

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1414226

Court of Appeals Case No. 2016-000595

Laurent W. Britton, Decedent/Employee, and
Marsha P. Britton, Claimant, ... Respondents,

v.

Charleston County, Employer, and
SC Association of Counties, SIF, Carrier, ... Appellants.

RECORD ON APPEAL

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BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO. 1414226

LAURENT W. BRITTON	)	
(Deceased),	)	
	)	
Employee/Claimant,	)	
	)	DEPOSITION OF:
-versus-	)	SHERIFF J. AL CANNON, JR.
	)	
CHARLESTON COUNTY,	)	
	)	
Employer,	)	
	)	
-and-	)	
	)	
SC ASSOCIATION OF	)	
COUNTIES WORKERS'	)	
COMPENSATION TRUST/ARIEL	)	
THIRD PARTY	)	
ADMINISTRATORS, INC.,	)	
	)	
Carrier/Defendants.)	)	

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DATE: Thursday, April 23, 2015

TIME: 9:26 a.m.

LOCATION: Charleston County Sheriff's Department
3691 Leeds Avenue
North Charleston, SC 29405

REPORTED BY: JENNIFER M. HUGGINS,
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1 (The reading and signing of the
2 deposition by the witness is waived.)

3 (SHERIFF J. AL CANNON, JR., having
4 been first duly sworn, testified as follows:)

5 EXAMINATION

6 BY MR. WOOD:

7 Q. Sheriff, Hubie Wood, pleasure to meet
8 you today. I had met you on one prior occasion
9 many years ago in connection with a case where you
10 had -- Mr. Kobrovsky was the other lawyer
11 involved?

12 A. Right. Okay.

13 Q. But a pleasure to see you, and I
14 appreciate you making time. And, again, I
15 apologize. I was too far down Paul Cantrell to
16 realize what was going on.

17 A. Yeah.

18 Q. But thanks, and we shouldn't --
19 shouldn't take too much time today. But I know
20 you've probably given deposition testimony
21 before?

22 A. I have.

23 Q. Okay. So you're familiar with the
24 routine?

25 A. I -- I am.

1 Q. Okay. The main thing, I guess, is to
2 try to answer the questions verbally so the court
3 reporter can make an accurate record. If you're
4 not sure of my question, please let me know, and we
5 will go back over it.

6 **A. I understand.**

7 Q. And I expect Mr. Hundley will have some
8 questions after I finish, and I may have a few
9 follow-ups. But we'll try to get through it as
10 quickly as we can. State your full name, please,
11 sir.

12 **A. My name is James Alton, A-L-T-O-N,**
13 **Cannon, Jr.**

14 Q. All right. Sheriff Cannon, you're the
15 elected sheriff here in Charleston County,
16 correct?

17 **A. I am.**

18 Q. Okay. As you know, I'm representing
19 Charleston County and Association of Counties in
20 connection with the workers' compensation case
21 filed by Mrs. Britton in connection with the death
22 of her husband, Laurent Britton.

23 **A. Right.**

24 Q. And I think he's known -- or was known
25 as Larry Britton?

1 A. That's correct.

2 Q. So I'll probably refer to him as Larry
3 Britton or Mr. Britton throughout the deposition.
4 Did you know Mr. Britton personally?

5 A. I did.

6 Q. Okay. How did you know him?

7 A. Mostly almost exclusively from a
8 professional basis as a result of his being a
9 county employee just in the general course of
10 interacting with the county employees, but he was
11 also involved in, I think, the Charleston County
12 Rescue Squad. Specifically with the county, he was
13 involved with communications, and he also was, I
14 believe, a state constable.

15 Q. Okay. Can you explain to me -- I've
16 always kind of been unclear as to what a state
17 constable is. Can you tell me what that is?

18 A. Well, a state constable is a
19 volunteer police officer somewhat like reserve
20 deputies and reserve police officers except that
21 their commission is given by the governor. They
22 are overseen, and to an extent, regulated by SLED
23 and augment police departments and sheriffs'
24 offices and help particularly in major events again
25 to augment -- augment the staff. They are armed

1 and sworn, and we -- we use quite a few state
2 constables.

3 Q. To supplement your sheriff's department
4 for --

5 A. Supplement, exactly.

6 Q. Okay. All right. Are they paid?

7 A. You know, I think there is some
8 provision for reimbursing constables in certain
9 circumstances. That's been a while since I've
10 looked at the statute. But I think they got that
11 changed. But, by in large, it's a voluntary
12 organization, and I think a constable or a
13 prospective constable is even required to provide
14 their own -- the cost of the uniforms and firearm
15 and leather gear and that sort of thing.

16 Q. You mentioned Mr. Britton's work with
17 the county as well as his participation as a
18 constable and on the County Rescue Squad. Did you
19 know him further back? I think he had previously
20 been the fire chief out at the Isle of Palms and
21 even before that at -- out at St. Johns Fire
22 Department.

23 A. I -- I remember him in those roles
24 but did not have as much contact then with -- with
25 him.

1 Q. Okay.

2 A. You know, and one of the reasons is
3 that that whole public safety arena has evolved
4 dramatically over the years to the extent that
5 police, fire and emergency services and emergency
6 management folks tend to work a lot closer, you
7 know.

8 After 9/11 in particular,
9 interoperability was identified as a major obstacle
10 to the free flow of information between the public
11 safety community. And, even prior to 9/11, if you
12 look at any of the major incidents like Three Mile
13 Island, just to give one example, the after
14 action reports almost always identified
15 communications broadly defined as a major problem
16 in the county.

17 Broadly defined because it -- it means
18 both a hardware issue in terms of radios that can't
19 communicate with one another and then also the --
20 the personal communications based on the
21 relationship of people. And so that -- that part
22 of the evolution has been to enhance the working
23 relationship between the various public safety
24 organizations and emergency management.

25 One of the things by way of an example

1 there is FEMA actually oversees the grants for much
2 of the public safety community. As we went to an
3 all hazards approach, that's -- that's another
4 aspect of the evolution to where we try to
5 identify those common issues that you confront,
6 whether you're talking about a hurricane, a
7 terrorist attack, an earthquake or whatever the
8 case may be.

9 So all of that has had the affect of
10 bringing people a lot closer together and
11 interacting with one another. So that relationship
12 particularly, as it relates to this situation,
13 brought Larry increasingly into contact with the
14 public safety community.

15 Q. Okay. How long have you been sheriff,
16 Sheriff Cannon?

17 A. For over 27 years.

18 Q. Okay. I moved here in '92, and my
19 recollection was thinking you've been the sheriff
20 the whole time I've been here. So that would be --

21 A. 1988.

22 Q. Okay.

23 A. February of 1988.

24 Q. Okay. And, as I understand it, you're
25 also a lawyer?

1 A. I have been a member of the South
2 Carolina Bar since 1982, a member of the American
3 Bar Association, the County Bar Association and the
4 Supreme Court Bar.

5 Q. Okay. Well, what did you do before you
6 became sheriff?

7 A. I practiced law for about a year and a
8 half. Of that, a little over a year was in the
9 role of prosecutor. Actually, very similar to what
10 Ed Knisley does now for the -- for the county
11 prosecuting cases in Magistrate Court, render legal
12 opinions, provided advice to the then county
13 police. I was in private practice for about six
14 months with Harry Belk and Dale Cobb.

15 Q. And --

16 A. And that was a general practice.

17 Q. Before you were elected sheriff, other
18 than the work you indicated over at the county as
19 an attorney, any other law enforcement?

20 A. Certainly. I was -- I spent six years
21 on the North Charleston Police Department from 1973
22 -- August of 1973 until August of -- no, I'm sorry,
23 July of 1979. I rose through the ranks to
24 lieutenant. And, in 1979, we moved to Columbia,
25 and I entered the school of law.

1 Q. Okay. All right. Now, the sheriff's
2 department --

3 A. Sheriff's office.

4 Q. I'm sorry.

5 A. There's a pretty significant difference
6 between the two, but go ahead.

7 Q. Well, go ahead, if you would, and
8 clarify that.

9 A. Well, sheriff's office is -- is just
10 that, as an elected official. I have my persona as
11 an office holder as well as head of an agency. And
12 the way that manifests itself in terms of
13 differences, under our State Tort Claims Act, for
14 example, you can't name an individual. You name
15 the entity for which they work.

16 So a police chief won't be named in a
17 -- in a civil action under the Tort Claims Act.
18 But sheriff, in his capacity as the sheriff's
19 office -- and I guess one way of describing it
20 would be in the mayor's office of the City of
21 Charleston, you know, the city mayor's department,
22 the city mayor's office, and that's distinguishable
23 in this scenario.

24 Someone in the city does something that
25 results in a lawsuit, the defendant -- one of the

1 defendants is going to be the City of Charleston.
2 It won't be Joe Riley. The same thing with the
3 police chief. It won't be Greg Mullen. On the
4 other hand, the mayor has certain employees who
5 work directly for him.

6 And, if a person went in to the mayor's
7 office and say, for whatever reason, is assaulted
8 by a member of his staff, that the defendant is
9 going to be the mayor's office of the City of
10 Charleston. It's not going to be the City of
11 Charleston. And the county is very quick to point
12 out when some action of the sheriff's employees
13 occurs, that that's not them, you know. And they
14 get out of those that they can.

15 Q. Okay.

16 A. So there is a -- there is difference
17 there.

18 Q. Okay. What encompasses -- the
19 sheriff's office is your elected --

20 A. All right. The sheriff's office is a
21 full-service law enforcement agency, and I have
22 three distinct departments as -- as they would be
23 viewed. One department is the detention center.
24 Another department is an operations center, a
25 command. And that would be the equivalent of the

1 old county police chief.

2 And then there's the court-related
3 services. Each of those departments is headed by a
4 chief deputy. And, to give you another example of
5 a scenario of the difference, if I were to -- and
6 this is why I structured it this way -- if I were
7 to, as the law provides a method of doing, decided
8 I didn't want to be responsible for the jail
9 anymore, I would -- I could give it to the county,
10 and it would become a county department with a
11 department head that ran -- that would run it who
12 would report to a deputy county administrator who
13 would report to the administrator.

14 In my scenario, my department head is
15 the chief deputy who runs the detention center who
16 works for the assistant sheriff who runs the
17 day-to-day operations. The sheriff, being an
18 elected position, provides the underlying
19 philosophies, the core values, the direction. He
20 insulates the -- his departments from the politics
21 so that they can concentrate on doing the job. He
22 does those political things that are required to
23 get the necessary manpower and equipment that those
24 departments need to accomplish their
25 responsibilities.

1 Q. Is that -- and, just out of curiosity,
2 is that consistent throughout the state, or does
3 every county have its own structure?

4 A. That's different. In some counties,
5 the county is responsible for running the jail.
6 Some sheriff's perceive that as being more trouble
7 than it's worth. I think that's very short-sided
8 that -- the detention center is a significant part
9 of the criminal justice, particularly pre-trial
10 part of the criminal justice system. Housing
11 detainees is a critical part of the law enforcement
12 strategy for keeping the public and the community
13 safe.

14 And -- and we are very sensitive to
15 that, so things like getting police officers back
16 on the street as rapidly as possible, those are
17 important to us at the detention center. If you
18 have a detention center that's not under law
19 enforcement, then they typically are not
20 necessarily concerned about those sorts of
21 issues.

22 Q. Is there any other law enforcement
23 agency within the county structure, other than the
24 sheriff's office?

25 A. The county has a very limited litter

1 control, a code enforcement, and, some counties,
2 animal control. Again, those are sort of viewed by
3 some sheriffs as being no-win situations, and they
4 give up those responsibilities to the county.

5 Q. And in your -- or in our county here in
6 Charleston's case, are those under you, or are they
7 separate?

8 A. The animal control is under the
9 sheriff's office.

10 Q. Okay.

11 A. Litter enforcement is to an extent that
12 that's one of the many responsibilities road
13 deputies have.

14 Q. Okay.

15 A. But I think the county has its own
16 litter control initiative as well as code
17 enforcement.

18 Q. Okay. When you are talking about code
19 enforcement, are we talking about building codes
20 or --

21 A. Building codes, codes that deal with
22 nuisances. There is quality of life issues, the
23 result of say someone not keeping their property
24 adequately cleaned in terms of pest infiltration
25 and, you know, those sorts of health-related

1 **issues.**

2 Q. Okay.

3 A. But it's a wide range of county
4 **ordinances --**

5 Q. Right.

6 A. -- that empower that code enforcement
7 **officer to -- to have an enforcement role.**

8 Q. Okay. So, in terms of law enforcement
9 within Charleston County, we have the -- the
10 sheriff's office?

11 A. **Right.**

12 Q. And then we have separately the code
13 enforcement?

14 A. **Very -- very small by comparison in**
15 **terms of -- the sheriff's office in Charleston**
16 **County is also responsible for all of the school**
17 **crossing officers in Charleston County within**
18 **municipalities and outside of them.**

19 Q. Yeah. I guess what I'm getting at is,
20 are there any other law enforcement agencies or
21 departments within the county structures, other
22 than the sheriff's office and what you have
23 referenced in connection with the code
24 enforcement?

25 A. **No, there is not. Now, one of the**

1 things that comes into play here in this particular
2 case is the role of say reserve deputies and/or
3 state constables. We've historically used those
4 fairly interchangeable. The interest in being a
5 reserve deputy, which is a -- generally a non-paid
6 position where the commission comes from the
7 sheriff, the interest in that waxes and wanes.

8 And sometimes we have reserve deputies
9 and sometimes we don't. We have some -- one that
10 comes to mind is Dr. Ralph Shealy, who is a reserve
11 deputy. He's also the county's emergency medical
12 advisor and works closely with EMS. He is a
13 reserve deputy. He comes in and supplements and
14 augments our efforts, particularly as it relates to
15 working with our SWAT team.

