

221-6

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

Jerry L. Finney, Esquire  
The Finney Law Firm  
2117 Park Street  
Columbia, S.C. 29201

**Attorney for the Appellant**

Robin L. Jackson, Esquire  
Senn Legal, LLC  
Post Office Box 12279  
Charleston, S.C. 29422

**Attorney for Respondents**

Christopher Thomas Dorsel  
3 Wesley Drive  
Charleston, SC 29407

**Attorney for Respondents**

Stephanie Ruotolo Fajardo  
P.O. Box 2177  
Irmo, SC 29063

**Attorney for Appellant**

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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-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

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.

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 SIGNATURE PAGE

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5

6 SIGNATURE OF WITNESS

7

8

9

10 SUBSCRIBED and SWORN TO before me this

11 \_\_\_\_\_ day of \_\_\_\_\_, 2014

12

13

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NOTARY PUBLIC

15

16

17 My Commission expires: \_\_\_\_\_

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**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.

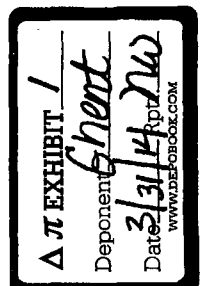
In that Magwood did, while employed as a Sheriff's Deputy with the Charleston County Sheriff's Office, submit an investigative report for Charleston County Sheriff's Office case #06-018918 against defendant Maurice Jerome Prioleau. That Magwood did knowingly and willfully provide false information in 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 Fern 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

1 I N D E X

2 Page

3 EXAMINATION

4 By Ms. Jackson 004

5 By Ms. Fajardo 112

6 RE-EXAMINATION

7 By Ms. Jackson 118

8

9 Certificate of Reporter 126

10

11

12 E X H I B I T S

13

14 Exhibit 1 - SLED investigative report 027

15 Exhibit 2 - Photographic lineup 036

16 Exhibit 3 - Letter dated October 7th of 2008  
17 from Assistant Sheriff Cory Smith to Chief  
Reginald Lloyd at SLED 050

18 Exhibit 4 - Report from SLED's Forensic  
19 Question Document Lab 104

20 Exhibit 5 - Two-Page Handwritten Statement 105

21 Exhibit 6 - Complaint 111

22

23

24

25

Eugene Magwood

4

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.)

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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

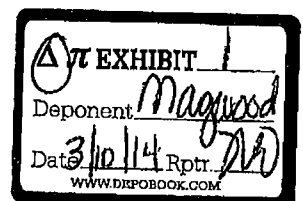
**TO:** File 31080106  
**FROM:** Special Agent Charles Ghent  
**RE:** Official Misconduct Investigation  
Magwood, Eugene (police detective)  
**COUNTY:** Charleston

### 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 9<sup>th</sup> 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.

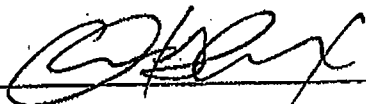
On November 7, 2008, S/A Ghent obtained a voluntary signed statement (**Attachment 8**) from Lt. Eric Watson of the Charleston County Sheriff's Office. Lt. Watson stated that he spoke to Magwood about the incident with the Prioleau investigation. Magwood told Lt. Watson that he showed Boney a single 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

LineUp ID: ID2621

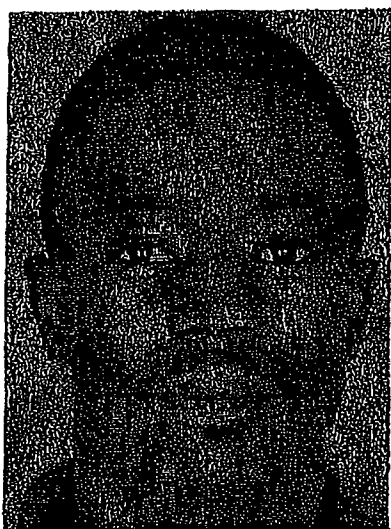
Date: 11/7/2006 3:45:37 PM

Officer: QROBERTS

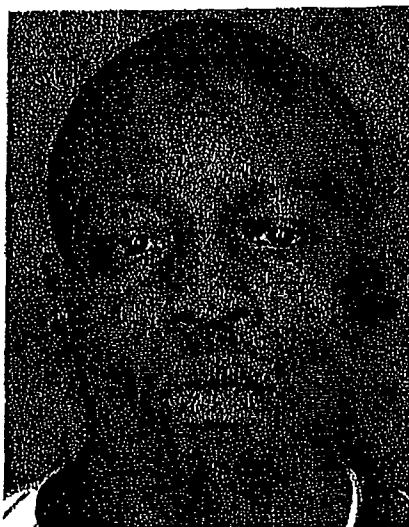
Subject ID: 0000009574

Requested By:

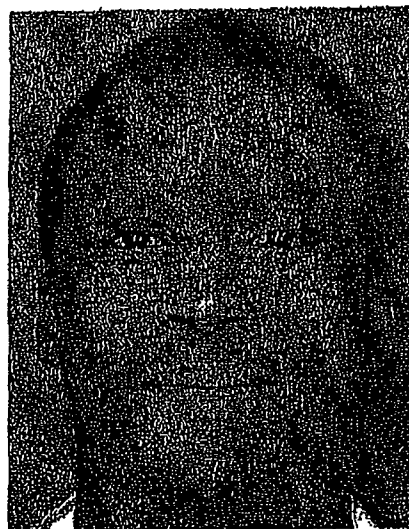
Subject Name: PRIOLEAU,



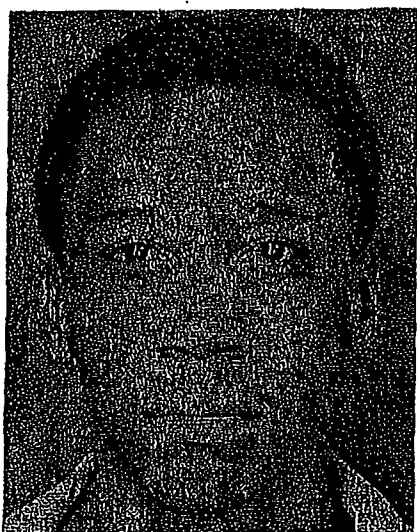
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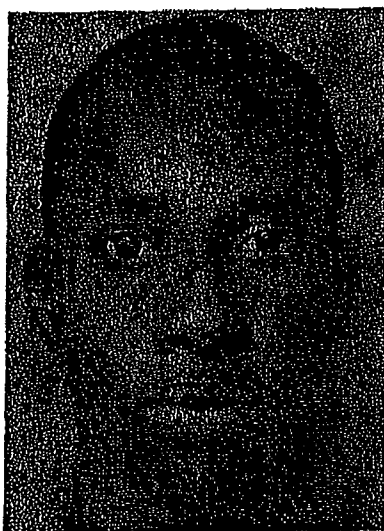
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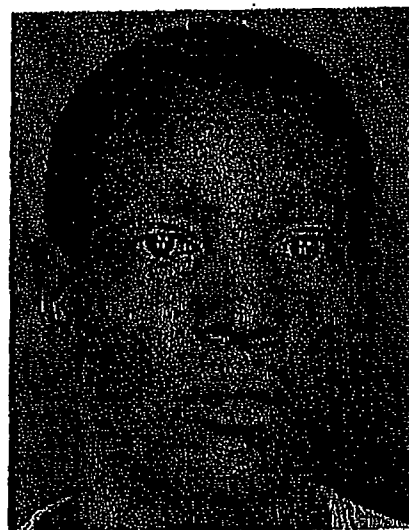
<3>



<4>



<5>



<6>

EXHIBIT 2  
Dependent *Magwood*  
Date *3/16/14* Rptr *Deo*  
www.DEPBOOK.COM

1 29-7046

641

COPY

*CEB*  
*11-07-07*  
*1046 AM*

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,

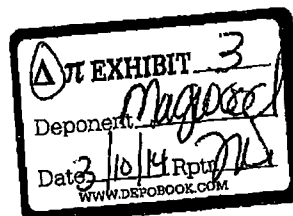
On October 6, 2008, the Charleston County Sheriff's Office was provided information by Assistant Solicitor Gregory Voigt of the Ninth Circuit Solicitors Office regarding Charleston County Sheriff's Detective Eugene Magwood. Assistant Solicitor Voigt conveyed issues of concern regarding the possible misconduct 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, KELLY

MAGWOOD

STATE V. PRIOLEAU

LINEUP -

BONEY - DOESN'T RECOGNIZE HANDWRITING  
- ONLY SHOWN ONE PHOTO

MEET 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. 1<sup>st</sup> 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



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29222-2998 / (803) 737-9000 / Fax (803) 896-7041

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 5-27-09STATEMENT OF Eugene MagwoodADDRESS 2820 Bohicket Rd John's Island S.C. 29455 PHONE # 843-539-8975EMPLOYMENT: \_\_\_\_\_ PHONE # 843-813-2220

RACE: \_\_\_\_\_ SEX: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

On November 7<sup>th</sup> 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 "that's him, that's 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.

