/7/07

10.40. A.M.

LOG-7046
3.68

Catherine Boney 6/9/09

⑥

B. M. Anderson

C. E. B.

11/7/07

10.40. A.M.

LOG-7046
3.78

Catherine Boney 6/9/09

⑦

M. Andersen

C. E. B.

11/7/07

10:40 A.M.

LOG-7046
3.88

Catherine Boney. 6/9/09

⑧

M. Andersen

C. E. B.

11/7/07

10:40 A.M.

LOG-7046
3.78

Catherine Boney. 6/9/09

⑨

M. Andersen

C. E. B.

11/7/07

10:40 A.M.

LOG-7046
3.108

Catherine Boney. 6/9/09

(10)

RB M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LO9-7046
3.118

Catherine Boney.

6/9/09

(11)

RB M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LO9-7046
3.128

Catherine Boney.

6/9/09

(12)

RB M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LO9-7046
3.138

Catherine Boney.

6/9/09

(13)

M. Anderson

C.E.B.

11/7/07

10:40 A.M.

Catherine Poney

LOG-7046
3.148

6/9/09

(14)

M. Anderson

C.E.B.

11/7/07

10:40 A.M.

Catherine Poney

LOG-7046
3.158

6/9/09

(15)

M. Anderson

C.E.B.

11/7/07

10:40 A.M.

Catherine Poney

LOG-7046
3.168

6/9/09

(16)

M. Anderson

C.E.B.

11/7/07

10:40 A.M.

LOG-7046
3.178

Catherine Boney. 6/9/09

(17)

M. Anderson

C.E.B.

11/7/07

10:40 A.M.

LOG-7046
3.188

Catherine Boney. 6/9/09

(18)

M. Anderson

C.E.B.

11/7/07

10:40 A.M.

LOG-7046
3.198

Catherine Boney. 6/9/09

(19)

B M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046
3.208

Catherine Boney. 6/9/09

(20)

B M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046
3.218

Catherine Boney. 6/9/09

(21)

B M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046
3.228

Catherine Boney. 6/9/09

22

B. M. Andersen

C. E. B.

11/7/07

10:40 A.M.

LOG-7046

3.23

Catherine Boney 6/9/09

23

B. M. Andersen

C. E. B.

11/7/07

10:40 A.M.

LOG-7046

3.24

Catherine Boney 6/9/09

24

B. M. Andersen

C. E. B.

11/7/07

10:40 A.M.

LOG-7046

3.25

Catherine Boney 6/9/09

(25)

B. M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046
3.268

Catherine Boney

6/9/09

(35)

B M. Anderson

CEB
11-07-07
10:40 AM

[Signature]
6-10-09

LOG-7046
2.288

(9)

B M. Anderson

CEB
11-07-07
1046 AM

[Signature]
6-10-09

LOG-7046
2.118

COPY

(1)

B M. Anderson

CEB
11-07-07
10:40 AM

[Signature] 6-10-09

LOG-7046
2.48

②

M. Anderson

CEB
11-07-07
10:40 AM

Logan [signature]
6-10-09

LOG-7046
2.58

③

M. Anderson

CEB
11-07-07
10:40 AM

Logan [signature]
6-10-09

LOG-7046
2.68

④

M. Anderson

CEB
11-07-07
10:40 AM

Logan [signature]
6-10-09

LOG-7046
2.78

⑤

M. Anderson

CETB
11-07-07
10:40 AM

Evan Ryan
6-10-09

LO9-7046
2.88

⑥

M. Anderson

CETB
11-07-07
10:40 AM

Evan Ryan
6-10-09

LO9-7046
2.98

⑦

M. Anderson

CETB
11-07-07
10:40 AM

Evan Ryan
6-10-09

LO9-7046
2.108

⑫

M. Anderson

CEB
11-07-07
10:40 AM

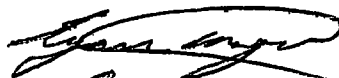

6-10-09

LOG-7046
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⑬

M. Anderson

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11-07-07
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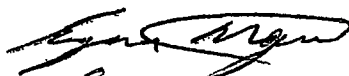

6-10-09

LOG-7046
2.168

⑭

M. Anderson

CEB
11-07-07
10:40 AM


6-10-09

LOG-7046
2.178

15

 M. Andersen

CEB
11-07-07
10:40 AM


6-10-07

LOG-7046
2.18 g

16

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LOG-7046
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21

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Evan Ayer
6-10-09

LO9-7046
2.248

22

RB M. Anderson

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Evan Ayer
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LO9-7046
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6-10-09

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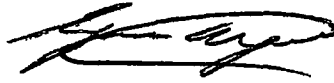
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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Case Number: 2013-CP-10-3669
Appellate Case No.: 2014-001977

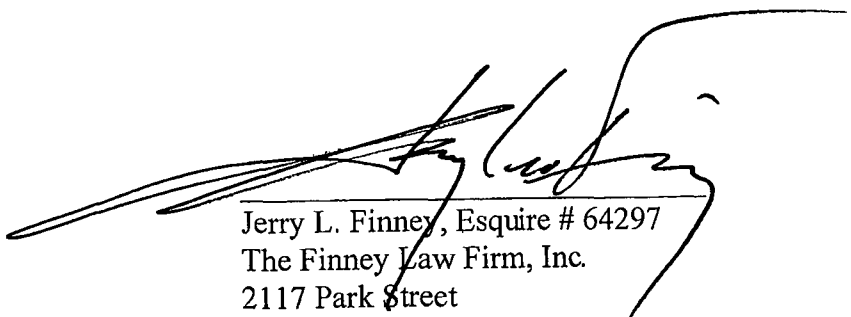
Eugene Magwood Applicant/Appellant,

v.

J. Al Cannon, Jr. in his official capacity as
Sheriff of Charleston County, Investigator
Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law
Enforcement Division Respondents,

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



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Columbia, South Carolina 29201
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THE STATE OF SOUTH CAROLINA
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Appellate Case No.: 2014-001977

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SC Court of Appeals

Eugene Magwood Applicant/Appellant,

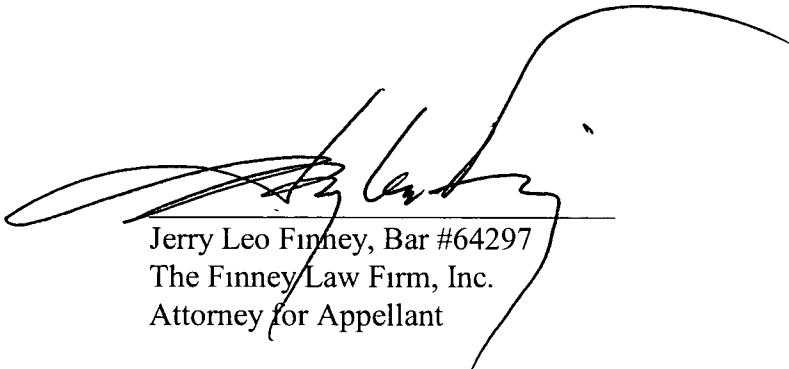
v.

J. Al Cannon, Jr. in his official capacity as
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Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law
Enforcement Division Respondents,

PROOF OF SERVICE

I certify that I have served the **Record on Appeal** in the above matter on opposing
counsel of record, by depositing a copy of the same in the United States Mail, postage
prepaid, on May 4, 2015, addressed as follows:

Robin L. Jackson, Esquire
Senn Legal, LLC
Post Office Box 12279
Charleston, SC 29422


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The Finney Law Firm, Inc.
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