16 We use state constables in similar
17 areas. Sometimes they're involved in -- if they
18 have specific skills, like a diver or that sort of
19 thing, we include them in our efforts.

20 Q. Is the radio communications department
21 under the sheriff's office structure?

22 A. It is not.

23 Q. Okay. And do you know who is the head
24 person, for lack of a better term, I guess?

25 A. Well, I think radio communications is

1 **probably Bill Tunick.**

2 Q. Okay. All right. Now, do -- and you
3 may not know the answer to this question and it may
4 not be a county-wide situation. But are employees
5 of the county permitted to serve in a dual capacity
6 or dual role at the same time?

7 A. To the -- to the extent that I am
8 aware, certainly they -- there have been folks who
9 had in effect a primary job and participated in
10 other events beyond their primary job.

11 Q. Okay. But I guess what I'm talking
12 about is, in connection with the same event or
13 situation, you mentioned Mr. Shealy, I think as the
14 EMS --

15 A. Right. He would be an example of
16 someone who does that.

17 Q. In connection with the same event?

18 A. Certainly. Just as recently as a
19 couple of weeks ago, I guess, when the city officer
20 was barricaded in a house, Dr. Shealy was on the
21 scene. He's there -- actually, I think he may even
22 have had a reserve deputy uniform on. But he was
23 there, based on his medical background and the
24 training that he's gone through with the sheriff's
25 office in terms of the SWAT team.

1 Increasingly, if you think about it,
2 after the active shooter situations that we've had,
3 that -- that response has evolved pretty
4 dramatically, and it includes now the realization
5 that we need to send the first officer or first
6 group of officers who arrive on the scene of an
7 active shooter into the building to -- to locate
8 and deal with the active shooter.

9 We also then have to send in a second
10 wave of medical personnel who are trained and
11 equipped to do so guarded by additional police
12 officers who've arrived on the scene into what we
13 call a warm zone to provide medical assistance to
14 people who might be injured. So he was there in --
15 in a role of dual capacity, not only from his
16 medical, you know, background in emergency medicine
17 but as a member of the trained SWAT response kind
18 of capability.

19 Q. Do you know whether the radio
20 communications department has a prohibition on
21 employees serving in a dual capacity while they're
22 serving in their role as a -- in the radio
23 communications department?

24 A. I'm not aware of any positions.

25 Q. Would you think Mr. Tunick would be the

1 person to comment on that?

2 **A.** If I'm accurate -- and let me say that
3 I'm not sure I understand completely the
4 relationship between Larry Britton, Bill Tunick and
5 Jason Patno, another county employee. So, in
6 answering your question, I think was, do I know of
7 any situation. I don't know of any situation where
8 someone in communications has acted in a dual
9 capacity.

10 **Q.** And you don't know whether that's
11 permissible or allowed or --

12 **A.** I don't.

13 **Q.** Okay. That would be a determination
14 for the radio communications --

15 **A.** Right.

16 **Q.** -- department?

17 **A.** Sure.

18 **Q.** All right. Now, let me just ask you
19 about the general term, and you used it in your
20 statement -- and we can go ahead -- I know
21 Mr. Hundley -- in fact Mr. Hundley was kind enough
22 to provide this to me. But this is the -- and we
23 will go ahead and mark this as Defense Exhibit 1,
24 which is your letter to Mr. Hundley here updated
25 February 6th, 2015.

1 (DFT. EXH. 1, Sheriff Cannon's Letter,
2 was marked for identification.)

3 Q. And we'll come back to this and talk
4 about it in more detail later, but I wanted to ask
5 you in general terms -- and if you look down there
6 at the bottom of the first paragraph, you use the
7 term emergency operation. What -- I mean, I think
8 I know what an emergency operation is, but what
9 qualifies as an emergency operation? What are
10 technically emergency --

11 A. Let's see. Where is that so I can see
12 it?

13 Q. It's about in the -- I think the third.
14 It begins with the -- the next to the last sentence
15 in the first paragraph.

16 A. Oh, in the first paragraph?

17 Q. Yes.

18 A. Okay. Emergency operation of this
19 would be extremely rare.

20 Q. And I was talking about just -- but we
21 are going to come back and talk about the situation
22 on September 8th in detail.

23 A. Right.

24 Q. But I wanted to ask you: In general
25 terms, what constitutes an emergency from the

1 sheriff's office's standpoint?

2 A. Well, that's obviously a very broad
3 term and covers a range of events that, even within
4 what I would deem the definition of an emergency
5 event, you've got vertical and horizontal
6 gradations. Certainly an emergency event, from one
7 perspective, is an event that involves the
8 potential for loss of life or threat of serious
9 injury.

10 Significant property damage would fit
11 in that. Extraordinary, unusual occurrences,
12 either man made or natural that involved
13 different disciplines within public safety arena,
14 Those would be the factors that I would use to
15 consider generally an emergency situation, a rapid
16 response.

17 Q. And this may sound like an obvious
18 question, but -- and maybe it is, but would you
19 consider the sheriff's office -- a core function of
20 the sheriff's office to be emergency response?

21 A. Absolutely.

22 Q. Okay. And in the broader scale --
23 well, let me -- before I ask you that question,
24 what other agencies or departments within the
25 county structure are involved in emergency response

1 in addition to your office?

2 A. Well, certainly communication, which is
3 the topic of this particular situation.

4 Q. Yes, sir.

5 A. It could involve emergency management
6 personnel. It could -- it could even involve fire,
7 EMS, some NGOs, non-governmental organizations,
8 such as Red Cross or Salvation Army, depending on
9 the circumstances. It may be Mobile Crisis, which
10 is a joint venture between the Department of Mental
11 Health and Medical University that provides
12 on-scene professional mental health folks. It
13 could potentially involve chaplains. It could
14 involve the coroner. It could involve other
15 agencies, other law enforcement agencies.

16 Q. Do you consider emergency response to
17 be a core function of county government?

18 A. Absolutely.

19 Q. Okay. All right.

20 A. Most typically seen within the limited
21 fire service oversight that the county has, but
22 fire service, EMS, the sheriff's office
23 communications and EMD.

24 Q. You mentioned earlier that the
25 communications -- radio communications department

1 was not under the sheriff's office of structure?

2 **A. Right.**

3 Q. It's a separate department within the
4 county?

5 **A. Correct.**

6 Q. Okay. How familiar, Sheriff, are you
7 with what the radio communications department
8 does?

9 **A. Well, I'm, I think, fairly familiar**
10 **with their responsibilities. Communications, as I**
11 **said earlier, is a critical element of emergency**
12 **situations, and being able to talk with one**
13 **another. There may be issues of distance,**
14 **location that affects the ability to communicate.**
15 **So that's -- that's an integral part of those**
16 **operations.**

17 Q. Okay. Are you familiar with the, I
18 guess, network or tower network that the radio
19 communications department oversees?

20 **A. I am.**

21 Q. Okay. And I understand that there are,
22 I think, 16 communication towers?

23 **A. I know there are a good many of them.**
24 **I don't know necessarily the specific number today.**
25 **That sounds about right. I know we added some**

1 because of poor service in some portions, and I
2 think they may have just recently added one up in
3 Berkeley County.

4 Q. Okay. And do you understand that not
5 only your office, but -- and not only other county
6 departments, but basically all sorts of municipal
7 governmental agencies, even something like the Mt.
8 Pleasant Water Department or --

9 A. Right.

10 Q. -- something like that? They're
11 subscribers to the county system?

12 A. Right. That -- that system dates back
13 to just after Hurricane Hugo when the counties' VHF
14 communications were in effect wiped out. Motorola
15 brought in a mobile system that the county and many
16 of the agencies that came from outside to assist
17 that use that system. The county recognized the
18 need for investing in that very important public
19 safety infrastructure long in advance of the state
20 arriving at that realization.

21 Q. Going back to the -- the concept of
22 emergency operations or emergency events, I mean,
23 do you agree with the proposition that a lot of
24 emergency situations may share the same
25 characteristics, but really no two are identical or

1 the same?

2 A. I think that's a pretty accurate
3 generalization, yes.

4 Q. Okay. Tell me what you know about
5 Mr. Britton's job responsibilities that he had when
6 he was working in the radio communications
7 department.

8 A. Well, it would be a combination of
9 monitoring the -- the communications of ongoing
10 events to ensure that that equipment was
11 functioning properly, take those steps necessary to
12 expand the capabilities of communication between
13 different agencies, which may involve technical
14 operations, like patching agencies together, or it
15 may be distributing additional radios, handheld
16 walkie talkies, or, for example, a quick repair of
17 problems that might occur with the communications
18 system. Those are probably the primary ones that
19 come to mind.

20 Q. And are you familiar with their
21 emergency protocol? I mean, I'm sure your office
22 and various types of emergencies have protocols you
23 go through --

24 A. Right.

25 Q. -- to activate?

1 **A. Right.**

2 Q. Are you familiar with the protocols
3 that the radio communications department has in
4 emergency situations?

5 **A. Not specifically.**

6 Q. Okay. All right.

7 **A. But they're an important part of the**
8 **incident command system so that needs, as it**
9 **relates to communications, are recognized and**
10 **quickly acted upon. Problems that may occur are**
11 **quickly recognized and resolved. So they are an**
12 **integral part of that -- that overall command of**
13 **the situation.**

14 Q. In particular, with regard to
15 Mr. Britton's job as the manager of the radio
16 communication's department, are you familiar -- I
17 think I asked you about the job duties, and you
18 testified on that. But, particularly, with regard
19 to emergency response, do you know what is
20 advertised, so to speak, or what is required in his
21 job description?

22 **A. I don't.**

23 Q. Okay. All right.

24 **A. And there are obviously in a emergency**
25 **situation maybe insofar as communications are**

1 concerned may be responsibilities in the immediate
2 incident command location as well as other
3 locations.

4 Q. Okay. From your vantage point as the
5 sheriff and the sheriff's office, obviously your
6 department or your office depends on the radio
7 communications department to create a situation
8 where there's clear communications when you are
9 responding to an emergency situation?

10 A. That's -- that's accurate. Clear and
11 in some instances encrypted.

12 Q. Okay.

13 A. There are various aspects to that
14 function, but that's -- that's an accurate
15 statement.

16 Q. Okay. Let me ask you first on the date
17 we are talking about, the date in question here is
18 September 8th of 2014 into the early morning hours
19 of September 9 of 2014.

20 A. Right.

21 Q. So focusing on that date, and, in
22 particular, the events of that evening, did you
23 have any communication yourself personally with
24 Mr. Britton during that day up through the early
25 morning hours of the night?

1 **A.** I did not. In fact, I was not even
2 here. I had literally just arrived in Jerusalem on
3 a terrorism-related trip. I was awakened at 3:00
4 in the morning after having been on-site for some
5 seven or eight hours, was awakened with a phone
6 call telling me that we had had a shooting, two
7 deputies, one of whom died from his injuries. I
8 got on the plane the next morning to return to
9 Charleston.

10 **Q.** Okay. I assume after you returned, you
11 obviously were very thoroughly involved in the
12 debriefing process and sorting out what had
13 happened?

14 **A.** I was.

15 **Q.** Okay. All right. But, on the date
16 in question, you were not present here in
17 Charleston, and you had no communications with
18 Mr. Britton?

19 **A.** That's correct.

20 **Q.** Okay. Have you spoken with anybody who
21 had any communications or discussions with
22 Mr. Britton on the evening of September 8th into
23 the early morning hours of September 9th?

24 **A.** Generally in terms of just the
25 information related to his response and his

1 **passing.**

2 Q. Okay. And when you say the -- when we
3 are talking about the response, you're talking
4 about what he did that particular night?

5 A. **To that -- to that incident, that's**
6 **correct.**

7 Q. Okay. And who have you spoken with
8 concerning that?

9 A. **Several people, and I don't recall**
10 **specifically. I was briefed on a number people,**
11 **and I talked to, I think, the county administrator**
12 **and some folks from his staff. I talked to several**
13 **people as it related to what we were going to do**
14 **as far as facilitating and the services for both**
15 **the deputy and for Mr. Britton, those sorts of**
16 **things.**

17 Q. Okay. And, when you said the
18 administrator, is that Mr. Taylor?

19 A. **That's correct.**

20 Q. Okay. And who -- do you remember in
21 particular who on Mr. -- I maybe was confused
22 whether you were referring to Mr. Taylor's staff or
23 Mr. Britton's staff?

24 A. **Mr. Taylor's staff.**

25 Q. Okay. All right. Have you spoken

1 with anybody in the radio communications
2 department concerning the events of that particular
3 evening, and, in particular, Mr. Britton's
4 activities?

5 **A. I have not beyond the obvious offer of**
6 **condolences and those sorts of conversations.**

7 Q. Okay. What type of activity -- do you
8 have any understanding as to the type of activities
9 that Mr. Britton was involved in on that particular
10 evening, September 8th, into the early morning
11 hours?

12 **A. Not -- not specifically, other than the**
13 **-- just the general response and his -- what I**
14 **imagine to be typical sort of activities in support**
15 **of a very complex emergency situation that had**
16 **occurred.**

17 Q. Okay. Do you know whether Mr. Britton
18 -- or where Mr. Britton was located, his
19 whereabouts on the evening of September 8th into
20 the early morning hours of September 9?

21 **A. Not specifically, other than I don't**
22 **think he was physically located at the scene.**

23 Q. Okay. And when we -- let's clarify
24 that, and perhaps this is a good opportunity to
25 mark Defense Exhibit 2.

1 (DFT. EXH. 2, Incident Action Plan, was
2 marked for identification.)