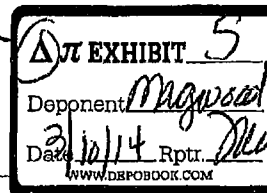
Mrs Boney still crying said "take it away, take it away"

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's  
[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 Bobucket Rd Johns 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. Boney 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's  
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.

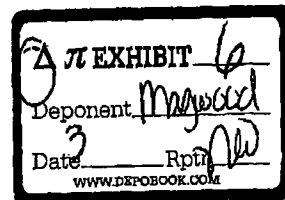
J. Al Cannon, Jr. in his official capacity as  
Sheriff of Charleston County, Investigator  
Anderson, Investigator Antonio, Charles Ghent,  
and South Carolina Law Enforcement Division

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2013-CP-10-3469



(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)**

- |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Contracts</b><br><input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input type="checkbox"/> Employment (120)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Other (199) | <b>Torts - Professional Malpractice</b><br><input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br>Previous Notice of Intent Case #<br>20-CP-<br><input type="checkbox"/> Notice/ File Med Mal (230)<br><input type="checkbox"/> Other (299)                                                                                                                                      | <b>Torts - Personal Injury</b><br><input type="checkbox"/> Assault/Slander/Libel (300)<br><input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Other (399) | <b>Real Property</b><br><input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input type="checkbox"/> Other (499)                                                                                                                                                       |
| <b>Inmate Petitions</b><br><input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599)                                                                                                       | <b>Judgments/Settlements</b><br><input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)<br><input type="checkbox"/> Other (799) | <b>Administrative Law/Relief</b><br><input type="checkbox"/> Reinstate Driver's License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture-Petition (840)<br><input type="checkbox"/> Forfeiture-Consent Order (850)<br><input type="checkbox"/> Other (899)                                          | <b>Appeals</b><br><input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Public Service Commission (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) |
| <b>Special/Complex /Other</b><br><input type="checkbox"/> Environmental (600)<br><input type="checkbox"/> Automobile Arb. (610)<br><input type="checkbox"/> Medical (620)<br><input checked="" type="checkbox"/> Other (699)                                                                           | <input type="checkbox"/> Pharmaceuticals (630)<br><input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Out-of State Depositions (650)<br><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)<br><input type="checkbox"/> Sexual Predator (610)                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

Submitting Party Signature: \_\_\_\_\_

Date: June 18, 2013

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, 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 210<sup>th</sup> 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 )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
DOCKET NO. 2013-CP-10-3669

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. )

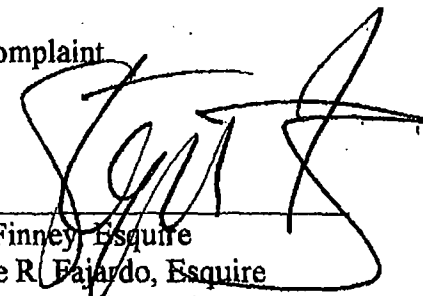
**SUMMONS**

(Jury Trial Requested) BY

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

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.

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
DOCKET NO. 2013-CP-10-3669

**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**

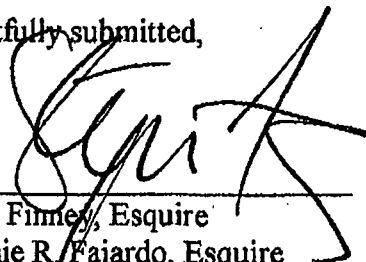
44. The Plaintiff repeats, reasserts, re-alleges and incorporates the allegations contained in paragraphs one (1) through forty-three (43) as if fully set forth herein. The Defendants, acting individually, jointly and severally as agents, servants and/or employees of each other are liable to the Plaintiff 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  
THE FINNEY LAW FIRM, INC.  
2117 Park Street  
Columbia, South Carolina 29201  
Phone: (803) 254-7408  
Fax: (803) 254-1941  
**Attorneys for the Plaintiff**

Columbia, South Carolina  
June 18, 2013



# THE FINNEY LAW FIRM, INC.

Attorneys and Counselors at Law  
thefinneylawfirm.com



JERRY LEO FINNEY

STEPHANIE R. FAJARDO

2117 Park Street • Columbia, South Carolina 29201  
Telephone (803) 254-7408 • Facsimile (803) 254-1941

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 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

2 Page

3 EXAMINATION

4 By Ms. Fajardo 04

5 By Ms. Jackson 35

6 RE-EXAMINATION

7 By Ms. Fajardo 39

8

9 Certificate of Reporter 41

10 Errata Sheet 42

11 Signature Sheet 44

12

13

14 E X H I B I T S

15

16 (No exhibits were proffered.)

17

18

19

20

21

22

23

24

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**



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  
Notary Public in and for the  
State of South Carolina

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

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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

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@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.

10

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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  
Notary Public in and for the  
State of South Carolina

\_\_\_\_\_  
Date

My Commission expires September 11, 2017

E R R A T A      S H E E T

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

DEPOSITION OF: MICHAEL ANDERSON

Please read this original deposition with care,  
and if you find any corrections or changes you wish  
made, list them by page and line number below. DO  
NOT WRITE IN THE DEPOSITION ITSELF. Return the  
deposition to this office after it is signed. We  
would appreciate your prompt attention to this  
matter.

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

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SIGNATURE PAGE

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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

|                    |                                                                                                      |
|--------------------|------------------------------------------------------------------------------------------------------|
| <b>TO:</b>         | Bruce Durant                                                                                         |
| <b>FAX NUMBER:</b> | (843)958-1905                                                                                        |
| <b>AGENCY:</b>     | Solicitor's Office                                                                                   |
| <b>FROM:</b>       | Inspector Michael Anderson<br>Charleston County Sheriff's Office<br>Office of Professional Standards |
| <b>DATE:</b>       | December 15, 2008                                                                                    |

|                 |                                                                                                                       |
|-----------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>MESSAGE:</b> | <i>Re: Magwood file. Please include the attached letter with the package to the AG's Office.</i><br><br><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

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.

0834 0000425



**CLIFFORD SCOTT**  
**ATTORNEY AT LAW**

*A/s Curry-Smith*  
*C/D Fields*

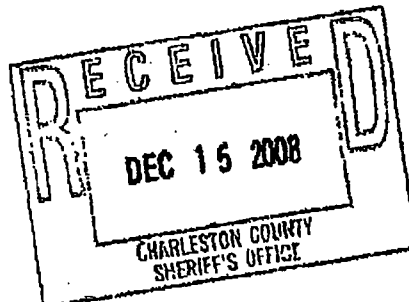
2026 Assembly Street, Suite 203  
Mailing Address: P.O. Box 555  
Columbia, South Carolina 29202

Telephone: 803-771-0904

Fax: 803-733-5944

December 12, 2008

The Honorable J. Al Cannon, Jr.  
Sheriff of Charleston County  
3505 Pinehaven Drive  
North Charleston, South Carolina 29405

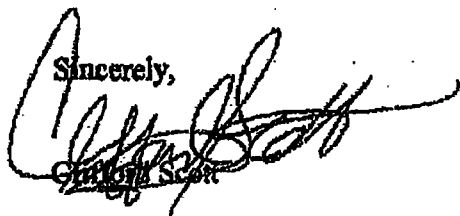


Re: Detective Eugene Magwood

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 3 SLE (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 Courtney-Smith* DATE 06/16/2009

Please print name: Andrene Courtney-Smith

OFFICIAL TITLE Assistant Sheriff

0834 0000424



Anderson / Antonio 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  
between me + the guys, don't  
worry about it, don't get yourself

- end of

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 his 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

Magnus 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 Magnus.

The three guys that showed up had some initials and asked her ~~if~~ <sup>what</sup> 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 many 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.

6/30/09 1006 AM ANDERSON / ANTONIO GREG VOIGHT'S OFFICE  
INTERVIEW QUESTIONS FOR ASST. PROSECUTOR GREG VOIGHT

1. WHAT DO YOU REMEMBER ABOUT THE MAURICE PROLEAU CASE INVOLVING VICTIM CATHERINE BONEY?

- STILL OPEN - FILE ONE (1) MOVED OUT OF STATE

CONCENTRATING - BONEY WANTED TO SMEL IT ALL THE WAY

ONE INTERVIEW IN SOG 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

WENT TO LINEUP - NEVER SEEN 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 PROLEAU? DID SHE BECOME UPSET? NEVER SEEN BEFORE

SHE REMEMBERED DETAILS ABOUT THE RACE THAT MATCHED UP.

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 TALKED TO MAGWOOD ONCE EVERY 6 WKS. ABOUT CASES - VOIGHT GOT A LOT OF HIS CASES

BELIEVES THAT WAS THE LAST TIME MET WITH HIM. DON'T BELIEVE TALKED ABOUT THIS CASE UNTIL THEN.

MAGWOOD, VOIGHT, KELLY

MAGWOOD HAD SAT AT A PICKNICK TABLE UNDER A CARPORT

EXHIBIT 4  
Deposition Anderson

4. WHAT DID MAGWOOD SAY ABOUT THE PHOTO LINEUP?

VOLUNT DID NOT HAVE A FEELING FOR WHAT MAGWOOD DID W/ LINEUP UNTIL LOOKED OVER CASE FILE AFTER DENY DENIED HAVING SEEN THE LINEUP LOOKED AT DATE ON MURKIN PROBLEM + 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 VOLUNT THAT WILLIAMS TOLD HIM

TO DO IT - THE PHOTO LINEUP.