3 Q. Sheriff, can you take a look at that?
4 And I've got some of the -- I'm going to mark these
5 separately. Well, why don't we go ahead and mark
6 these as Defense Exhibit 3.

7 (DFT. EXH. 3, Incident Supplement, was
8 marked for identification.)

9 Q. These documents were provided to me by
10 the county attorney's office. And let me just take
11 a -- let you take a minute or as much time as you
12 need to look through that so that you can identify
13 those documents for me, and we will start with
14 Defense Exhibit 2 there.

15 A. Okay.

16 Q. Yes, sir. What is the document there
17 that we have marked as Defense Exhibit 2?

18 A. Well, it contains several pages, some
19 aerial -- what appear to be aerial photographs,
20 some incident management forms, listing of staff
21 members assigned to specific command positions,
22 incident command positions. These are -- they're
23 documents that are generally prepared reflecting
24 who was in specific roles.

25 It's a part of the incident command

1 system, and, if you look at the list of staff
2 members and where they were located and from which
3 agency, at the very bottom, you see an IMT. That's
4 incident management team. That's a group of folks
5 who respond and make sure that you are doing those
6 sorts of things, filling those sorts of positions
7 that an incident management -- incident management
8 plan would require.

9 Q. Okay. And this particular document
10 pertains to the -- I guess the emergency incident
11 that's involved in this particular case we are here
12 on today. It's the Garden Apartments incident
13 action plan of September 8th, 2014 through
14 September 9 of 2014?

15 A. That's correct, dealing with the
16 shooting death of Deputy Joe Matuskovic and the
17 wounding of Deputy Mike Ackerman and the response
18 that resulted from that shooting by various
19 agencies.

20 Q. Yes, sir. Let me direct your attention
21 -- the pages aren't numbered, but the third page
22 there in the package, in the heading at the top of
23 that chart on the left side says organization
24 assignment list?

25 A. That's correct.

1 Q. And then we have a subsection 8 down
2 there, logistics section?

3 A. I see that, right.

4 Q. Okay. And, with regard to the
5 communications unit, it lists M Kratz?

6 A. That's correct.

7 Q. Do you know who M Kratz is?

8 A. I don't. I assume he was the incident
9 command post representative who was responsible for
10 that -- that aspect of the operation, the
11 communications.

12 Q. And on-scene -- I think you mentioned
13 this earlier in your testimony on several occasions
14 when you have talked about the -- your office is
15 reliant in an integral nature of the what the radio
16 communications department does?

17 A. Right.

18 Q. But on-scene, as I understand what they
19 are doing, they are handing out radios, recharging
20 radios. Is that your understanding of what the
21 communications department does on-scene?

22 A. That would be certainly a part of it.

23 Q. Okay.

24 A. Would reach back to the
25 communications resources to get additional radios

1 or to make repairs or provide batteries. Whatever
2 would be required by the nature of the
3 circumstances.

4 Q. From this information, does it appear
5 that Mr. Britton was on the emergency scene at the
6 Garden Apartments that evening?

7 A. It doesn't appear that he was at the
8 command post as -- at the scene.

9 Q. And, when you say the command post, you
10 are referring to your and other law enforcement
11 agencies set up on the scene where the event is
12 taking place?

13 A. That's correct.

14 Q. Okay.

15 A. There would be a central point at which
16 the command elements of the -- handling the
17 incident would be so that there was good
18 communications between the various agencies and the
19 organizations that were involved.

20 Q. And, as I understand this particular
21 event, was this in an unincorporated area of
22 Charleston County, or was it within the city?

23 A. It was within the city, as I understand
24 it.

25 Q. Okay. And I've -- just out of

1 curiosity's sake, what is the overlap with your
2 deputies versus city police within an incorporated
3 area?

4 A. Well, there's -- the sheriff office has
5 responsibilities within the entirety of the county.
6 Municipality -- and these are under normal
7 circumstances -- are limited to their municipal
8 boundaries. There are certain responsibilities of
9 the sheriff's office, and it's really -- I think
10 I've found it to be more helpful to speak in terms
11 of primary responsibility. The city agency has
12 some primary responsibilities within the city. The
13 sheriff's office has some primary responsibilities
14 within that same city.

15 Q. Okay. What was the -- what led to the
16 confrontation that night? What was taking place,
17 to your knowledge?

18 A. Well, many apartment complexes -- and
19 this is a national situation -- have a
20 relationship with specified police officers, who
21 are given some discount or maybe even be provided
22 an apartment to act as an on-scene security
23 advisor. It's commonly referred to as courtesy
24 officers.

25 And, in this particular case, I think

1 there were two deputy sheriffs who were in that
 2 role in that apartment complex. They had been
 3 advised of a situation that had occurred and was
 4 ongoing with and between certain residents of
 5 that apartment complex. The officers who were
 6 the courtesy officers attempted to make contact
 7 with the individual, had some degree of
 8 communications but would not -- would not come
 9 out.

10 They recognized that they had an
 11 elevated situation and called for uniform backup,
 12 and they called sheriff's office deputies who
 13 responded to the scene to assist them in resolving
 14 the situation between these two next door
 15 neighbors.

16 Q. Just for -- and, of course, everybody
 17 here -- at the table here at the deposition knows
 18 sort of the geography. But the Garden Apartments
 19 is in what we refer to as the West Ashley part of
 20 the City of Charleston?

21 A. That's correct.

22 Q. Okay. And was it the two deputies --
 23 or the Deputy Matuskovic and Ackerman, were those
 24 the first two deputies to arrive at the scene?

25 A. No. The first two deputies that were

1 on the scene were the courtesy deputies. A number
2 of units responded. I think Deputy Ackerman had a
3 trainee with him. He was in one vehicle, and
4 Deputy Matuskovic -- and he may have had a trainee.
5 I don't recall specifically now. But they
6 responded to the scene at the request of the
7 courtesy deputies.

8 Q. Sheriff, what do you know about the
9 timeline here? What time did this start?

10 A. I want to say somewhere around 8:00
11 p.m. on the evening of April the -- I mean,
12 September the 8th.

13 Q. Let me let you take a minute to look at
14 what I've marked as Defense Exhibit 3, which appear
15 to be several sort of --

16 A. Right.

17 Q. -- debriefing statements of your
18 deputies.

19 A. Right.

20 Q. And I've sort of looked at those
21 documents to try to get a sense of the timeline.
22 And let me give you a minute to look at that and
23 see if we can maybe pinpoint that a little more
24 accurately as to the timing of the onset of this
25 incident as well as, in particular, the shooting of

1 Deputy Matuskovic and Deputy Ackerman.

2 A. Matuskovic.

3 Q. I'm sorry, Matuskovic.

4 A. That's all right.

5 Q. Yes, sir.

6 A. Okay. I generally glanced at the --

7 Q. Just a couple of things. If you look
8 at the -- okay. This appears to be -- I left my
9 glasses. I can get away with it in the morning,
10 but, later in the day, I need my up-close glasses.
11 I left them out in the car. But this, in
12 particular, it looks like Officer or Deputy B.
13 Moniz.

14 A. Right.

15 Q. It looks like his statement indicated
16 19:36 hours when he --

17 A. Right. I see that referenced in a
18 couple of these reports.

19 Q. Yes, sir.

20 A. So that's 7:36. That's a little before
21 8:00 p.m.

22 Q. In your view, would these debriefing
23 statements of the deputies who were responding to
24 the scene, would that be the best way for us to
25 sort of pinpoint the timeline of events here

1 looking back?

2 A. Probably not. The records from
3 consolidated dispatch would be certainly more
4 accurate in terms of time.

5 Q. Okay.

6 A. The call came in the time units were --
7 arrived on the scene.

8 Q. So consolidated dispatch, is that part
9 of the county structure?

10 A. It is.

11 Q. Okay. Consolidated dispatch would
12 have the down to the minute when the call came
13 in?

14 A. When certain radio transmissions --
15 it's a combination of telephone -- it's a 911
16 center, and it's also the radio communications part
17 of it.

18 Q. Okay.

19 A. So that dispatcher and -- and that
20 system would annotate specific times that events
21 occurred within this incident.

22 Q. And that would tell us not only when
23 the call from the -- I forget the term you use, but
24 the --

25 A. Right, the courtesy deputy.

1 Q. Courtesy officers requested backup?

2 A. Right.

3 Q. As well as would it also record the
4 times that there was some communication
5 concerning the wounding or shootings of the two
6 deputies?

7 A. There would be, certainly.

8 Q. Okay. All right. Do you, just from
9 your general knowledge, know generally what time
10 the deputies were wounded and removed from the
11 scene and taken to the hospital?

12 A. Well, I think the events evolved very
13 rapidly after that 19:36 time frame. I think
14 that's generally representative of when the
15 shooting took place.

16 Q. Okay. And do you know what time
17 Deputy Matuskovic was pronounced dead at the
18 hospital?

19 A. There is a reflection here that reports
20 under Sergeant DH Owen that he was present at the
21 Medical University Trauma Center when Deputy
22 Matuskovic was declared deceased at 8:37 hours or
23 20:37 hours.

24 Q. Okay. A little after 8:30 in the
25 evening?

1 **A. Right.**

2 Q. Is it fair to say that the shooting --
3 shootings of the two deputies occurred pretty
4 early in the sequence of this whole incident
5 playing out?

6 **A. That would be accurate.**

7 Q. Okay. Do you take a minute to -- I'll
8 certainly be glad to give you a recess.

9 **A. Yeah. If you would, just give me a**
10 **couple minutes.**

11 Q. Absolutely, sir.

12 (A recess transpired.)

13 BY MR. WOOD:

14 Q. In reviewing the debriefing statements
15 of the various officers and deputies, what appears
16 to me -- and then you can take me through it, but
17 what appears to me is you have your first officers
18 on the scene?

19 **A. Right.**

20 Q. And then this thing develops into sort
21 of a standoff, and then you bring in the
22 specialized SWAT team units, and, of course,
23 there's a command, I guess, set up, a perimeter
24 established. And then the initial responders are
25 eventually relieved in favor of the specialized

1 group to handle the standoff? Is that kind of what
2 happens in general?

3 A. That's a general -- an accurate
4 generalization, yes.

5 Q. In this particular situation, we just
6 talked about the timing of the -- of the shooting
7 of the two deputies. Were there any other -- I
8 mean, was this a continuous gunfire sort of
9 situation, or was it just sort of a standoff until
10 the situation was eventually resolved?

11 A. Well, there was a pretty significant
12 fire fight or exchange of gunfire initially, and,
13 once that ceased and they got the injured out of
14 danger, I think that was the end of the gunfire.

15 And the rest of the time was spent
16 attempting to communicate with the individual
17 trying to identify who he was, what kind of
18 background he had, what -- trying to find someone
19 that might know him or have had some experience in
20 interacting with him on a professional level as one
21 benefits from having Mobile Crisis out, and they
22 have access to the mental health officials and
23 records. The -- the response of members of the
24 SWAT team, decisions made as to who was going to
25 handle it, how it was going to be handled, those

1 sorts of things.

2 The response at the scene of
3 specialized units, and, as you pointed out, the
4 perimeter generally is changed out and the initial
5 police officers are replaced by members of the
6 SWAT team who are better equipped from a protection
7 and safety perspective. Plans are developed.
8 You get specific information about the layout of
9 the apartment, and all of that takes a good long
10 while.

11 And then, at some point, it may well,
12 particularly where no communications have been
13 established -- and this recent case is an example
14 of that with the city officer. Some kind of
15 entries made either directly or by a robot or some
16 sort of camera device that can give you some
17 insight into what -- what is going on inside the
18 residence.

19 And then, at some point, entry is made
20 maybe after the introduction of gas or a pepper
21 spray-type of gas. And then you make entry. And,
22 once the status of the situation solidifies, you
23 understand what has occurred inside and what the
24 condition is of the person, then they back off.
25 And there's a medical -- obviously a medical aspect

1 of that brought into play.

2 Once the -- you know, the determination
3 is made that the -- the residence is secure,
4 medical personnel come in and address the
5 individual medically. And then everyone backs out
6 and secures the scene for the investigative
7 aspect of that to begin. And customarily here in
8 South Carolina, that involves calling SLED in to
9 conduct the officer-involved shooting
10 investigation.

11 Q. What time did that -- as I understand
12 it, and maybe I'm wrong, but, as I understand it,
13 when the entry was finally made into the particular
14 apartment where the perpetrator was in this
15 incident, he was found to be dead?

16 A. That's correct.

17 Q. Okay. What time did that occur,
18 Sheriff?

19 A. It was some hours after the incident
20 began. I want to say it was in the early hours of
21 September the 9th.

22 Q. Okay.

23 A. Probably reflected in here somewhere,
24 but I don't recall specifically offhand.

25 Q. Okay. Do we know -- or has there been

1 any determination as to when he was -- was he
2 killed or fatally wounded in the initial shoot out,
3 or do we know?

4 **A. That is my understanding.**

5 Q. Okay. All right.

6 **A. And that is that the deputies**
7 **returned fire, and he was struck in that initial**
8 **gunfight.**

9 Q. All right. So am I clear in -- am I
10 correct in understanding that after the initial
11 shoot out in which the two deputies were shot,
12 there was no further exchange of gunfire?

13 **A. That's my understanding.**

14 Q. Okay. Now, shifting to -- and you may
15 not know, which is fine, but shifting back to
16 Mr. Britton's activities on the night in question,
17 September -- the evening of September 8th, do you
18 know what time he activated or made an effort to
19 return to his work as the -- in the radio
20 communications?

21 **A. I do not know that.**

22 Q. Okay. And I think you've indicated
23 that you don't have any familiarity with what he
24 was doing that particular evening in his role or
25 his position with the radio communications

1 department?

2 **A. That's -- that's correct.**

3 Q. Okay. We think, from the documents
4 you've looked at, that he was not at the Garden
5 Apartments shoot out scene?

6 **A. It does not appear that he was, no.**

7 Q. Okay. In terms of what he was doing in
8 his job responsibilities, when they started that
9 evening, what they involved during the course of
10 the evening, you don't have any direct knowledge of
11 that?

12 **A. I do not.**

13 Q. Okay. Do you have any indirect
14 knowledge of that?

15 **A. Not specifically, no.**

16 Q. Okay. So you don't know whether
17 things went -- in terms of the radio
18 communications departments, emergency activation
19 protocol, you don't know whether things went
20 smoothly, seamlessly or whether there were
21 problems encountered?

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

23 Q. Okay. So, in terms of what his job
24 required that evening, the conditions he was
25 working under that evening, you don't have any

1 direct knowledge of anything?

2 **A. That's correct.**

3 Q. Okay. Have you subsequently determined
4 whether there were any problems or issues with the
5 radio communications operations on the evening in
6 question?

7 **A. I am not aware of any.**

8 Q. Okay. Did your -- any of your people,
9 sheriff's office folks out there on the scene
10 report any type of communication problems or issues
11 that evening?

12 **A. Not that I'm aware of, and I will say**
13 **that, generally, Charleston County was and has been**
14 **and continues to be in the leading edge of**
15 **technology, public safety, communications,**
16 **particularly. I made reference earlier to the**
17 **experience of Hurricane Hugo. The county made a --**
18 **and I was certainly here during the time and**
19 **participated in a lot of discussion and some of the**
20 **decision making that was involved in recognizing**
21 **how critical communications are.**

22 **And Charleston County embarked on**
23 **addressing that issue, as I referenced earlier well**
24 **before even the state, and purchased and provided a**
25 **system, which even today, 25-plus years after the**

1 fact, the Charleston County Communication System
2 continues to expand to include now the Air Force
3 Base.

4 And the effort has been to ensure that
5 when emergency situations occur, communications, as
6 a part of that, handling of that emergency is -- is
7 done well, and the -- the reason we have as few
8 problems is a direct -- direct result of that long
9 history of focusing adequate time, effort and
10 funding to ensure that we have the kind of
11 communications that facilitate the handling of
12 emergency situations that -- that pose sometimes
13 life-threatening aspects.

14 Q. Let me ask you this question and you
15 may not know the answer to it because we've sort of
16 touched on various components of it already. But
17 we know the -- or we presume that the radio
18 communications department has its own protocol in
19 terms of what they do when there's an emergency
20 activation?

21 A. They do, but, like the first responder
22 in the public safety element, you can have a
23 protocol, but, as the situation evolves, you may
24 encounter problems that were totally
25 unanticipated and require individuals to -- to

1 specifically address the -- those issues and --
 2 and develop plans to mitigate problems or fix and
 3 repair communications capabilities if those arise.
 4 So it's -- it's very much like the first
 5 responders in terms of reacting to events as
 6 they impact specifically that area of
 7 communications.

8 Q. But you indicated, with respect to
 9 Mr. Britton's activities that night, you don't know
 10 whether things went according to plan, or whether
 11 there was -- they had to go off-script, so to
 12 speak?

13 A. That's -- that's correct.

14 Q. Okay. In terms of -- and you may not
 15 know this because you've indicated you don't know
 16 exactly what Mr. Britton was doing that particular
 17 evening, but do you know whether what he was doing
 18 that particular evening at the radio
 19 communications building here right down the street,
 20 whether what he's responsible for in discharging
 21 his duties, whether what it -- what the underlying
 22 emergency event is, whether it's a fire, whether
 23 it's the bomb threat? For instance, we had
 24 downtown at -- you know, at the College of
 25 Charleston?

1 A. Right.

2 Q. Whether it's this particular incident?
3 In other words, does the facts of the particular
4 emergency incident have any bearing on what
5 Mr. Britton's job responsibilities were at the
6 radio communication building?

7 A. Well, it -- it certainly can. Again,
8 like public safety, in general, you -- you
9 certainly don't have a script, even if you have a,
10 quote, protocol, you don't have a script for how a
11 particular situation is going to evolve -- and I
12 will say, and I refer back to my earlier
13 testimony about this definition of emergency
14 situations, there are vertical and horizontal
15 elements to that.

16 Some -- and I think this case is -- is
17 a good example of it. Go back to that emergency
18 definition. Some emergency situations differ in
19 terms of the -- the elements of -- the emotional
20 elements, the apprehension that folks may have
21 about how a situation has evolved. It's difficult.
22 Sometimes we are able to -- to handle most of what
23 we do because we don't have a direct or emotional
24 involvement in it.

25 There are some cases in which we are

1 unable to maintain that kind of distance, and it
2 has certainly an impact beyond the normal, quote,
3 unquote, emergency situation. And this -- this
4 case certainly had elements of that. Those
5 individual aspects of emergency situations can
6 have a significant impact on people who are
7 directly and indirectly involved in handling those
8 situations.

9 We overlook sometimes those folks who
10 are -- one could argue behind the scenes, but they,
11 in many respects, have much invested -- invested in
12 the situations that go on. Dispatchers immediately
13 come to mind and others who are playing a part in
14 generally how situations of emergency -- of an
15 emergency nature are handled. And, again, some,
16 because of that personal aspect, are more difficult
17 to handle than others.

18 And, when you have an officer that's --
19 that's been killed, that is certainly one of
20 those unique situations that within that
21 definition of emergency situations, that has
22 elements that -- that are particularly challenging
23 to deal with.

24 The most recent example, again, is
25 where the city, recognizing that it was a city

1 officer involved in what they were initially called
2 to respond to, backed out and asked the sheriff's
3 office to handle because of that difficulty in
4 separating themselves from the individuals that
5 they had contact with in that particular instance,
6 a very emotional and personal interaction there.
7 Those kinds of things can be particularly
8 traumatic.

9 Q. And you make that -- and along those
10 lines, you mention in your statement or your letter
11 to Mr. Hundley of February 6th, that Mr. Britton
12 knew Deputies Matuskovic and Ackerman. I was
13 curious as to the basis of that or how you knew
14 that or how you know that?

15 A. Where, specifically?

16 Q. Let's see. Hold on. Down near the
17 bottom of the second paragraph on the first
18 page --

19 A. Okay.

20 Q. -- as well as other local agencies
21 knew the deputies involved. I think the sentence
22 starts with in addition Mr. Britton is a state
23 constable.

24 A. That was -- that was based on my
25 understanding of a combination of his day-to-day

1 job with the county in terms of the radio
2 communications, interacting with deputies. We
3 certainly rely on them to install and repair,
4 upgrade the -- put in new templates for
5 monitoring various channels and -- and talk
6 groups.

7 His involvement with the rescue squad
8 and responding to incidents as well as his service
9 as a state constable and interacting with deputy
10 sheriffs during the course of various work
11 assignments that he had there.

12 As to a specific point of contact
13 within all of that, I -- I'm -- I can't tell you
14 one. But I think it's, from my perspective,
15 accurate to say that -- that from that enhanced
16 interaction with the sheriff's office on those
17 levels, that they -- they knew one another.

18 Q. But you don't have any understanding
19 or opinion on the extent of a personal
20 relationship --

21 A. No.

22 Q. -- or friendship or --

23 A. No.

24 Q. Okay.

25 A. And, you know, I can say that about

1 even my relationship back with Deputy Matuskovic
 2 and Deputy Ackerman. And, over the course of some
 3 40-plus years of law enforcement, I've had the
 4 misfortune, if you will, to have had police
 5 officers killed in the line of duty. And, while I
 6 didn't particularly have personal relationships
 7 with them, the impact of that was -- was still
 8 pretty traumatic.

9 Q. Who keeps records, Sheriff, on police
 10 -- police shootings, I guess, in general, but, in
 11 particular, incidents where police are actually
 12 shot? Is that something your office keeps, or is
 13 that something that SLED is responsible for? Who
 14 maintains that data?

15 A. Well, that's a complex question insofar
 16 as the answer is concerned. We certainly have
 17 records of individual events and are very
 18 conscious of and aware of those incidents involving
 19 our own personnel. SLED is the state point of
 20 contact with the FBI's -- the FBI in a number of
 21 settings, one of which is the uniform crime
 22 reports.

23 The sheriff's office provides
 24 information on criminal activity and other aspects
 25 of our experience. Part of that includes reporting

1 of officer-involved shootings and police officers
2 killed or wounded in the line of duty. SLED shares
3 in some of that responsibility. And that becomes a
4 part of the report.

5 On a national basis the bureau and
6 probably organizations such as the survivors'
7 groups capture that information on a national level
8 and publish reports about line of duty debts and
9 those sorts of demographics, time of day, day of
10 the week, nature of the call, nature of the weapon
11 involved and those sorts of things.

12 Q. Circling it back -- and I just want to
13 ask you the question one more time, maybe a
14 different way. But, in terms of what Mr. Britton
15 was responsible for doing that evening, the evening
16 in question, September 8th, early morning hours of
17 September 9, 2014, what he was responsible for
18 doing and what he was doing, do you know whether
19 the facts and circumstances of the particular
20 underlying emergency incident have any bearing on
21 what his job responsibilities and activities were
22 that evening? Apart from being a general
23 emergency?

24 A. Yeah. Well --

25 Q. Yes, sir.

1 A. And that's where the difficulty comes
2 in because this -- it's difficult to separate out
3 the personal elements of a situation like this from
4 those, quote, normal emergency situations that
5 don't have that personal or emotional element to
6 it. It makes -- makes it very difficult to handle.
7 That's why, for example, when -- when the
8 department loses police officers, we try to pair up
9 at least the police officers from other
10 departments.

11 Some instances we actually will take
12 over responsibilities for answering calls for a
13 period of time. In other instances, we will assign
14 police officers from a different agency who are not
15 as directly affected to ride with police officers
16 who are to provide that -- that level of attention.
17 We sometimes overlook those less readily identified
18 as directly involved, like dispatchers and other
19 individuals that -- chaplains that -- that play a
20 role. And this is, I think, one of those -- those
21 kinds of situations.

22 Q. Okay. But, again, in terms of his job
23 responsibilities and activities that evening, do
24 you know whether the facts and circumstances of the
25 particular emergency scene in question, whether --

1 whether what he is responsible for doing in his job
2 and what he encounters in his job is dictated or
3 affected by the facts and particular circumstances
4 of a specific emergency incident?

5 **A. Not any specific impact.**

6 Q. Okay. All right, sir. I'm trying to
7 move through the rest of this pretty quickly. You
8 indicated that he -- in the first sentence in
9 paragraph two, that he responded to the call out to
10 assist. Do you know how Mr. Britton and his
11 department, the radio communications department,
12 got involved that night, or do you know the
13 specifics of that, whether they were called out
14 themselves or whether they had made a contact
15 to --

16 **A. I -- I don't know the specifics. You**
17 **know, over the course of the years, information in**
18 **my response has been from some amazing directions,**
19 **some of which you could never imagine. But I -- I**
20 **don't know the specifics of how he was contacted or**
21 **otherwise became aware of the information and**
22 **prompting his response.**

23 Q. In that same sentence, you make
24 reference to necessary expertise. What are you
25 referring to with that phrase, Sheriff?

1 A. Well, generally, as I pointed out, we
2 are -- we're not an organization, and I use that
3 broadly to -- to include not just the sheriff's
4 office but the other county elements. It didn't
5 just start out with a radio system. It is one that
6 has been in existence for a long time. We have
7 learned much and people, I think, come to visit
8 Charleston County and a number of areas because of
9 direct or indirectly related to our communications.
10 That, of necessity, has resulted in a significant
11 level of expertise in those people who are focused
12 on those areas. And that's what I was referring
13 to.

14 Q. In connection with that, I mean, from
15 your observation or from your vantage point as
16 sheriff, does the radio communications department
17 appear to be well-trained in terms of managing
18 communications during emergency circumstances?

19 A. Absolutely.

20 Q. Okay. On that particular night in the
21 particular work Mr. Britton was doing, was he
22 working in the -- for the radio communications
23 department, or was he serving as a volunteer deputy
24 or state constable?

25 A. Well, I suspect primarily he was

1 **working in his capacity as a county employee with**
2 **communications centrally focused.**

3 Q. You had mentioned that you had known
4 Mr. Britton for quite a while, and I think you
5 referenced primarily through the rescue squad and
6 emergency response and so forth?

7 A. **Right.**

8 Q. What other occasions -- can you
9 describe some of the occasions or incidents
10 you've -- where he's actually been on the scene
11 and worked with you in these type of emergency
12 events?

13 A. He was -- one that sticks out was the
14 murder of a constable, State Constable Bailey some
15 years ago. That occurred on sort of the northern
16 edge of Charleston County and proceeded into
17 several other counties. And so the communications
18 challenges of that situation were crucial. I
19 remember Larry being involved in -- in that case in
20 particular.

21 There was around Christmastime one year
22 a small male child missing. The weather was pretty
23 -- pretty cold, and he was -- he was there and
24 assisted with that, from a communications
25 standpoint. That was primarily a joint city and

1 county effort, and we found the little boy the next
2 day. Those are two that stick out as -- as far as
3 specifically remembering Larry and his role in
4 emergency situations.

5 Q. Are you familiar with Mr. Britton's
6 background in terms of his training apart from the
7 radio communications department, but his overall
8 training and experience in responding to emergency
9 circumstances?

10 A. Not specifically beyond the kinds of
11 training that would be required for his maintaining
12 his state constable's commission and the ability to
13 work in Charleston County because we -- we
14 authorize state constables to work in -- in the
15 county.