PROBLEM PAGE AND PAGE NOT DONE AT VOLUNT'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" FELT HE 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 VOICHT MIGHT HAVE 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**

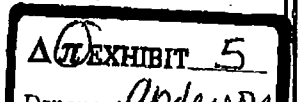
**To:** Chief Deputy R. Sowers *RS*  
**From:** Inspector M. Anderson *MA*  
**Through:** Chief Inspector M. Fields and  
Assistant Sheriff A. Coury-Smith *AC*  
**Date:** July 7, 2009  
**Subject:** Internal Investigation  
I/A # 2008-212

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**

**Page 2 of 10**

***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 9<sup>th</sup> 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**

**Page 3 of 10**

### ***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**

**Page 4 of 10**

- 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**

**Page 5 of 10**

***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**  
**I/A # 2008-212**  
**Page 6 of 10**

***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**

**Page 7 of 10**

***Assistant Solicitor Greg Voight***

On June 30, 2009, Inspector Antonio and I interviewed Assistant Solicitor Greg Voight at the 9<sup>th</sup> 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 9<sup>th</sup> 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**

**Page 9 of 10**

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)

Signature: Andrew P. Smith DATE 8/5/09

Please print name:

OFFICIAL TITLE

MPN 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: 8/5/09 Termination Date: 8/5/09

Reporting Department Law Enforcement Services Reporting Date (Today): 8/5/09

[Redacted] [Redacted]

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 Berry 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

## 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 9<sup>th</sup> 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 25<sup>th</sup> 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**

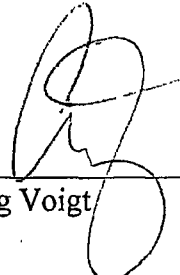
NOW COMES, affiant **GREGORY VOIGT**, and states and affirms as follows:

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 1<sup>st</sup>) 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.

Pauleth 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**

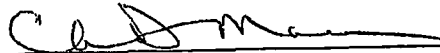
NOW COMES, affiant CLARICE MARANA, and states and affirms as follows:

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.

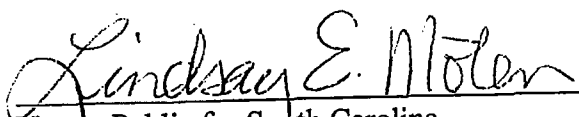
Further Affiant Sayeth Naught!



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.

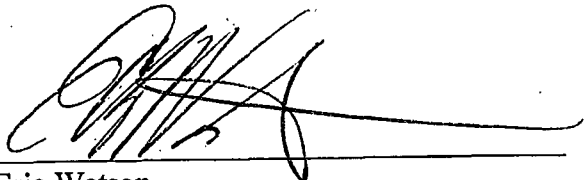
Mr. Magwood told me he showed her a single photo only to confirm the suspect's identity.

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.

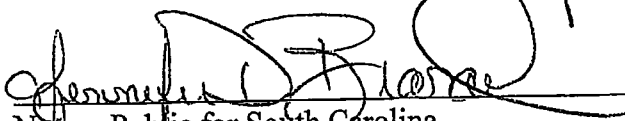
At no time have I condoned or trained officers to sign a victim's initials to a line up.

Further Affiant Sayeth Naught!

  
Eric Watson

Signed and Sworn to Before me

This 25<sup>th</sup> 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**

**Page 2 of 10**

***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 9<sup>th</sup> 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

Page 3 of 10

### *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**

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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.



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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**

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### ***Assistant Solicitor Greg Voight***

On June 30, 2009, Inspector Antonio and I interviewed Assistant Solicitor Greg Voight at the 9<sup>th</sup> 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 9<sup>th</sup> 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**

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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.

## Internal Investigation

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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**

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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 9<sup>th</sup> 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.

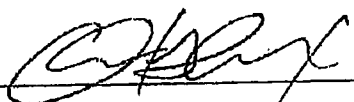
On November 7, 2008, S/A Ghent obtained a voluntary signed statement (**Attachment 8**) from Lt. Eric Watson of the Charleston County Sheriff's Office. Lt. Watson stated that he spoke to Magwood about the incident with the Prioleau investigation. Magwood told Lt. Watson that he showed Boney a single 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

11/11/11

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

**ATTACHMENT #2**

0834 0000383

## 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, KELLY

MAGWOOD

STATE V. PRIOLEAU

LINEUP -

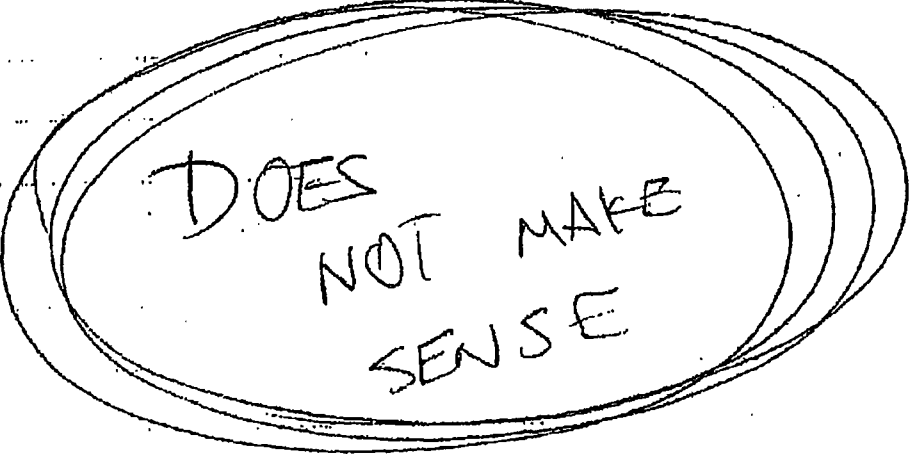
BONEY - DOESN'T RECOGNIZE HANDWRITING

- 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/C SHE DID NOT KNOW  
SUSPECT

DOES  
NOT MAKE  
SENSE

C.E.B.

1/7/07

10:40 A.M.



**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.



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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

MARK SANFORD  
Governor



OCT 28 '08 PM 12:07

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. 1<sup>st</sup> 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 *CG*  
**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

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.

A handwritten signature in dark ink, appearing to read "S/A C. L. Ghent", is written over a horizontal line.

S/A Charles L. Ghent

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION



NOV 4 2008 1:00

MARK SANFORD  
Governor

REGINALD I. LLOYD  
Director

November 4, 2008

## MEMORANDUM OF INTERVIEW *RL*

**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 4 02 PM 3:10

MARK SANFORD  
Governor



REGINALD L LLOYD  
Director

November 4, 2008

## MEMORANDUM OF INTERVIEW

**TO:** File # 31080106

**FROM:** Special Agent Charles Ghent *CH*

**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**



CHARLESTON COUNTY SHERIFF'S OFFICE  
STATEMENT

NOV 20 08 10:33

DATE Nov. 7, 08

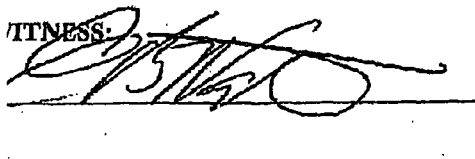
OCA # \_\_\_\_\_

|              |                      |               |              |
|--------------|----------------------|---------------|--------------|
| STATEMENT OF | Clarice Zimmer       | PHONE #       | 843-554-2473 |
| ADDRESS      | 3505 Pinehaven Drive | PHONE #       | [REDACTED]   |
| EMPLOYER     | Charleston County    | SEX           | F            |
| RACE:        | Caucasian            | DATE OF BIRTH | [REDACTED]   |

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

9834 0000404

Statement of Eric Watson

NOV 20 08 10:34

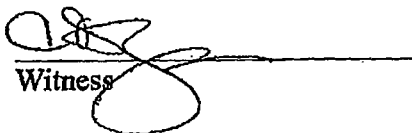
Employment: Charleston County Sheriff's Office

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

0834 0000406

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:

- |                                                               |                                                                          |
|---------------------------------------------------------------|--------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Synopsis                  | <input checked="" type="checkbox"/> Copy Of Warrant                      |
| <input checked="" type="checkbox"/> All Supplemental Report   | <input checked="" type="checkbox"/> Advisement Of Rights                 |
| <input checked="" type="checkbox"/> Arrest and Booking Report | <input checked="" type="checkbox"/> Copy Of Incident Report              |
| <input checked="" type="checkbox"/> Rap Sheet                 | <input type="checkbox"/> Witness list                                    |
| <input checked="" type="checkbox"/> List of Evidence          | <input checked="" type="checkbox"/> 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