16 And one aspect of that obviously is
17 that they are current with their training.
18 Whatever training he received in emergency
19 management and -- and those sorts of situations
20 that are confronted by rescue operations people
21 from the rescue squad, whether that's drownings or
22 handling boat -- or searches for missing boaters or
23 recovering bodies of drowning victims, those sorts
24 of things. But I don't know specifically.

25 Q. Okay. But, obviously, I -- for

1 example, I'm a resident of Charleston County, but I
2 couldn't just show up and say, I want to be on the
3 rescue squad without going through some --

4 **A. That's -- that's correct.**

5 **Q. Okay.**

6 **A. There are certain requirements that you**
7 **obtain different levels of skill sets that dictate**
8 **what kind of responsibility you're going to be**
9 **given in dealing with emergency situations.**

10 **Q. In your dealing with Mr. Britton, how**
11 **far would you say he was advanced in terms of his**
12 **training for emergency services?**

13 **A. My sense of it was that -- that he**
14 **clearly was someone that we could rely on to help**
15 **out with emergency situations that ran the gamut**
16 **from the situations that might have been in -- he**
17 **might have been involved in as a member of the**
18 **rescue squad or as a state constable or in the**
19 **context of the radio communications challenges.**

20 **Q. Fair to say he would have been -- he**
21 **would've been an asset to -- based on his**
22 **training --**

23 **A. Absolutely.**

24 **Q. -- to any type of emergency response?**

25 **A. Absolutely.**

1 Q. Okay. Do you know, during his time as
2 -- in the radio communications department with
3 the county, what -- you know, either how
4 frequently or infrequently or regularly he worked
5 after hours or weekends beyond his normal daytime
6 hours?

7 A. I do not know that.

8 Q. Okay. All right. Just one final
9 question, Sheriff. The letter to Mr. Hundley, did
10 -- I mean, did that just -- did he ask you to give
11 your comments or I'm curious how you got involved
12 in the case?

13 A. Well, I -- I think I certainly was
14 contacted by Mr. Hundley with respect to this
15 incident because it involved a shooting of two
16 deputies. I -- I don't remember specifically how
17 the issue of the letter -- whether I volunteered
18 the letter or he asked for the letter.

19 But, in any event, I felt like I was in
20 a position to make some general and some specific
21 observations as to the nature of this emergency
22 situation as compared to others and -- and Larry's
23 role in this situation.

24 MR. WOOD: Okay. Sheriff, I certainly
25 appreciate your time. Again, I apologize for being

1 a few minutes late this morning and getting caught
2 up in that --

3 THE WITNESS: Not a problem.

4 MR. WOOD: -- accident traffic. Thank
5 you, sir. Mr. Hundley?

6 EXAMINATION

7 BY MR. HUNDLEY:

8 Q. Let me pick up where Mr. Wood, who
9 represents, I think, the Association of Counties.
10 I'm not sure if he represents the Charleston
11 County.

12 MR. WOOD: Well, I think all of my
13 notice of appearance represents that I'm
14 representing both entities.

15 Q. I did send you this letter, which
16 pretty much asked you to assume those facts?

17 A. Right.

18 Q. Is that correct?

19 A. Right.

20 Q. Okay. And he's got a copy of that.
21 And then I did not write this letter. That's your
22 letter, right?

23 A. That's correct.

24 MR. WOOD: Excuse me, Walter. I don't
25 have a copy of your letter to the Sheriff.

1 MR. HUNDLEY: Yeah. We'll make that
2 whichever the next exhibit is.

3 (CLMT. EXH. 4, Letter from Mr. Hundley,
4 was marked for identification.)

5 MR. WOOD: Okay. You can go ahead and
6 go.

7 MR. HUNDLEY: Okay.

8 BY MR. HUNDLEY:

9 Q. And, based upon that letter, which is
10 essentially -- was that a fair and accurate
11 statement of just the plain facts of -- of that
12 day?

13 A. So far as I know, that's correct.

14 Q. Right. Okay. And I asked you on page
15 2, which you did not respond to, is your
16 professional opinion as the long-serving sheriff of
17 Charleston County, that Chief Larry Britton's job
18 duties on September 8th, the night he performed
19 under unusual or extraordinary conditions of
20 employment with Charleston County. You did not
21 answer that letter, but you wrote your own letter,
22 right?

23 A. I think that's -- that -- and that was
24 the approach that I -- I thought I would take
25 rather than just --

1 Q. Right.

2 A. I thought some explanation needed to be
3 made beyond that.

4 Q. Okay. Now, of course, we're from
5 around here and we've been here since before 1992.
6 And Britton, they know a lot of people around
7 here, the Chief of St. John's Fire Department and
8 Isle of Palms. And the fact is, his life was
9 public service as a first responder; is that
10 correct?

11 A. Pretty much, yes.

12 Q. And you were --

13 A. He was my fire chief on Isle of Palms
14 there for a while.

15 Q. Right. Okay. The facts that you were
16 -- called this in was he worked his regular shift
17 and he came back in at about the approximate time
18 that the alarms went out with an officer down,
19 correct?

20 A. To my understanding, that's correct.

21 Q. Okay. And could you describe for
22 Mr. Wood -- because, I guess, what -- your
23 expertise is as a long-time sheriff, I mean, you
24 know what unusual or extraordinary conditions of
25 employment are and I think you -- you said, well,

1 we're trained to respond to emergencies, but
2 there's a -- let me see if I can quote what you
3 said. There are normal emergencies and then
4 there are unusual or exceptional emergencies,
5 correct?

6 A. That's an accurate assessment of my
7 efforts to -- to describe that.

8 Q. All right. But, in this situation,
9 this wasn't a normal emergency; is that correct?

10 A. I think that's fair to say when you
11 consider not only what occurred but the number of
12 agencies that responded, the number -- and that --
13 those interactions, in and of themselves, not
14 withstanding where, I think, we've evolved in terms
15 of working relationships.

16 The fact of the matter is, those in and
17 of themselves present some significant challenges
18 on top of the obvious elements of this -- this
19 particular call. You've got multiple agencies
20 there and -- and multiple talk groups trying to
21 coordinate those responding units all further add
22 to the complication of that.

23 Q. When an officer is down, all first
24 responders are on high alert, aren't they?

25 A. I think that's -- that's accurate.

1 Q. I think the record reflects that there
2 were over 100 people just showing up at the scene
3 alone?

4 A. Right. And sometimes --

5 Q. And they were from multiple agencies?

6 A. That's correct.

7 Q. And much to do is like -- he's just a
8 county employee running a radio station, but, as
9 you said, after Hugo, what they did is this is
10 still an emergency communication system, which
11 Charleston County put in place for all of the first
12 responders; is that correct?

13 A. That's -- that's correct.

14 Q. Okay. So, before that, you would have
15 had your own call-in emergency communications
16 system, right?

17 A. And -- and it was very limited in its
18 -- we had, I think, two primary channels or three
19 primary channels. We've effectively got unlimited
20 numbers now. The agencies did not share common
21 frequencies. We have numerous talk groups, in
22 effect frequencies that allow communications
23 between agencies now. You can have multiple talk
24 groups channels involved in the same incident and
25 that's not at all uncommon while your normal

1 **channels are -- are working. It's a very**
2 **complicated system to say the least.**

3 Q. Okay. And, I guess, to play on words
4 on normal and ordinary emergencies, which, I guess,
5 is the position of the defendants versus you say
6 there's really script or protocol for emergencies.
7 But this was an exceptional or unusual emergency;
8 is that correct?

9 A. **That is -- that is accurate certainly**
10 **and may even be an understatement to --**

11 Q. When is your last time an officer of
12 Charleston County Sheriff's Department -- and
13 you've been here for 27 years. When's the last one
14 that was shot in the line of duty?

15 A. **Probably Deputy DeGrow was shot in the**
16 **eye. That's been maybe 8 or 10 years ago.**

17 Q. Okay.

18 A. **And another officer shot 15, 20 years**
19 **ago.**

20 Q. Okay. It's not your ordinary,
21 regular course of employment for first responders,
22 is it?

23 A. **No, it's not.**

24 Q. Okay. And if you're a long time first
25 responder, there's a great effect on everyone when

1 a first responder goes down, as you said, a
2 personal effect; is that correct?

3 **A. That is correct.**

4 Q. Okay. And, even though you are trained
5 -- very highly trained, it's difficult to detach
6 yourself from the situation and treat it as a
7 routine normal customary emergency when an officer
8 is down; is that correct?

9 **A. That's correct.**

10 Q. Okay. And, if you are a qualified
11 long-term first responder, do you think it would be
12 the natural urge for all to try and go to the
13 scene, right?

14 **A. That is -- that is true, accurate**
15 **and --**

16 Q. It's almost a problem, isn't it?

17 **A. It is.**

18 Q. Okay. But Mr. Britton's job was, as
19 you said, to act behind the scenes?

20 **A. That's correct.**

21 Q. Okay. But, being a trained first
22 responder, he was aware of all the situation and
23 trauma of that evening, correct?

24 **A. Correct.**

25 Q. But he had to stay there behind the

1 scenes and do his part during that traumatic
2 evening, didn't he?

3 **A. That's correct.**

4 Q. Okay. And the doctor's report is
5 already into evidence, his personal family doctor,
6 who also happened to be a long-term physician for
7 the St. John's Fire Department of first
8 responders -- said with a reasonable degree of
9 medical certainty that the traumatic events of that
10 day, the extended hours, because he worked almost
11 until he died, of course, about 1:30 in the morning
12 when EMS was called, about 16 or 17 hours, and he
13 said that that certainly more probably than not
14 precipitated or caused his heart attack. You
15 wouldn't agree with the medical opinion, would you?
16 You wouldn't disagree with that?

17 **A. I wouldn't disagree, no.**

18 Q. Okay. 27 years as a sheriff, officer
19 down, multiple agencies responding. That's not
20 something you would say was unusual or an
21 ordinary condition of employment, would you? A
22 situation? I'm asking you to just describe the
23 situation, the emotional situation that day, that
24 evening?

25 **A. That -- that is -- that is certainly**

1 true. I can't express to you the impact that this
2 kind of event has on people, direct and indirectly.
3 Even to the extent of, at this date, some several
4 months after the fact, it still is unclear who
5 directly or indirectly might be influenced by that
6 incident. It's -- it's difficult to say with any
7 degree of certainty who or whether anyone may, for
8 example, get out of law enforcement because of
9 that.

10 The -- the two shootings that I
11 referred to, in both instances, the officers were
12 wounded, and they got out of law enforcement.
13 There was a city police officer who was shot while
14 working on James Island at the Piggly Wiggly years
15 ago, and two deputies played a role in saving his
16 life after he had been shot in an armed robbery.
17 When he recovered -- and that was a
18 life-threatening wound, he -- he got out of law
19 enforcement and became a minister.

20 What is not as obvious as those three
21 outcomes are those colleagues, who, because of
22 that situation, made a decision and eased out of
23 the profession. These officer-involved
24 shootings -- we just recently had one in North
25 Charleston -- generally are extremely traumatic to

1 a lot of people at that -- and they are affected by
2 those extraordinary circumstances in -- in
3 different ways, some psychologically, some
4 medically.

5 And -- and I think it's safe to say
6 there's a great deal of anxiety. There is -- there
7 are elements that make it very difficult to -- to
8 just put behind you like you do with a lot of the
9 things that you see because of the inability to
10 separate yourself as we are able to do in even the
11 -- the worst kind of criminal situations.

12 There is -- it calls into question your
13 own mortality, calls into question your
14 relationship with your family. It has a longtime,
15 long-term impact in many ways, some much more
16 visible than others, and -- and that comes from my
17 experience in dealing with those over the course of
18 a career that spans four decades.

19 Officers lost, officers shot and
20 wounded, officers involved in shooting others, the
21 impact that that has. So, yes, that -- that
22 certainly is the extraordinary set of circumstances
23 in the incident.

24 Q. Thank you. And I know it's difficult
25 to testify and bring all of this back from a

1 psychological standpoint, but I would like to clear
 2 one more thing up. Mr. Wood was, I guess, implying
 3 that officers were called -- my records indicate
 4 first dispatch about 7:23. Shots were fired. The
 5 officer was declared dead at 8:37, and then, right
 6 after that, it was just a standoff. Is that a fair
 7 -- and maybe we need a little more -- was it still
 8 a traumatic, stressful situation on-site throughout
 9 the rest of the evening until Mr. -- Chief Larry
 10 Britton called EMS from the radio control center at
 11 1:25 in the morning?

12 A. That would have been a very hectic time
 13 and -- and busy time as different approaches were
 14 made, decisions were made as to processing the
 15 scene, investigating the crime, getting the coroner
 16 involved, determining roles.

17 I noted in some of the reports there
 18 that it was a significant period of time before
 19 some of the people were relieved, that there was a
 20 lot going on during that time focused on
 21 communicating with the individual or attempting to
 22 communicate with the individual, trying to identify
 23 who he was and who might would be in a position to
 24 provide information that would be helpful in
 25 communicating with him and negotiating a resolution

1 of the situation.

2 There would have been discussions on
3 who was going to take what particular role, getting
4 people in, getting them briefed, determining where
5 they were going to be assigned, making sure that
6 people got relieved or -- or got water or food
7 brought to them, those sorts of issues. That's a
8 very hectic time with a lot going on. And you get
9 a sense of that by looking at the number of people
10 who are involved in the -- the command post level
11 that represents different facets of handling that
12 kind of situation.

13 You also have the realization that
14 you've got his colleagues that need to be dealt
15 with in terms of both the trauma that they're --
16 that they've been through and are experiencing as
17 well as preparing him for their role as far as
18 being interviewed by SLED, getting attorneys to
19 them so that they -- that can -- that that
20 information sharing can be facilitated and sped
21 up.

22 There are a whole host of things, and I
23 noticed that -- I think the Salvation Army came on
24 the scene thinking about those sorts of things,
25 getting all sorts of resources, setting up

1 traffic. You've got investigators that are
2 working on search warrants, arrest warrants.
3 You've got information being run down in that
4 regard, the magistrate contacted to get a warrant
5 signed. It's just a very dynamic time and hectic
6 time.

7 Q. Right. So suffice it to say then it
8 was an extremely heightened set of emotions
9 throughout the evening?

10 A. Absolutely.

11 Q. All the way up into the departure of --
12 by EMS to the hospital from the radio control
13 center --

14 A. Absolutely.

15 Q. -- for Mr. Britton? Let me ask you
16 this: A lot of people involved, a lot of
17 communication. Is communication a very integral,
18 essential part of handling the unusual and
19 exceptional emergency that night?

20 A. Well, communication is broadly one of
21 the key elements in handling situations,
22 particularly where you have multi-agencies
23 involved, multi units within the agencies that have
24 specific roles and responsibilities that have to be
25 dealt with.

1 That is a critical part to the extent
2 that interoperability, and, particularly post 9/11
3 has been one of the key focal points in addressing
4 emergency management, the management of
5 catastrophic events and disasters and the like.
6 This, however small it was in the sense of a
7 catastrophic event, it was catastrophic in the
8 minds of people who were directly involved in that
9 and experienced the loss and wounding of two people
10 that they had --

11 Q. Right.

12 A. -- worked with and that sort of
13 thing.

14 Q. So it was essential?

15 A. Absolutely.

16 Q. And what would happen if some of that
17 communication broke down or failed?

18 A. Well, it could have life threatening
19 implication. If you've got SWAT teams that are in
20 the -- in the process of making a movement.

21 Q. I mean, during the entire process?

22 A. During the entire process, but those
23 are things that come to mind, the ability to get
24 information and intelligence from police that are
25 -- set up perimeters and who are tasked with the

1 responsibility with observing and passing on
2 intelligence as to what they observe.

3 Those sorts of things can have
4 life-threatening application -- implications at
5 different points during the course of planning the
6 operations related to making that situation,
7 bringing it to us successfully and without any
8 further --

9 Q. A hell of a responsibility, huh?

10 A. Absolutely.

11 Q. Very integral to the safety of all that
12 evening on that --

13 A. Yeah.

14 Q. How would you like to have that
15 responsibility?

16 A. Well, I have had some responsibilities
17 that I would compare with that, but it -- it's
18 certainly a very complex situation, and, like I
19 said earlier, there are different degrees of -- of
20 emergency situations, and they have differing
21 effects on the people who are handling those
22 emergencies.

23 Q. So, got Chief Larry Britton up here by
24 himself, knowing everything that's going on, being
25 responsible for the communications that are

1 absolutely essential on this evening, and it was
2 his responsibility to keep that moving. I guess
3 it's not fair to say that that was just another
4 normal and usual part of his job that evening up
5 there by himself in that communications tower
6 making sure that everyone was able to properly
7 address and handle this particular evening for all
8 law enforcement and first responders of Charleston
9 County?

10 **A. I think that's an accurate and fair**
11 **statement.**

12 MR. HUNDLEY: Thank you. That's all I
13 have. Mr. Wood?

14 MR. WOOD: Thank you, Walter.

15 RE-EXAMINATION

16 BY MR. WOOD:

17 Q. Sheriff, just briefly, you had
18 mentioned a minute ago -- I think I wrote it down
19 as you were speaking -- differing degrees of
20 emergency circumstances in affecting different
21 people differently?

22 **A. Sure.**

23 Q. Okay. And you've talked in length
24 about the varying degrees of emergencies. And I --
25 and I don't want to -- I understand your thoughts

1 and certainly understand your testimony as it
 2 relates to this particular incident, but would you
 3 agree with me that when we get into the business
 4 of trying to ascertain what the difference between
 5 a normal emergency is versus a not normal
 6 emergency, that it really becomes a subjective
 7 exercise?

8 A. Well, I think that's true to an extent,
 9 although I think there are some -- some pretty
 10 obvious distinctions that can be made sometimes.
 11 For example, the incident in North Charleston
 12 wasn't certainly just a matter of a traffic stop.
 13 Historically, we have -- we have come to recognize
 14 the impact of emergency situations that directly
 15 involve your folks from those that they are able to
 16 maintain a certain distance from.

17 Now, certainly if a child is missing,
 18 for example, many or most of the people who will be
 19 searching may well have children of their own.
 20 That would be an emergency situation, but when
 21 you've -- when you've got an attachment to a
 22 particular case with the emotional element as a
 23 part of that, that distinguishes it in some
 24 important ways. We may have the world's greatest
 25 sexual assault investigator, but, if his daughter

1 is raped, we are not going to assign him that
2 case.

3 That's -- those are the situations
4 where you can make some distinctions. And we
5 handle quite a few shootings, many of them with
6 fatal results, and, in some instance, multiple
7 parties. I've been on the scene -- as a matter
8 of fact, I was texted or called a little while ago
9 by Chris Rainey. Chris Rainey is a wonderful
10 young man who is really focused on -- and we are
11 going to partner with in the area of criminal
12 domestic violence. He is an extraordinary
13 individual.

14 He had his mother, and, I think, four
15 siblings murdered by a boyfriend or husband. I
16 don't recall the specifics of it. That's not a
17 typical domestic situation, even as it compares to
18 a domestic homicide. So there are some
19 distinctions we can make, and it's, I think,
20 accurate to say that, when an officer is shot and
21 -- and killed, that bumps up the -- the response in
22 people, particularly those people who have some
23 relationship.

24 I think generally you find of all the
25 people that responded there were members from

1 various organizations. So, on one level, that
2 brotherhood that, in effect -- and sisterhood of
3 police officers is at work there, but for people
4 who -- and many of them didn't even know Deputy
5 Matuskovic or Deputy Ackerman, or, in many
6 instances, didn't know who was involved. But I
7 think suffice as to say that this is an unusual
8 enough situation that it has an unusual impact on
9 people who are accustomed to dealing with emergency
10 situations.

11 Q. I think in your letter to Mr. Hundley,
12 you actually characterized it as traumatic for the
13 entire community?

14 A. I think that's accurate if you -- if
15 you think of it in terms of the response to the
16 funeral. I've seen, in funerals and small towns
17 where people pull over the side of the road. I saw
18 that in Charleston from the point we left the
19 funeral to -- to the grave site, which I -- I felt
20 was a reflection of that community sense of
21 involvement there.

22 But, again, there are degrees of
23 involvement, and, while there was great empathy and
24 sympathy from the general public and a step up with
25 the brotherhood of professionals that work in law

1 enforcement, and then people who were familiar with
2 the specific individuals involved, and then, even
3 more so, those people that worked on the squad.
4 There was different levels there of impact to what
5 is an extraordinary situation.

6 Q. Among these different levels of
7 emergency situations, you've talked about the
8 vertical, horizontal. One thing that's common
9 across the board with respect to emergency response
10 is, there's going to be an increased level of
11 stress. There's going to be an increased level of
12 alertness, energy. That's just inherent in the
13 business, isn't it?

14 A. I -- I think that's -- that's accurate.
15 We are -- we are coming to recognize that more and
16 more and -- and the need for -- for paying
17 attention to those situations in terms of the
18 impact that it has on the wellness-related issues
19 medically and psychologically in people.

20 MR. WOOD: Thank you, Sheriff. I
21 appreciate your time.

22 THE WITNESS: Thank you.

23 MR. HUNDLEY: I've got to clear up one
24 thing real quick just so -- fairness for the
25 record. We have a gentleman here. I believe

1 you're counsel for -- is it the Charleston County
2 Department?

3 MR. KNISLEY: Charleston County
4 Government.

5 MR. HUNDLEY: All right. And your name
6 again, please?

7 MR. KNISLEY: Sheriff Ed Knisley,
8 K-N-I-S-L-E-Y.

9 MR. HUNDLEY: Okay.

10 MR. KNISLEY: I'm the deputy county
11 attorney.

12 MR. HUNDLEY: Okay. And you are here
13 at the request of the sheriff?

14 MR. KNISLEY: I was here on behalf of
15 the sheriff and the Charleston County Government.

16 MR. HUNDLEY: Okay. All right. Thank
17 you.

18 RE-EXAMINATION

19 BY MR. HUNDLEY:

20 Q. And, Sheriff, I think you've briefly
21 related earlier in questions as to who you've
22 discussed with in talking to Mr. Wood. Are you
23 familiar with Kirk Taylor, the county manager, who
24 recent stepped down?

25 A. Right. The county administrator,

1 **certainly.**

2 Q. In your discussions with him, you
3 understand that this claim was filed with the
4 Association of Counties and recommended to be paid.
5 You're familiar with that?

6 A. **To an extent, yes.**

7 Q. Okay. And you understand that the
8 Association of Counties is the one denying the
9 claim; is that correct?

10 A. **That's my understanding.**

11 MR. HUNDLEY: Thank you. No further
12 questions.

13 (The deposition concluded at 11:28
14 a.m.)

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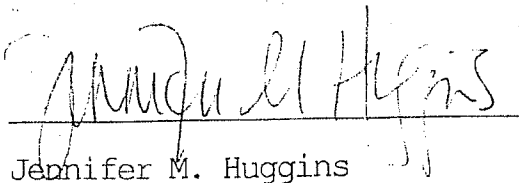
24

25

CERTIFICATE

I do hereby certify that the witness whose attached deposition was taken before me in the aforementioned matter was, by me, first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the testimony contained in said deposition was, by me, reduced to writing in the presence of said witness by means of computerized transcription. The said deposition is a true and accurate transcript of the whole of the testimony given by the said witness, as aforesaid.

I do further certify that I am not connected by blood or marriage with any of the parties or their attorneys or agents, and I am not an employee of either of them, nor interested directly or indirectly in the matter of controversy either as counsel, attorney, agent, or otherwise.


Jennifer M. Huggins

Court Reporter And Notary Public

My commission expires: 02/07/2022

1 DEPONENT CORRECTION SHEET

2 I, the undersigned, SHERIFF J. AL CANNON,
 3 JR., do hereby certify that I have read the
 4 foregoing deposition and wish to make the following
 5 clarifications and/or corrections, if any.

6

7 PAGE LINE CHANGE REASON

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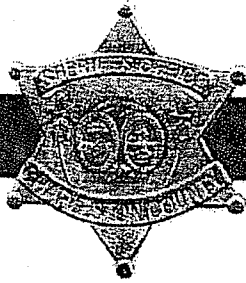
23

24

SHERIFF J. AL CANNON, JR.

Date

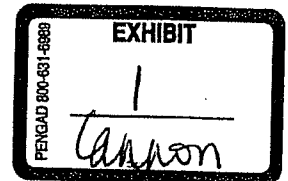
25 JH



February 6, 2015

Sheriff J. Al Cannon, Jr.

R Walter Hundley
Post Office Box 31189
Charleston SC 29417-1189

Dear Mr. Hundley: *Walt*

I am writing to you with respect to some of the circumstances surrounding the death of Mr. Larry Britton on September 9, 2014. Sometime in the evening of September 8, 2014, two Charleston County Deputy Sheriffs were shot outside an apartment in the West Ashley part of Charleston County. One of the Deputies, Joseph Matuskovic was killed, and the second seriously wounded. Both Deputies were down outside the apartment and they and other Deputies were taking fire from the subject inside the apartment. Police officers from around the various jurisdictions responded to the scene and established a command post to coordinate handling the emergency. SWAT teams from the Charleston County Sheriff's Office, the North Charleston Police Department and the Charleston Police Department responded to the scene to provide specialized resources to those in charge. An emergency operation of this type is extremely rare, but requires extraordinary coordination to insure the safety of officers and citizens. A necessary element of such coordination involves establishing the ability for officers to be able to communicate with each other, and generally Charleston County Communications technicians are called out to assist.

Larry Britton responded to the callout to assist in providing the necessary expertise and equipment to insure that police leaders had what they needed to communicate effectively in handling this tragedy. Mr. Britton and his colleagues are recognized as integral participants in the emergency situations that arise. This was an extremely traumatic situation for the community and those who were involved were under tremendous stress and pressure to prevent any further injuries or deaths. And, however removed from the actual scene Mr. Britton and his colleagues were, that pressure was heavy on them in light of the importance of insuring communications amongst the responders was sufficient to carry out the plans formulated to resolve the situation. In addition, Mr. Britton, as a state constable, who was active in his volunteer law enforcement service, and who had frequently worked with and assisted the Charleston County Sheriff's Office, as well as other local agencies, knew the Deputies involved, which made this even more traumatic for him. Mr. Britton's death was another tragic aspect of this situation, and all police officers involved felt it to have been a part of the events set in motion with the shooting of the Deputies.