☐ CCSO 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, Cathering 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  
3605 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 202-1700J. Al Cannon, Jr.  
Sheriff

|                                               |                                                            |                                                  |                                                  |                                                        |                                                           |
|-----------------------------------------------|------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------------|-----------------------------------------------------------|
| 00100000                                      | DISPATCH NUMBER<br>N/A                                     | ORIGINAL CASE NUMBER<br>2006-018918-B            | PAGE<br>OF<br>PAGES                              | NCIC<br>ENTRY                                          | IND.<br>ENT.                                              |
| <input type="checkbox"/> ORIGINAL<br>REPORT   | <input checked="" type="checkbox"/> SUPPLEMENTAL<br>REPORT | <input type="checkbox"/> ADDITIONAL<br>VICTIMS   | <input type="checkbox"/> ADDITIONAL<br>WITNESSES | <input type="checkbox"/> ADDITIONAL<br>STOLEN PROPERTY | <input type="checkbox"/> ADDITIONAL<br>RECOVERED PROPERTY |
| <input type="checkbox"/> MODIFIES<br>ORIGINAL | <input type="checkbox"/> CASE STATUS<br>CHANGE             | <input type="checkbox"/> ADDITIONAL<br>OFFENDERS | <input type="checkbox"/> ADDITIONAL<br>SUBJECTS  |                                                        |                                                           |

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 as "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.

| TYPE (GROUP)                                                                   |   |                                                                             |   |                                              |                                                 | TOTAL VALUE                           | JURISDICTION OF THEFT<br>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                                     | JURISDICTION OF RECOVERY<br>LAW ENFORCEMENT AGENCY |
| RECOVERED                                                                      | 0 | 0                                                                           | 0 | 0                                            | 0                                               | 0                                     | n/a                                                |
| SEIZED                                                                         | 0 | 0                                                                           | 0 | 0                                            | 0                                               | 0                                     |                                                    |
| SUBJECT IDENTIFIED<br><input type="checkbox"/> YES <input type="checkbox"/> NO |   | SUBJECT LOCATED<br><input type="checkbox"/> YES <input type="checkbox"/> NO |   | ACTIVE<br><input type="checkbox"/> UNFOUNDED | <input checked="" type="checkbox"/> ADM. CLOSED | ARREST UNDER 18<br>ARREST 18 AND OVER | EX-CLEARED UNDER 18<br>EX-CLEARED 18 AND OVER      |
| REASON FOR EXCEPTIONAL CLEARANCE                                               |   | OFFENDER DEATH                                                              |   | NO PROSECUTION                               |                                                 | EXTRADITION DENIED                    |                                                    |
| REPORTING OFFICER(S)                                                           |   | DATE                                                                        |   | BADGE NUMBER                                 |                                                 | APPROVING OFFICER                     |                                                    |
| DATE                                                                           |   | BADGE NUMBER                                                                |   | APPROVING OFFICER                            |                                                 | DATE                                  |                                                    |
| BADGE NUMBER                                                                   |   | APPROVING OFFICER                                                           |   | DATE                                         |                                                 | BADGE NUMBER                          |                                                    |
| FOLLOW-UP INVESTIGATION                                                        |   | YES                                                                         |   | NO                                           |                                                 | OFFICER                               |                                                    |



J. Al Cannon, Jr.  
Sheriff

CCEQ - 103 3/1/79

# INCIDENT SUPPLEMENT

J. Al Cannon, Jr.  
Sheriff

|                                                                                                                                                |                                                                                                                                                                |                                                                                                                                                      |                                                                                                                                                       |                                                                                                                                                                       |           |      |      |
|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------|------|
| <b>SC0100000</b>                                                                                                                               |                                                                                                                                                                | DISPATCH NUMBER                                                                                                                                      | INCIDENT CASE NUMBER<br><b>2006-018918-B</b>                                                                                                          | PAGE <b>1</b> OF <b>1</b> PAGES                                                                                                                                       | LOG ENTRY | INC. | EXT. |
| <input type="checkbox"/> ORIGINAL<br><input type="checkbox"/> REPORT<br><input type="checkbox"/> MODIFIES<br><input type="checkbox"/> ORIGINAL | <input checked="" type="checkbox"/> SUPPLEMENTAL<br><input type="checkbox"/> REPORT<br><input type="checkbox"/> CASE STATUS<br><input type="checkbox"/> CHANGE | <input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> VICTIMS<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> OFFENDERS | <input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> WITNESSES<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> SUBJECTS | <input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> STOLEN PROPERTY<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> RECOVERED PROPERTY |           |      |      |

Incident Type : C S C 1<sup>st</sup>. Degree

Incident Date : 09/02/06

Incident Location : [REDACTED]

Victim : Catherine Elizabeth Boney B/F, 44 yoa, 5'4" 140lb  
[REDACTED]

Suspect : Maurice Jerome Prioleau B/M 31 yoa 5'4" 145  
[REDACTED]

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<br>LAW ENFORCEMENT AGENCY    |
| STOLEN                                                                                                                                                                                                                                                                         |  |                                                                                        |                      |                                                                                                            |  |                                                                                                        | n/a                                                |
| DAMAGED                                                                                                                                                                                                                                                                        |  |                                                                                        |                      |                                                                                                            |  |                                                                                                        |                                                    |
| BURNED                                                                                                                                                                                                                                                                         |  |                                                                                        |                      |                                                                                                            |  |                                                                                                        |                                                    |
| RECOVERED                                                                                                                                                                                                                                                                      |  |                                                                                        |                      |                                                                                                            |  |                                                                                                        | JURISDICTION OF RECOVERY<br>LAW ENFORCEMENT AGENCY |
| SEIZED                                                                                                                                                                                                                                                                         |  |                                                                                        |                      |                                                                                                            |  |                                                                                                        | n/a                                                |
| SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                      |  | SUBJECT LOCATED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |                      | <input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED<br><input type="checkbox"/> UNFOUNDED |  | <input type="checkbox"/> ARRESTED UNDER 18<br><input checked="" type="checkbox"/> ARRESTED 18 AND OVER |                                                    |
|                                                                                                                                                                                                                                                                                |  |                                                                                        |                      |                                                                                                            |  | <input checked="" type="checkbox"/> EX-CLEAR UNDER 18<br><input type="checkbox"/> EX-CLEAR 18 AND OVER |                                                    |
| REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY |  |                                                                                        |                      |                                                                                                            |  |                                                                                                        |                                                    |
| REPORTING OFFICER(S)<br>834 0000 Detective Magwood                                                                                                                                                                                                                             |  | DATE<br>09/21/08                                                                       | BADGE NUMBER<br>9116 | APPROVING OFFICER<br>Sgt. Zimmer                                                                           |  | DATE<br>09/21/08                                                                                       | BADGE NUMBER<br>9331                               |
| FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                    |  |                                                                                        |                      | OFFICER                                                                                                    |  |                                                                                                        |                                                    |

Charleston County Sheriff's Office  
Advisement of Rights

OCA#: 2006-018918-B Date: \_\_\_\_\_  
Name: MAURICE JEROME Prolean 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 Prolean

Witnesses:

Eugene 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 Prolean

Witnesses:

Eugene 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: walk 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 Prioleau1834 0000414  
Sheriff's Office Statement Form

## CHARLESTON COUNTY SHERIFF'S OFFICE

OCA # 2006-018918-BDATE 11-13-07STATEMENT OF MAURICE Jerome PrudsenADDRESS SEE PAGE #1 PHONE #       EMPLOYMENT:        PHONE #       RACE:        SEX:        DATE OF BIRTH:       

A: after she smoke the <sup>4</sup>50 of crack cocaine before we had sex, once we had sex she was begging for more, that when we start arguing start it.

END  
OF  
STATEMENT

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:

Eugene MagwoodMaurice Prudsen

LineUp ID: ID2621

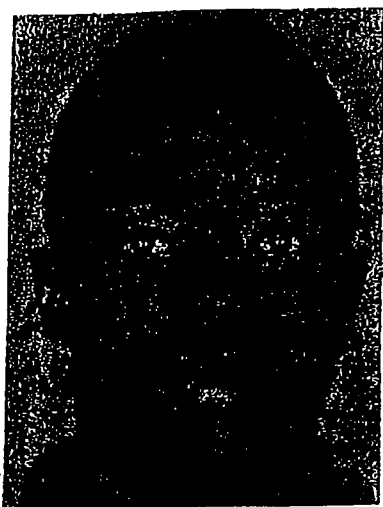
Officer: QROBERTS

Requested By:

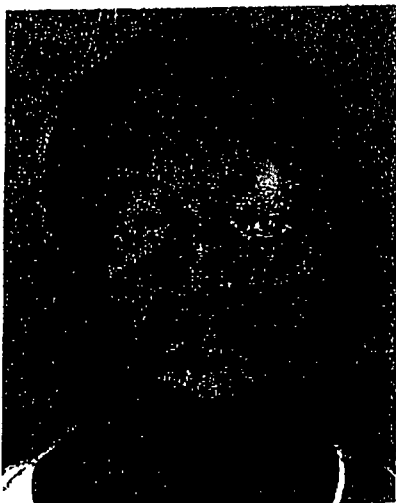
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Date: 11/7/2007 3:45:37 PM