Administrative Office

3691 Leeds Avenue
N. Charleston, SC 29405
~ Sheriff ~
Voice (843) 554-2230
Fax (843) 554-2243

Law Enforcement Division

3691 Leeds Avenue
N. Charleston, SC 29405
~ Patrol ~
Voice (843) 202-1700
Fax (843) 554-2234

Al Cannon Detention Center

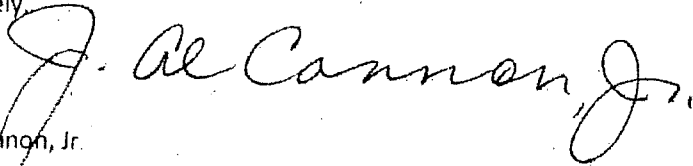
3841 Leeds Avenue
N. Charleston, SC 29405
Voice (843) 529-7300
Fax (843) 529-7406

Judicial Center

100 Broad Street, Suite 381
Charleston, SC 29401
Voice (843) 958-2100
Fax (843) 958-2128

The circumstances under which Mr. Britton was called on to perform his duties were extremely rare and unusual and extraordinarily stressful and traumatic. This assessment is based on having commanded law enforcement agencies for over thirty (30) years and having dealt during that time with all manner of tragic situations and disasters. If there is anything else you would like from me with respect to Mr. Britton's case, I stand ready to assist.

Sincerely,

A handwritten signature in cursive script that reads "J Al Cannon, Jr." The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

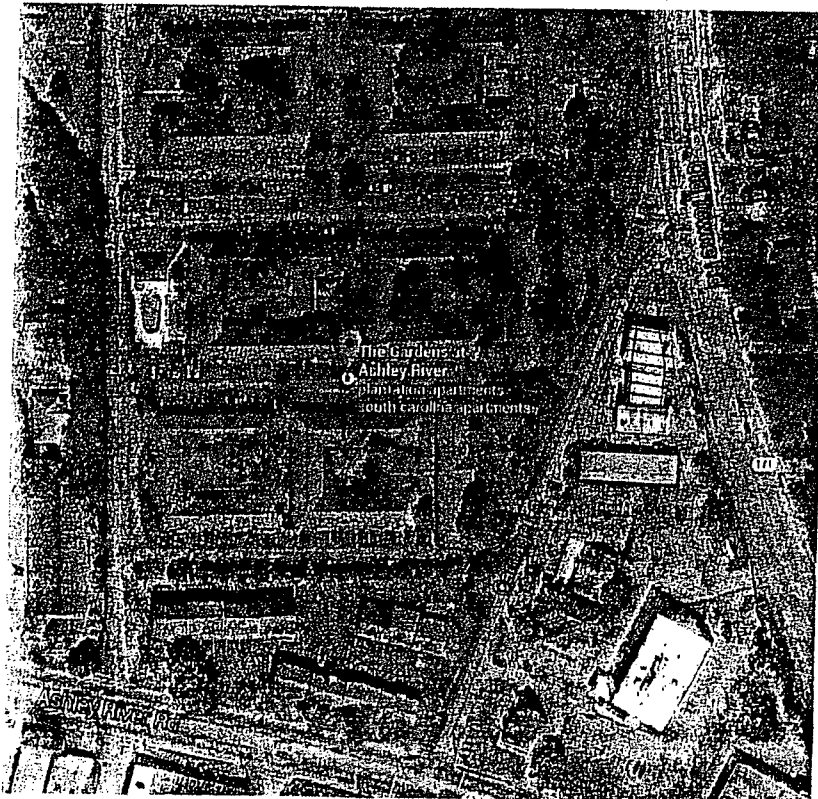
J Al Cannon, Jr.
Sheriff

Garden Apartments

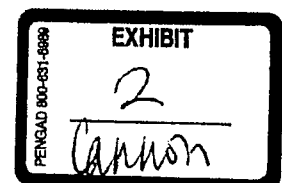
Incident Action Plan

9-8-2014 1923

Through 9-9-2014 0700



Charleston County Sheriff's office



INCIDENT OBJECTIVES (ICS 202)

1. Incident Name: Garden Apartments	2. Operational Period: Date From: 9-8-2014 Date To: 9-9-2014 Time From: 1923 Time To: 0700			
3. Objective(s): Prepare for the following: 1. Evacuation and shelter of all endangered civilians. 2. Provide logistical support to tactical operations. 3. Maintain secure perimeter.				
4. Operational Period Command Emphasis: Stand by for SWAT team to make entry to suspect's apartment unit. Tactical EMS (TEMS) on standby for tactical medical support. N. Charleston PD maintaining outer perimeter. City of Charleston PD maintaining inner perimeter. St. Andrews FD managing civilian evacuation/sheltering at Station 12.				
General Situational Awareness The suspect is armed and is believed to still be in the apartment.				
5. Site Safety Plan Required? Yes ☐ No ☐ Approved Site Safety Plan(s) Located at:				
6. Incident Action Plan (the items checked below are included in this Incident Action Plan): <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> ☒ ICS 203 ☐ ICS 204 ☐ ICS 205 ☐ ICS 205A ☒ ICS 206 </td> <td style="width: 33%; vertical-align: top;"> ☐ ICS 207 ☐ ICS 208 ☒ Map/Chart ☒ Weather Forecast/Tides/Currents </td> <td style="width: 34%; vertical-align: top;"> Other Attachments: </td> </tr> </table>		☒ ICS 203 ☐ ICS 204 ☐ ICS 205 ☐ ICS 205A ☒ ICS 206	☐ ICS 207 ☐ ICS 208 ☒ Map/Chart ☒ Weather Forecast/Tides/Currents	Other Attachments:
☒ ICS 203 ☐ ICS 204 ☐ ICS 205 ☐ ICS 205A ☒ ICS 206	☐ ICS 207 ☐ ICS 208 ☒ Map/Chart ☒ Weather Forecast/Tides/Currents	Other Attachments: 		
7. Prepared by: Name: <u>McCagle</u> Position/Title: <u>PSC</u> Signature: <u>[Signature]</u>				
8. Approved by Incident Commander: Name: <u>Lt. Don Hart</u> Signature: <u>[Signature]</u>				
ICS 202	IAP Page _____	Date/Time: <u>09/8/14</u>		

ORGANIZATION ASSIGNMENT LIST		9. Operations Section	
1. Incident Name		Chief	TITLE
GARDEN APARTMENTS		Deputy	
		a.	SWAT
2. Date	3. Time	CPD	LT WALKER
08/08/14	00:00	CCSO	
4. Operational Period		NCPD	CAPT STEVENS
19:23 - 8/9/14 0700		SLED	
5. Incident Commander and Staff		Division/Group	
Incident Commander	D. ISGETT	Division/Group	
Deputy		b.	STAGING
Safety Officer	JACOBIC	Branch Director	BALDERZAK
Information Officer	MAJOR WATSON	Deputy	
Liaison Officer	D STANLEY	Division/Group	
6. Agency Representatives		Division/Group	
Agency	Name	Division/Group	
CC EMER MGMT	J COATES	Division/Group	
CORONER	RAE WOOTEN	Division/Group	
		Division/Group	
		c.	TACTICAL EMS (TEMS)
7. Planning Section		Branch Director	DR. SHEALY
Chief	C CAGLE (IMT)	Deputy	
Deputy	C KAUFMAN (IMT)	Division/Group	
Resources Unit		Division/Group	
Situation Unit		Division/Group	
Documentation Unit		Division/Group	
Demobilization Unit		d.	Air Operations Branch
Technical Specialists		Air Operations Branch Director	
Human Resources		Air Attack Supervisor	
Training		Air Support Supervisor	
		Helicopter Coordinator	
		Air Tanker Coordinator	
8. Logistics Section		10. Finance Section	
Chief	E ISGETT	Chief	N/A
Deputy	S JONES (IMT SUPPORT)	Deputy	
Supply Unit	SALVATION ARMY	Time Unit	
Facilities Unit		Procurement Unit	
Ground Support Unit		Compensation/Claims Unit	
Communications Unit	M KRATZ	Cost Unit	
Medical Unit	T MCGEORGE (EMS)	Prepared by (Resource Unit Leader)	
Security Unit			
Food Unit			

Christian Cagle, Planning Section Chief

Resource	Agency	Location	Staff
E112	Charleston (FD)	BP Station	
L301	St. Andrews (FD)	BP Station	
B104	Charleston (FD)	BP Station	
E109	Charleston (FD)	BP Station	
Medic22	Charleston (EMS)	BP Station	Beach & Tackett
Medic23	Charleston (EMS)	BP Station	Lewis & Hartman
Delta2	Charleston (EMS)	BP Station	P. Wells
Delta3	Charleston (EMS)	Cmd Post	C. Fehr
EMS04	Charleston (EMS)	Cmd Post	McGeorge
TEMS	Tactical Medics	SWAT	Dr. Shealy & D. Simmons
E109	Charleston (FD)	Station 12 evac	Chief Perrez
Chief 303	St. Andrews (FD)	Cmd Post	B. Legette
Staging	Charleston Sheriff	Staging	Balderzak
Traffic	N. Charleston (PD)	Perimeter	J. Niemiec
Traffic	N. Charleston (PD)	Perimeter	C. Bailey
	12 N. Charleston (PD)	SWAT	Cpt. T. Stephens
	60 N. Charleston (PD)	SWAT	Sgt. Kinger
	58 N. Charleston (PD)	SWAT	Lt. W. Humpheries
	49 N. Charleston (PD)	SWAT	Sgt. D. Allen
	372 N. Charleston (PD)	SWAT	T. Burneu
	307 N. Charleston (PD)	SWAT	S. Radabaugh
	271 N. Charleston (PD)	SWAT	J. Quick
	203 N. Charleston (PD)	SWAT	J. Foale
	201 N. Charleston (PD)	SWAT	J. Stevens
	106 N. Charleston (PD)	SWAT	W. Williams
	368 N. Charleston (PD)	SWAT	C. Shropshier
	214 N. Charleston (PD)	SWAT	W. Harrison
	176 N. Charleston (PD)	SWAT	K. Gorman
IC	N. Charleston (PD)	Cmd Post	Lt. D. Isgett
OPS	N. Charleston (PD)	Cmd Post	Cpt. Tittle
LOG	Hwy Patrol	Cmd Post	Lt. B. Isgett
SAF	SLED	Cmd Post	Cpt. Jacobic
PIO	Mt. Pleasant (PD)	Cmd Post	Maj. Watson
LIO	Charleston Sheriff	Cmd Post	D. Stanley
IMT	LCIMT	Cmd Post	C. Kaufman
IMT	LCIMT	Cmd Post	J. Ryan
IMT	LCIMT	Cmd Post	S. Jones
IMT	LCIMT	Cmd Post	C. Cagel
IMT	LCIMT	Cmd Post	J. Coates

MEDICAL PLAN (ICS 206)

1. Incident Name: Garden Apartments		2. Operational Period: Date From: 9-8-2014 Time From: 1923		Date To: 9-9-2014 Time To: 0700			
3. Medical Aid Stations:							
Name	Location	Contact Number(s)/Frequency	Paramedics on Site?				
BP Gas Station	Old Town & Carriage Ln	693-6762	☒ Yes ☐ No				
LE Comand	Old Town & Ackerman		☒ Yes ☐ No				
			☐ Yes ☐ No				
			☐ Yes ☐ No				
			☐ Yes ☐ No				
			☐ Yes ☐ No				
4. Transportation (indicate air or ground):							
Ambulance Service	Location	Contact Number(s)/Frequency	Level of Service				
CHS CO EMS	County Wide	745-4000	☒ ALS ☐ BLS				
			☐ ALS ☐ BLS				
			☐ ALS ☐ BLS				
			☐ ALS ☐ BLS				
5. Hospitals:							
Hospital Name	Address, Latitude & Longitude if Helipad	Contact Number(s)/Frequency	Travel Time		Trauma Center	Burn Center	Helipad
			Air	Ground			
MUSC	171 Ashley Ave. Charleston	843-792-3333		8	☐ Yes Level: _____ ☒ No	☐ Yes ☒ No	☒ Yes ☐ No
					☐ Yes Level: _____ ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
					☐ Yes Level: _____ ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
					☐ Yes Level: _____ ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
					☐ Yes Level: _____ ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
6. Special Medical Emergency Procedures:							
A. All responder injuries will be directed to the Medical Unit on-site for treatment and transport.							
B. All Responder injuries are to be reported no matter how minor.							
C. All responder injuries will be reported to safety officer.							
D. There will be 2 transport crews at staging							
If patients are generated Delta2, Med22 Med23 will recives patients from TEMS (Simmons & Dr. Stanley, and Transport)							
☐ Check box if aviation assets are utilized for rescue. If assets are used, coordinate with Air Operations.							
7. Prepared by (Medical Unit Leader): Name: <u>[Signature]</u> Signature: <u>[Signature]</u>							
8. Approved by (Safety Officer): Name: <u>[Signature]</u> Signature: _____							
ICS 206		IAP Page _____		Date/Time: _____			