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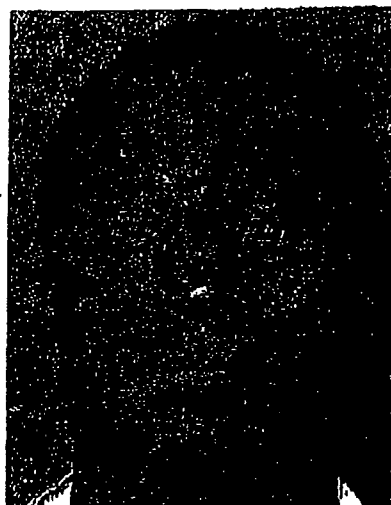
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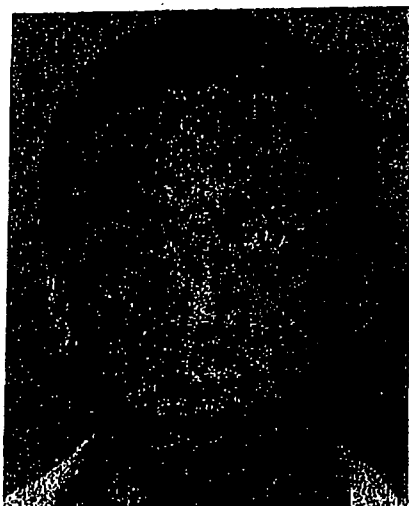
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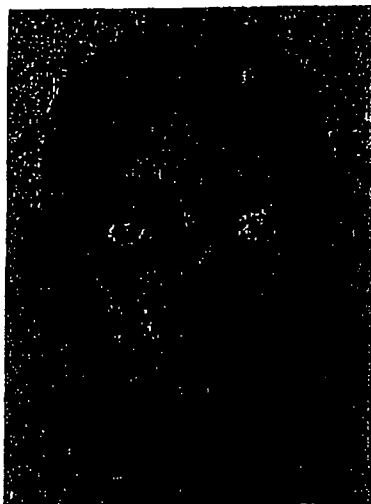
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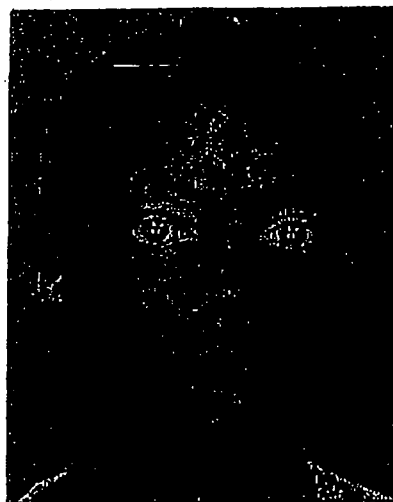
<3>



<4>



<5>



<6>

CEB  
91-07-007  
10/26/07

**J. Al Cannon, Jr. Esq.**  
Sheriff, Charleston County  
Office



Office of Professional Standards  
Charleston County Sheriff's

### FACSIMILE COVER SHEET

|                    |                                                                                                      |
|--------------------|------------------------------------------------------------------------------------------------------|
| <b>TO:</b>         | Captain Heaton                                                                                       |
| <b>FAX NUMBER:</b> | (843) 797-3662                                                                                       |
| <b>AGENCY:</b>     | South Carolina Law Enforcement Division                                                              |
| <b>FROM:</b>       | Inspector Michael Anderson<br>Charleston County Sheriff's Office<br>Office of Professional Standards |
| <b>DATE:</b>       | October 8, 2008                                                                                      |

|                 |                                    |
|-----------------|------------------------------------|
| <b>MESSAGE:</b> | <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)**

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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**

|                    |                                                                                                      |
|--------------------|------------------------------------------------------------------------------------------------------|
| <b>TO:</b>         | Katherine Gunter                                                                                     |
| <b>FAX NUMBER:</b> | (803)896-7777                                                                                        |
| <b>AGENCY:</b>     | SCCJA                                                                                                |
| <b>FROM:</b>       | Inspector Michael Anderson<br>Charleston County Sheriff's Office<br>Office of Professional Standards |
| <b>DATE:</b>       | June 16, 2009                                                                                        |

|                 |                       |
|-----------------|-----------------------|
| <b>MESSAGE:</b> | Re: Detective Magwood |
|-----------------|-----------------------|

**FAX (843) 308-7323 - ORI #SC0100001 - HQ (24 HRS) (843) 202-1700 - OPS DIV (843) 308-7323 (0830/1700)**

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**J. Al Cannon Jr., Esq.**  
Charleston County Sheriff



Office of Professional Standards

### FACSIMILE COVER SHEET

|                    |                                                                                                                    |
|--------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>TO:</b>         | Katherine Gunter                                                                                                   |
| <b>FAX NUMBER:</b> | (803) 896-7803                                                                                                     |
| <b>AGENCY:</b>     | SC Dept. of Public Safety                                                                                          |
| <b>FROM:</b>       | Inspector Roger Antonio<br>Charleston County Sheriff's Office<br>Office of Professional Standards-Internal Affairs |
| <b>DATE:</b>       | August 5, 2009                                                                                                     |
| <b>MESSAGE:</b>    |                                                                                                                    |

**FAX (843) 308-7347 / HQ (24 HRS) (843) 202-1700 / Office of Professional Standards (843) 554-2454**

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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)

**UNFAVORABLE SEPARATION**  
(Attachment of Separation Supplement is REQUIRED)

Date of Unfavorable Separation: 8/5/09 (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: 8/5/09 (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 P. Smith* 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 Gunter.

Date of Discovery: 10/1/08 Termination Date: 10/1/09

Reporting Department Charleston County Sheriff's Office Reporting Date (Today): 10/1/09

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 investigated by the agency have been reported above. The facts & information herein are true & accurate to the best of my knowledge.

Andrew Perry Smith  
EMPLOYING AGENCY HEAD (Chief, Sheriff, Director)

8/5/09  
DATE

Andrew Perry Smith  
Please print name

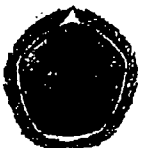
Andrew Perry Smith  
Official Title

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

0834 0000422

# 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):

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)

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) Andrene Coury-Smith DATE 06/16/2009

Please print name: Andrene 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

|                    |                                                                                                      |
|--------------------|------------------------------------------------------------------------------------------------------|
| <b>TO:</b>         | Bruce Durant                                                                                         |
| <b>FAX NUMBER:</b> | (843)958-1905                                                                                        |
| <b>AGENCY:</b>     | Solicitor's Office                                                                                   |
| <b>FROM:</b>       | Inspector Michael Anderson<br>Charleston County Sheriff's Office<br>Office of Professional Standards |
| <b>DATE:</b>       | December 15, 2008.                                                                                   |

|                 |                                                                                                                       |
|-----------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>MESSAGE:</b> | <i>Re: Magwood file. Please include the attached letter with the package to the AG's Office.</i><br><br><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**

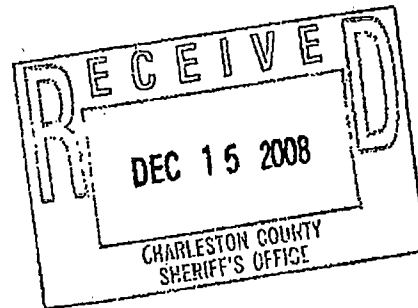
2026 Assembly Street, Suite 203  
Mailing Address: P.O. Box 555  
Columbia, South Carolina 29202

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

|                    |                                                                                                      |
|--------------------|------------------------------------------------------------------------------------------------------|
| <b>TO:</b>         | Greg Voight                                                                                          |
| <b>FAX NUMBER:</b> | (843)958-1905                                                                                        |
| <b>AGENCY:</b>     | 9 <sup>th</sup> Circuit Solicitor's Office                                                           |
| <b>FROM:</b>       | Inspector Michael Anderson<br>Charleston County Sheriff's Office<br>Office of Professional Standards |
| <b>DATE:</b>       | October 24, 2008                                                                                     |

|                 |                                 |
|-----------------|---------------------------------|
| <b>MESSAGE:</b> | <i>Re: Subpoena Duces Tecum</i> |
|-----------------|---------------------------------|

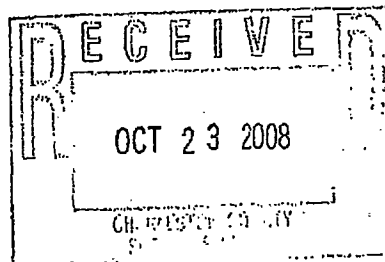
**FAX (843) 308-7323 • ORI #SC0100001 - HQ (24 HRS) (843) 202-1700 - OPS DIV (843) 308-7323 (0830/1700)**

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## SUBPOENA IN A CRIMINAL CASE

|                                                                                                                                                                                                                                                             |                                   |                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SOUTH CAROLINA GENERAL SESSION COURT                                                                                                                                                                                                                        |                                   | COUNTY: CHARLESTON                                                                                                                                                                                                                                                                              |
| THE STATE OF v. JASON BUNCUM<br>SOUTH CAROLINA                                                                                                                                                                                                              |                                   | CASE NO. 2006-GS-10 11275,11276,11277,11278,11279                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                             |                                   | SUBPOENA FOR PERSON<br>X DOCUMENT(S) OR OBJECT(S)                                                                                                                                                                                                                                               |
| TO:<br>CUSTODIAN OF INTERNAL AFFAIRS RECORDS<br>CCSO                                                                                                                                                                                                        |                                   | MARK FIELDS<br>554-2453                                                                                                                                                                                                                                                                         |
| PLACE<br><br>CHARLESTON COUNTY JUDICIAL CENTER<br>100 BROAD ST<br>CHARLESTON, SC 29401                                                                                                                                                                      | COURTROOM<br><br>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)<br><br>DUCES TECUM: ANY AND ALL RECORDS, DOCUMENTS, EMAILS, MEMMOS, VIDEOS,<br>COMPLAINTS AND ANY OTHER MATERIALS RELATIVE TO THE PENDING CRIMINAL AND<br>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<br>acting on behalf of the court.                                                                                                                        |                                   |                                                                                                                                                                                                                                                                                                 |
| CLERK OF COURT<br><br>Julie J. Armstrong                                                                                                                                                                                                                    | DATE                              |                                                                                                                                                                                                                                                                                                 |
| (BY) DEPUTY<br><br>Ronald J. Rye                                                                                                                                                                                                                            | 10/22/08                          |                                                                                                                                                                                                                                                                                                 |
| This subpoena is issued upon application of the<br><br><input type="checkbox"/> SOLICITOR <input checked="" type="checkbox"/> DEFENDANT                                                                                                                     |                                   | ATTORNEY'S NAME AND ADDRESS<br>MICHELLE R. SUGGS, ESQ.<br>ASSISTANT NINTH CIRCUIT PUBLIC DEFENDER<br>CHARLESTON COUNTY<br>O.T. Wallace County Office Building<br>101 Meeting Street, 5 <sup>th</sup> Floor<br>Charleston, South Carolina 29401-2214<br>(843) 958-1850      (843) 958-1860 (fax) |



# PROOF OF SERVICE

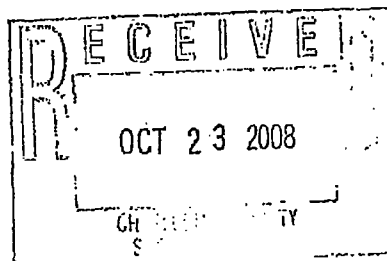
|                                                                                                 |                                                                                                  |               |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------|
| SERVED                                                                                          | DATE<br>10/23/08                                                                                 | PLACE<br>CUSD |
| SERVED ON (PRINT NAME)<br>SUSAN SINGLETON                                                       | MANNER OF SERVICE<br>Hand Delivered                                                              |               |
| SERVED BY (PRINT NAME)<br>ARTHUR M DEBBIONE                                                     | TITLE<br>INVESTIGATOR                                                                            |               |
| DECLARATION OF SERVER                                                                           |                                                                                                  |               |
| I certify that the foregoing information contained in the Proof of Service is true and correct. |                                                                                                  |               |
| Executed on<br>10/23/08<br>DATE                                                                 | Signature of Server<br>Arthur M DeBione<br>101 MCGINNIS ST<br>ADDRESS OF SERVER<br>CHANLESTON 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<br>SOUTH CAROLINA                                                                                                                                                                                                              |                                   | CASE NO. 2006-GS-10 11275,11276,11277,11278,11279                                                                                                                                                                                                                                          |
| TO:<br>CUSTODIAN OF INTERNAL AFFAIRS RECORDS<br>CCSO                                                                                                                                                                                                        |                                   | SUBPOENA FOR PERSON<br>X DOCUMENT(S) OR OBJECT(S)                                                                                                                                                                                                                                          |
| MARK FIELDS<br>554-2453                                                                                                                                                                                                                                     |                                   |                                                                                                                                                                                                                                                                                            |
| PLACE<br><br>CHARLESTON COUNTY JUDICIAL CENTER<br>100 BROAD ST<br>CHARLESTON, SC 29401                                                                                                                                                                      | COURTROOM<br><br>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)<br><br>DUCES TECUM: ANY AND ALL RECORDS, DOCUMENTS, EMAILS, MEMMOS, VIDEOS,<br>COMPLAINTS AND ANY OTHER MATERIALS RELATIVE TO THE PENDING CRIMINAL AND<br>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<br>acting on behalf of the court.                                                                                                                        |                                   |                                                                                                                                                                                                                                                                                            |
| CLERK OF COURT<br><br>Julio J. Armstrong                                                                                                                                                                                                                    | DATE                              |                                                                                                                                                                                                                                                                                            |
| (BY) DEPUTY<br><br>Ronald J. Rye                                                                                                                                                                                                                            | 10/22/08                          |                                                                                                                                                                                                                                                                                            |
| This subpoena is issued upon application of the<br><br><input type="checkbox"/> SOLICITOR <input checked="" type="checkbox"/> DEFENDANT                                                                                                                     |                                   | ATTORNEY'S NAME AND ADDRESS<br>MICHELLE R. SUGGS, ESQ.<br>ASSISTANT NINTH CIRCUIT PUBLIC DEFENDER<br>CHARLESTON COUNTY<br>O.T. Wallace County Office Building<br>101 Meeting Street, 5 <sup>th</sup> Floor<br>Charleston, South Carolina 29401-2214<br>(843) 958-1850 (843) 958-1860 (fax) |



## 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

I/O.

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: 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. | TYPE (GROUP) |   |   |   |   |   | TOTAL VALUE | JURISDICTION OF THEFT<br>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<br>LAW ENFORCEMENT AGENCY |
|               | SEIZED       | 0 | 0 | 0 | 0 | 0 | 0           | n/a                                                |

|                                                                                           |  |                                                                             |  |                                              |                                                 |                                                                |                                                                        |                             |  |                     |  |      |  |              |  |
|-------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------|--|----------------------------------------------|-------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------|--|---------------------|--|------|--|--------------|--|
| SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |  | SUBJECT LOCATED<br><input type="checkbox"/> YES <input type="checkbox"/> NO |  | ACTIVE<br><input type="checkbox"/> UNFOUNDED | <input checked="" type="checkbox"/> ADM. CLOSED | ARREST UNDER 18<br><input type="checkbox"/> ARREST 18 AND OVER | EX-CLEARED UNDER 18<br><input type="checkbox"/> 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                                                                                                             | NCID ENTRY             | INO. | EXT.          |     |    |     |
| <input type="checkbox"/> ORIGINAL REPORT<br><input type="checkbox"/> MODIFIES ORIGINAL |                                                          | <input checked="" type="checkbox"/> SUPPLEMENTAL REPORT<br><input type="checkbox"/> CASE STATUS CHANGE |                                                          | <input type="checkbox"/> ADDITIONAL VICTIMS<br><input type="checkbox"/> ADDITIONAL OFFENDERS |                      | <input type="checkbox"/> ADDITIONAL WITNESSES<br><input type="checkbox"/> ADDITIONAL SUBJECTS        |                                                 | <input type="checkbox"/> ADDITIONAL STOLEN PROPERTY<br><input type="checkbox"/> 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                                                                                                   |                                                 |                                                                                                               | J                           | S                                                                                                                 | O                      | U    | B             | F   | 1  | Blk |
|                                                                                        | SUSPECT #                                                |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        | SUBJECT #                                                | HEIGHT                                                                                                 | WEIGHT                                                   | HAIR                                                                                         | EYES                 | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC., DRIVERS LIC./D. & STATE |                                                 |                                                                                                               |                             | SOCIAL SECURITY #                                                                                                 |                        |      |               |     |    |     |
|                                                                                        | WITNESS #                                                | 5'4"                                                                                                   | 130                                                      | Blk                                                                                          | Bm                   |                                                                                                      |                                                 |                                                                                                               |                             | 101091959 S.C.D.L.                                                                                                |                        |      |               |     |    |     |
|                                                                                        | WANTED                                                   | ADDRESS                                                                                                |                                                          |                                                                                              |                      | CITY                                                                                                 |                                                 | STATE                                                                                                         | ZIP CODE                    | DAY PHONE                                                                                                         |                        | H    | EVENING PHONE |     | H  |     |
|                                                                                        | WARRANT                                                  |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        | B    |               |     | B  |     |
|                                                                                        | ARREST                                                   | VISIBLE INJURY: <input type="checkbox"/> NO <input type="checkbox"/> YES                               |                                                          |                                                                                              |                      | COMPLAINT OF NON VISIBLE INJURIES <input type="checkbox"/> NO <input type="checkbox"/> YES           |                                                 | USING ALCOHOL: <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK.         |                             | <input type="checkbox"/> TWO-MAN VEHICLE <input type="checkbox"/> DETECTIVE/SPASMT <input type="checkbox"/> ALONE |                        |      |               |     |    |     |
|                                                                                        | UNAWAY                                                   | EXPLAIN:                                                                                               |                                                          |                                                                                              |                      | <input type="checkbox"/> NO <input type="checkbox"/> YES                                             |                                                 | DRUGS: <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK.                 |                             | <input type="checkbox"/> ONE-MAN VEHICLE <input type="checkbox"/> OTHER <input type="checkbox"/> ASSISTED         |                        |      |               |     |    |     |
|                                                                                        | MISSING PERSON                                           | OCCUPATION                                                                                             |                                                          |                                                                                              |                      | EMPLOYER                                                                                             |                                                 | ALIAS                                                                                                         |                             | NIC #                                                                                                             |                        |      |               |     |    |     |
|                                                                                        |                                                          | 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                                                                                                  |                                                 |                                                                                                               | J                           | S                                                                                                                 | O                      | U    | B             | M   | 31 | N   |
|                                                                                        | SUSPECT #                                                |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        | SUBJECT #                                                | HEIGHT                                                                                                 | WEIGHT                                                   | HAIR                                                                                         | EYES                 | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC., DRIVERS LIC./D. & STATE |                                                 |                                                                                                               |                             | SOCIAL SECURITY #                                                                                                 |                        |      |               |     |    |     |
|                                                                                        | WITNESS #                                                | 5'7"                                                                                                   | 145                                                      | Blk                                                                                          | Bro                  |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        | WANTED                                                   | ADDRESS                                                                                                |                                                          |                                                                                              |                      | CITY                                                                                                 |                                                 | STATE                                                                                                         | ZIP CODE                    | DAY PHONE                                                                                                         |                        | H    | EVENING PHONE |     | H  |     |
|                                                                                        | WARRANT                                                  |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        | B    | same          |     | B  |     |
|                                                                                        | ARREST                                                   | VISIBLE INJURY: <input type="checkbox"/> NO <input type="checkbox"/> YES                               |                                                          |                                                                                              |                      | COMPLAINT OF NON VISIBLE INJURIES <input type="checkbox"/> NO <input type="checkbox"/> YES           |                                                 | USING ALCOHOL: <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK.         |                             | <input type="checkbox"/> TWO-MAN VEHICLE <input type="checkbox"/> DETECTIVE/SPASMT <input type="checkbox"/> ALONE |                        |      |               |     |    |     |
|                                                                                        | UNAWAY                                                   | EXPLAIN:                                                                                               |                                                          |                                                                                              |                      | <input type="checkbox"/> NO <input type="checkbox"/> YES                                             |                                                 | DRUGS: <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK.                 |                             | <input type="checkbox"/> ONE-MAN VEHICLE <input type="checkbox"/> OTHER <input type="checkbox"/> ASSISTED         |                        |      |               |     |    |     |
|                                                                                        | MISSING PERSON                                           | OCCUPATION                                                                                             |                                                          |                                                                                              |                      | EMPLOYER                                                                                             |                                                 | ALIAS                                                                                                         |                             | NIC #                                                                                                             |                        |      |               |     |    |     |
|                                                                                        |                                                          | 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 #                                                 |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               | J                           | S                                                                                                                 | O                      | U    |               |     |    |     |
|                                                                                        | SUSPECT #                                                |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        | SUBJECT #                                                |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        | WITNESS #                                                | ADDRESS                                                                                                |                                                          |                                                                                              |                      | CITY                                                                                                 |                                                 | STATE                                                                                                         | ZIP CODE                    | DAY PHONE                                                                                                         |                        | H    | EVENING PHONE |     | H  |     |
|                                                                                        | WANTED                                                   |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        | B    |               |     | B  |     |
|                                                                                        | WARRANT                                                  | VISIBLE INJURY: <input type="checkbox"/> NO <input type="checkbox"/> YES                               |                                                          |                                                                                              |                      | COMPLAINT OF NON VISIBLE INJURIES <input type="checkbox"/> NO <input type="checkbox"/> YES           |                                                 | USING ALCOHOL: <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK.         |                             | <input type="checkbox"/> TWO-MAN VEHICLE <input type="checkbox"/> DETECTIVE/SPASMT <input type="checkbox"/> ALONE |                        |      |               |     |    |     |
|                                                                                        | ARREST                                                   | EXPLAIN:                                                                                               |                                                          |                                                                                              |                      | <input type="checkbox"/> NO <input type="checkbox"/> YES                                             |                                                 | DRUGS: <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK.                 |                             | <input type="checkbox"/> ONE-MAN VEHICLE <input type="checkbox"/> OTHER <input type="checkbox"/> ASSISTED         |                        |      |               |     |    |     |
|                                                                                        | UNAWAY                                                   | OCCUPATION                                                                                             |                                                          |                                                                                              |                      | EMPLOYER                                                                                             |                                                 | ALIAS                                                                                                         |                             | NIC #                                                                                                             |                        |      |               |     |    |     |
|                                                                                        | MISSING PERSON                                           |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
| ARREST                                                                                 | CHARGE                                                   |                                                                                                        |                                                          |                                                                                              | (C) CHARGE           |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        | CHARGE                                                   |                                                                                                        |                                                          |                                                                                              | (D) CHARGE           |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
| REMARKS                                                                                |                                                          |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        |                                                          |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        |                                                          |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        |                                                          |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        |                                                          |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        |                                                          |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        |                                                          |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        |                                                          |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        |                                                          |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
|                                                                                        |                                                          |                                                                                                        |                                                          |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               |                             |                                                                                                                   |                        |      |               |     |    |     |
| ADMINISTRATIVE                                                                         | SUBJECT IDENTIFIED                                       |                                                                                                        | SUBJECT LOCATED                                          |                                                                                              | ACTIVE UNFOUNDED     |                                                                                                      | <input checked="" type="checkbox"/> ADM. CLOSED |                                                                                                               | ARREST UNDER 18             |                                                                                                                   | EX-CLEARED UNDER 18    |      |               |     |    |     |
|                                                                                        | YES <input type="checkbox"/> NO <input type="checkbox"/> |                                                                                                        | YES <input type="checkbox"/> NO <input type="checkbox"/> |                                                                                              |                      |                                                                                                      |                                                 |                                                                                                               | ARREST 18 AND OVER          |                                                                                                                   | EX-CLEARED 18 AND OVER |      |               |     |    |     |
|                                                                                        | PERSON 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                                                                                                        |                             | OFFICER                                                                                                           |                        |      |               |     |    |     |

CCSO - 103 3/1/89

INCIDENT SUPPLEMENT

J. Al Cannon, Jr.  
Sheriff

|                                                                                                                       |                                                                                                                                       |                                                                                                                             |                                                                                                                              |                                                                                                                                              |          |
|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------|
| SC0100000                                                                                                             | DISPATCH NUMBER                                                                                                                       | ORIGINAL CASE NUMBER                                                                                                        | PAGE 1 OF 1 PAGES                                                                                                            | NO ENTRY                                                                                                                                     | NO ENTRY |
|                                                                                                                       |                                                                                                                                       | 2006-018918-B                                                                                                               |                                                                                                                              |                                                                                                                                              |          |
| ORIGINAL<br><input type="checkbox"/> REPORT<br><input type="checkbox"/> MODIFIED<br><input type="checkbox"/> ORIGINAL | SUPPLEMENTAL<br><input checked="" type="checkbox"/> REPORT<br><input type="checkbox"/> CASE STATUS<br><input type="checkbox"/> CHANGE | ADDITIONAL<br><input type="checkbox"/> VICTIMS<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> OFFENDERS | ADDITIONAL<br><input type="checkbox"/> WITNESSES<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> SUBJECTS | ADDITIONAL<br><input type="checkbox"/> STOLEN PROPERTY<br><input type="checkbox"/> ADDITIONAL<br><input type="checkbox"/> RECOVERED PROPERTY |          |

Incident Type : C S C 1<sup>st</sup>. 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 TRIAL<br>LAW ENFORCEMENT AGENCY    |
| STOLEN                                                                                                                                                                                                                                                                         |  |                                                                                        |              |                                                                                                            |  |                                                                                                        | n/a                                                |
| DAMAGED                                                                                                                                                                                                                                                                        |  |                                                                                        |              |                                                                                                            |  |                                                                                                        |                                                    |
| BURNED                                                                                                                                                                                                                                                                         |  |                                                                                        |              |                                                                                                            |  |                                                                                                        | JURISDICTION OF RECOVERY<br>LAW ENFORCEMENT AGENCY |
| RECOVERED                                                                                                                                                                                                                                                                      |  |                                                                                        |              |                                                                                                            |  |                                                                                                        | n/a                                                |
| SEIZED                                                                                                                                                                                                                                                                         |  |                                                                                        |              |                                                                                                            |  |                                                                                                        |                                                    |
| SUBJECT IDENTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                      |  | SUBJECT LOCATED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |              | <input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED<br><input type="checkbox"/> UNFOUNDED |  | <input type="checkbox"/> ARRESTED UNDER 18<br><input checked="" type="checkbox"/> ARRESTED 18 AND OVER |                                                    |
|                                                                                                                                                                                                                                                                                |  |                                                                                        |              |                                                                                                            |  | <input checked="" type="checkbox"/> EX-CLEAR UNDER 18<br><input type="checkbox"/> EX-CLEAR 18 AND OVER |                                                    |
| REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> 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                                                                                               | 9133                                               |
|                                                                                                                                                                                                                                                                                |  |                                                                                        |              | FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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



June 18, 2009

**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



June 30, 2011

**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****2820 BOHICKET ROAD**Address: **JOHNS ISLAND, SC 29455**Phone: **247-06-2891**SSN: **M** Race: **B** Height: Weight:State: DL #: DOB: **10/29/1954**Agency ORI #: **SLED**Prosecuting Agency: **GHEINT**Prosecuting Officer: **MISCONDUCT IN OFFICE**Offense: **COMMON LAW**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:  
**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  
 Signature of Issuing Judge

**SPECIAL AGENT CHARLES GHEINT**  
**6435 FAIR STREET**  
**NORTH CHARLESTON, SC 29406**  
**843-797-3662**

Affiant's Telephone:

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 in the above affidavit that there are reasonable grounds 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**  
**MISCONDUCT IN OFFICE** as set forth below:

 DESCRIPTION OF OFFENSE:  
**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 26, 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 Fern St  
NORTH CHARLSTON, SC 29406  
Phone: 843-797-3662

LineUp ID: ID2621

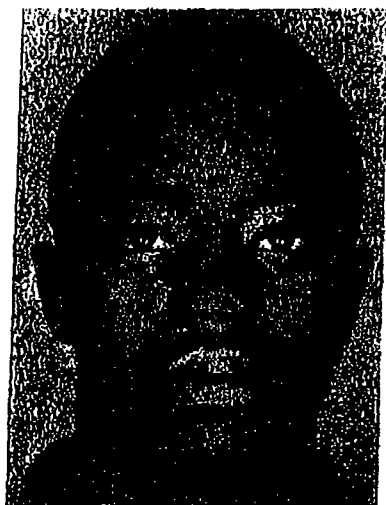
Date: 11/7/2006 3:45:37 PM

Officer: QROBERTS

Subject ID: 0000009574

Requested By:

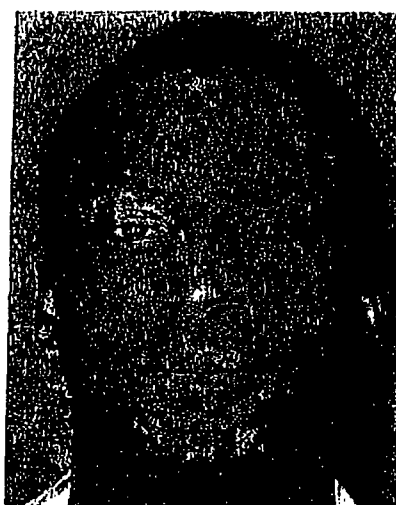
Subject Name: PRIOLEAU,



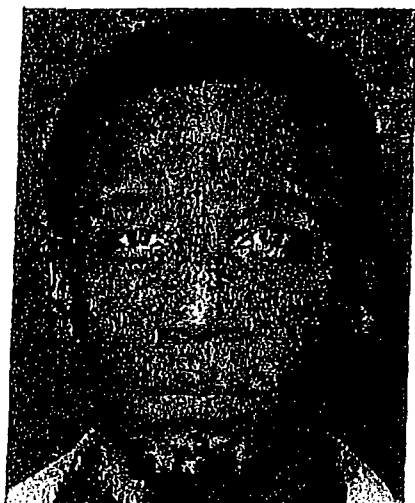
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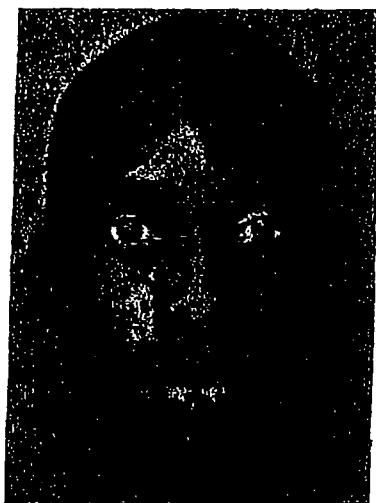
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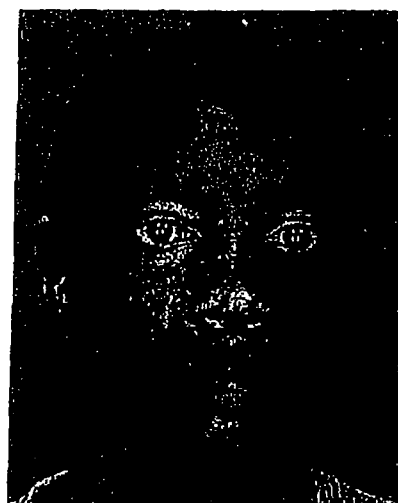
<3>



<4>



<5>



<6>

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. Anderson*

C. E. B.

11/7/07

10:40 A.M.

LOG-7046  
3.88

Catherine Loney. 6/9/09

⑧

*M. Anderson*

C. E. B.

11/7/07

10:40 A.M.

LOG-7046  
3.98

Catherine Loney. 6/9/09

⑨

*M. Anderson*

C. E. B.

11/7/07

10:40 A.M.

LOG-7046  
3.108

Catherine Loney. 6/9/09

(10)

R. M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046  
3.118

Catherine Porey

6/9/09

(11)

R. M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046  
3.128

Catherine Porey

6/9/09

(12)

R. M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046  
3.138

Catherine Porey

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.

LO9-7046  
3.208

Catherine Boney. 6/9/09

(20)

B. M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LO9-7046  
3.218

Catherine Boney. 6/9/09

(21)

B. M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LO9-7046  
3.228

Catherine Boney. 6/9/09

22

B. M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046  
3.238

Catherine Boney 6/9/09

23

B. M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046  
3.248

Catherine Boney 6/9/09

24

B. M. Anderson

C. E. B.

11/7/07

10:40 A.M.

LOG-7046  
3.258

Catherine Boney 6/9/09

(25)

B. M. Andersen

C. E. B.

11/7/07

10:40 A.M.

LOG-7046  
3.268

Catherine Boney 6/9/09

25

B M. Anderson

CEB  
11-07-07  
10:40 AM

LOG-7046  
2.288

*[Signature]*  
6-10-09

26

B M. Anderson

CEB  
11-07-07  
1046 AM

LOG-7046  
2.118

*[Signature]*  
6-10-09

COPY

27

B M. Anderson

CEB  
11-07-07  
10:40 AM

LOG-7046  
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*[Signature]* 6-10-09

②

*AB* M. Anderson

CEB  
11-07-07  
10:40 AM

*Super Super*  
6-10-09

LOG-7046  
2.58

③

*AB* M. Anderson

CEB  
11-07-07  
10:40 AM

*Super Super*  
6-10-09

LOG-7046  
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④

*AB* M. Anderson

CEB  
11-07-07  
10:40 AM

*Super Super*  
6-10-09

LOG-7046  
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⑤

*M. Anderson*

*CEB*  
11-07-07  
10:40 AM

*[Signature]*  
6-10-09

L09-7046  
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⑥

*M. Anderson*

*CEB*  
11-07-07  
10:40 AM

*[Signature]*  
6-10-09

L09-7046  
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⑦

*M. Anderson*

*CEB*  
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10:40 AM

*[Signature]*  
6-10-09

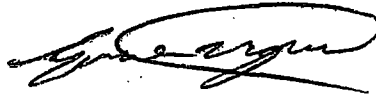
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12

M. Anderson

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10:40 AM

  
6-10-09

LOG-7046  
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13

M. Anderson

CEB  
11-07-07  
10:40 AM

  
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

*B. M. Andersen*

*CEB*

11-07-07  
10:40 AM

*Byron Morgan*  
6-10-07

LOG-7046  
2.188

16

*B. M. Andersen*

*CEB*

11-07-07  
10:40 AM

*Byron Morgan*  
6-10-07

LOG-7046  
2.198

17

*B. M. Andersen*

*CEB*

11-07-07  
10:40 AM

*Byron Morgan*  
6-10-07

LOG-7046  
2.208

21

RB M. Anderson

CEB  
11-07-07  
10:40 AM

~~RB M. Anderson~~  
6-10-09

LO9-7046  
2.248

22

RB M. Anderson

CEB  
11-07-07  
10:40 AM

~~RB M. Anderson~~  
6-10-09

LO9-7046  
2.258

23

RB M. Anderson

CEB  
11-07-07  
10:40 AM

~~RB M. Anderson~~  
6-10-09

LO9-7046  
2.268

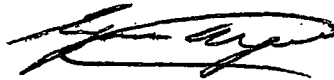
(24)

B. M. Anderson

CEB

11-09-07

10:40 AM



6-10-09

L09-7046

2.278

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

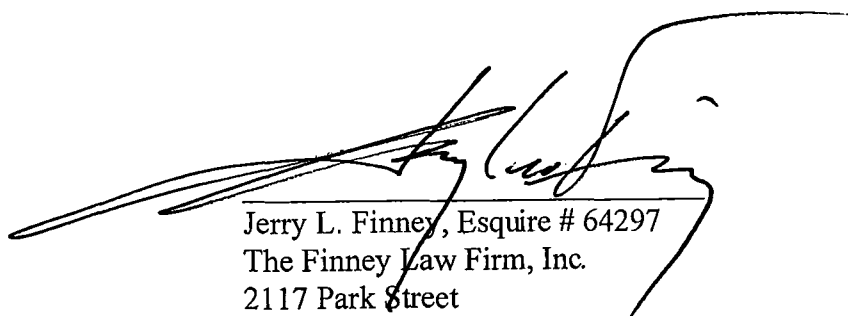
Eugene Magwood ..... Applicant/Appellant,

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.



Jerry L. Finney, Esquire # 64297  
The Finney Law Firm, Inc.  
2117 Park Street  
Columbia, South Carolina 29201  
Phone: (803) 254-7408