10-Day Weather Forecast

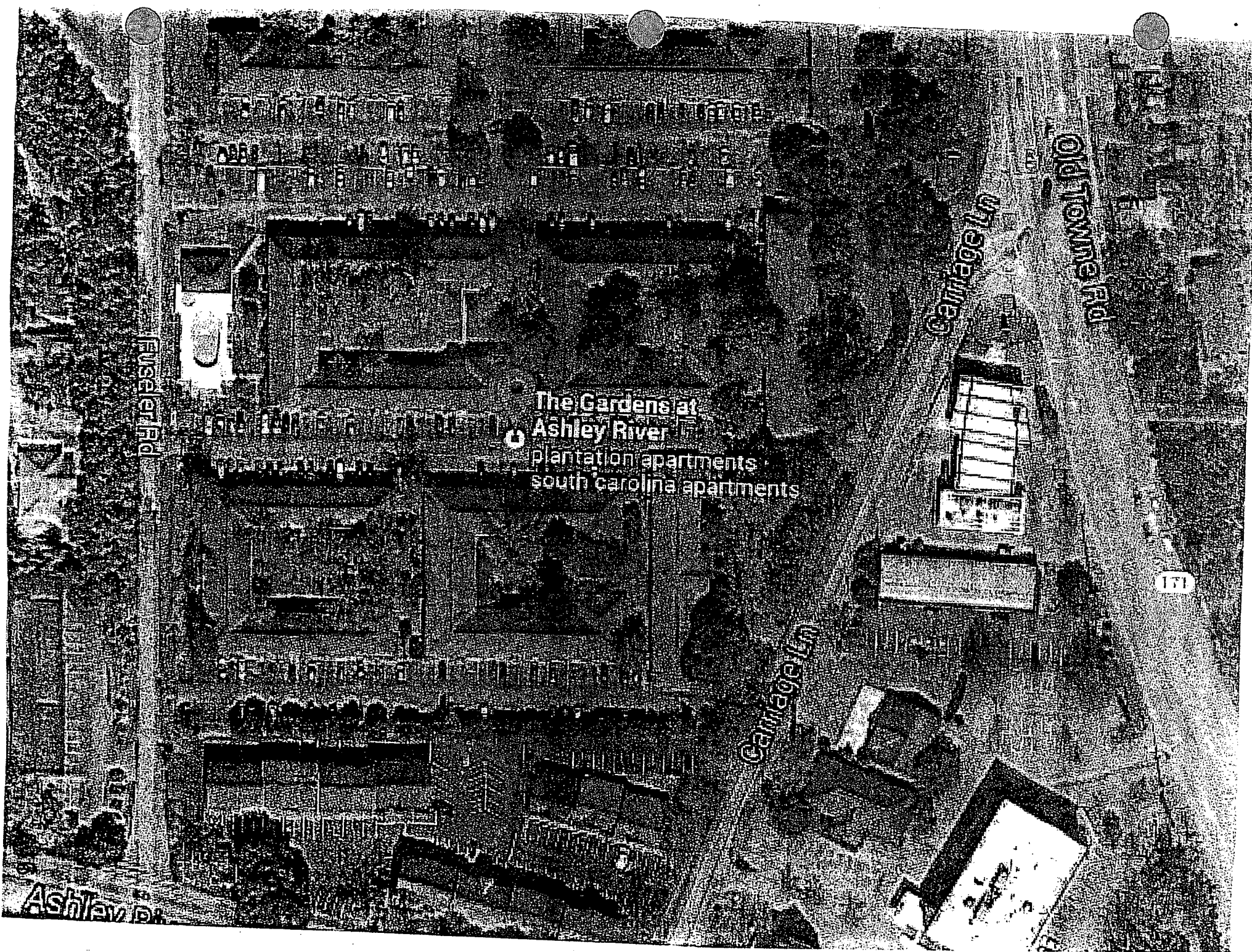
Graph Table Descriptive

Monday 09/08	Tuesday 09/09	Wednesday 09/10	Thursday 09/11	Friday 09/12	Saturday 09/13
83° 72°	84° 74°	85° 74°	89° 76°	85° 76°	83° 73°
					
Thunderstorm	Thunderstorm	Chance of a Thunderstorm	Partly Cloudy	Chance of a Thunderstorm	Thunderstorm
80% Chance of Precip.	80% Chance of Precip.	30% Chance of Precip.	20% Chance of Precip.	50% Chance of Precip.	80% Chance of Precip.

 Monday 09/08 80%
Showers and thunderstorms. Lows overnight in the low 70s

 Monday Night 09/08 80%
Thunderstorms. Low 72F. Winds light and variable. Chance of rain 80%. Locally heavy rainfall possible.

Time	Temp.	Feels Like	Dew Point	Humidity	Conditions	Precip.	Hourly Precip.	Wind	Cloud Cover	Pressure
------	-------	------------	-----------	----------	------------	---------	----------------	------	-------------	----------



The Gardens at
Ashley River
plantation apartments
south carolina apartments

Ashley Rd

Carriage Ln

Old Towne Rd

Carriage Ln

Ashley Rd

171

The Gardens at
Ashley River
plantation apartments
south carolina apartments

Flery Ann's
Home Team BBQ

Gunn Ave

Hillside Dr

171

61

Highway

Corporal

Highway

LCR
Al Cannon, Jr.
Sheriff

INCIDENT SUPPLEMENT

K2

SC0100000	DISPATCH NUMBER	ORIGINAL CASE NUMBER 2014-015172-B	PAGE 1 OF 3 PAGES	FILED ENTRY	INDEX	FILE
☐ ORIGINAL REPORT ☐ MODIFIED ☐ ORIGINAL	☒ SUPPLEMENTAL REPORT ☐ CASE STATUS ☐ CHANGE	☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL WITNESSES ☐ ADDITIONAL SUBJECTS	☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY		

Incident Type: Officer Involved Shooting
Incident Location: 1840 Carriage Lane, Charleston, SC
Incident Date: Septmeber 8, 2014

On September 8, 2014, I responded to 1840 Carriage Lane, an apartment complex, to assist with a call in which shots were fired and officers were reported to be injured. While responding I heard that the alleged suspect was thought to still be located inside an apartment. However, the description was broadcasted and a perimeter was being set up. The incident location was Building G. I also heard deputies being instructed to pull the injured officers out in order for Emergency Medical Services (EMS) to render aid.

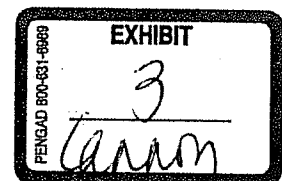
Upon arrival, I began to take up a position of cover to assist with the perimeter. I noticed at least three personnel trying to drag an injured officer out. I went to assist with moving the injured officer at which time I realized it was Charleston County Sheriff's Deputy Sheriff Matuskovic. While moving Deputy Matuskovic to a safe location, EMS pulled in beside Building G. EMS began working on Deputy Matuskovic. An EMS supervisor ordered that Deputy Matuskovic's weapon be secured. At the time I was unable to remove Deputy Matuskovic's duty belt, so I removed and secured his issued duty weapon. I was then able to remove Deputy Matuskovic's belt with assistance from EMS. As EMS moved Deputy Matuskovic, the back panel of his ballistics vest was removed and handed to me. I secured the back panel of the ballistics vest, duty belt and weapon in the front of my issued cruiser. As I looked up from this, I observed EMS leaving the scene. I followed EMS to MUSC.

Once at MUSC, I stayed with Deputy Matuskovic in the Trauma Unit and was present when the trauma staff declared Deputy Matuskovic deceased at 2037 hours. S/Sgt. H. Phillips and Sgt. S. James were also present.

Deputy Ackerman was also in the trauma unit; the next bay over divided off by curtains. Trauma staff was tending to Deputy Ackerman. S/Sgt. Phillips, Sgt. James and I made our presence known to Deputy Ackerman in an attempt to support and comfort him. The trauma unit removed and bagged all of Deputy Ackerman's clothing and gear. His weapon was previously secured by MUSC Public Safety. I took custody of all clothing and gear to include his weapon from MUSC Public Safety Officer R. Miller. All items were secured in the trunk of my cruiser. I also collected a GSR kit on Deputy Ackerman at approximately 2224 hours; sealing the kit at 2232 hours.

S/Sgt. H. Phillips, Sgt. James and I stationed ourselves at the trauma unit bay where Deputy Matuskovic laid. We continued watch until Deputy Coroner O'Neal arrived soon followed by a SLED agent and SLED Crime Scene Agents. During this Command Staff members arrived and ensured that Deputy Matuskovic's family was brought to MUSC. Deputy Coroner O'Neal spoke with the family and released Deputy Matuskovic to the morgue. S/Sgt. Phillips, Sgt. James and I escorted Deputy Matuskovic to MUSC morgue.

ORIGINAL COPY



TYPE (GROUP)	Cruiser	Radio				TOTAL VALUE	DESCRIPTION OF THE LOSS (PROPERTY AND VALUE)
STOLEN						0000	
DAMAGED	1000	5000					
BURNED							
RECOVERED							
SEIZED							
SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	
☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER		REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE IN CUSTODY					
REPORTING OFFICER(S)	DATE	MADE NUMBER	APPROVING OFFICER	DATE	MADE NUMBER		
Sgt. D. H. Owen	9/18/14	9608	Lt. C. Brokaw	9/18/14	9455		
FOLLOW-UP INVESTIGATION		☐ YES ☐ NO					

CCSO-101 3/1/99

J. Al Oanhon, Jr.
Sheriff

INCIDENT SUPPLEMENT

SC0100000	DISPATCH NUMBER	ORIGINAL CASE NUMBER	PAGE	OF	PAGES	NO. ENTRY	INCL.	ENT.
		2014-015172-B	2	3				
☐ ORIGINAL REPORT ☐ MODIFIED ☐ ORIGINAL	☒ SUPPLEMENTAL REPORT ☐ CASE STATUS ☐ CHANGE	☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL WITNESSES ☐ ADDITIONAL SUBJECTS	☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY				

After escorting Deputy Matuskovic to the morgue, Deputy Coroner O'Neal, SLED Agent Barfield and SLED Crime Scene Agents accompanied me to my cruiser to assume custody of the secured evidence. Deputy Coroner O'Neal requested to examine the back panel of Deputy Matuskovic's ballistic vest. It was at this time we found a projectile hole the back panel. Deputy Coroner O'Neal secured the back panel for the Autopsy. Deputy Matuskovic's duty belt was examined. It was found that Deputy Matuskovic was left handed and his Taser, baton and radio were damaged during the shooting. It appeared that a round struck Deputy Matuskovic's Taser, baton and radio. Deputy Coroner O'Neal stated that there was a graze wound on Deputy Matuskovic's right arm that coincided with the damage Taser, baton and radio. This damage and the projectile hole in the back panel of the ballistic vest were relayed to Major M. Stanley in order to advise SWAT personnel of our findings.

Once all items of Deputy Matuskovic's and Ackerman's were logged on a chain of custody forms, all items were turned over to SLED and signed for; the only items not taken as evidence by SLED was Deputy Ackerman's radio and in car camera microphone. These two items were returned to Logistics.

No further information.

ORIGINAL COPY

TYPE (GROUP)	N/A					TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN		N/A					
DAMAGED			N/A				
BURNED				N/A			JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
RECOVERED					N/A		
SEIZED						N/A	
SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	
						☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY							
REPORTING OFFICER(S)		DATE	RADGE NUMBER	APPROVING OFFICER		DATE	RADGE NUMBER
Sgt. D. H. Owen		9/18/14	9608	L. C. Brokaw		9/18/14	0455
				FOLLOW-UP INVESTIGATION ☐ YES ☐ NO			

CCSO-101 3/1/09

J. Al Cannon, Jr.
Sheriff

INCIDENT SUPPLEMENT

SC0100000		DISPATCH NUMBER	ORIGINAL CASE NUMBER	2014-016172	PAGE 1 OF 1 PAGES	NEW ENTRY	INFO	EXT.
ORIGINAL ☐ REPORT MODIFIED ☐ ORIGINAL	SUPPLEMENTAL ☒ REPORT CASE STATUS ☐ CHANGE	ADDITIONAL ☐ VICTIMS ADDITIONAL ☐ OFFENDERS	ADDITIONAL ☐ WITNESSES ADDITIONAL ☐ SUBJECTS	ADDITIONAL ☐ STOLEN PROPERTY ADDITIONAL ☐ RECOVERED PROPERTY				

INCIDENT TYPE: Disturbance / Shots Fired

INCIDENT DATE/TIME: 9/8/2014 / 1936hrs

INCIDENT LOCATION: 1840 Carriage Ln, Charleston, SC

VICTIM (#1): Name: Joseph Matuskovic
Address: 3505 Pinehaven Dr, N Charleston, SC
Charleston County Sheriff's Office
Phone #: 8432021700

Victim (#2): Name: Michael Ackerman
Address: 3505 Pinehaven Dr, N Charleston, SC
Charleston County Sheriff's Office
Phone #: 8432021700

SUSPECT (#1): Name: Michael Oswald
Address: 1840 Carriage Ln Apt 197G, Charleston, SC
Race: W, Sex: M, Height: 511, Weight: 175, DOB: 11/2/75
Phone #: unk

While at Eugene Gibbs and Folly Rd. I and other deputies heard the code 46 call come over the radio with shots fired. I responded with blue lights and siren from that location and started en route to Carriage Lane. There was a lot of radio traffic while I was responding. Once I arrived at the location, I grabbed my shotgun and proceeded to run with 2 other deputies to the location where we thought our fallen partners were. I started up the middle staircase of the apartment building and was told not to come up but to move to the far stairwell and get Deputy Matuskovic out of harm's way. I then trained my shotgun at the doorway from the ground and moved quickly by the door and then ran to the far stairwell and moved up the steps to the second floor. I saw Deputy Matuskovic facedown about thirty yards in front of me. I immediately ran to him and handed my shotgun to a Charleston City Officer and told him to cover us as I and another City Officer began dragging Deputy Matuskovic to safety. We struggled with the concrete floor and the stairs as we made our way to the bottom floor and out to the side of the building. I informed dispatch that I had him and that we needed EMS to come to the side of the building because Deputy Matuskovic was unresponsive and not breathing. I was asked if the scene was secure. I don't remember answering but I heard someone say that I needed to keep coming with him because EMS was not coming to us. I then opened Deputy Matuskovic's shirt and removed his vest so that we could start first aid for him. EMS rolled in moments later and took over from myself and another deputy. Once Deputy Matuskovic was loaded into the EMS truck I ran back to my cruiser and grabbed my patrol rifle and went back to the area of the shooting and set up on the door where the suspect was last scene. After some time had passed I was called out to the Command Post to give information as to the exact location of the suspect's residence. I met with the SWAT Commander and provided what I could to the team. I was told at that time to stand down and wait for my next orders which was to go to Headquarters and wait for debriefing. Once there, I was told that Deputy Matuskovic did not survive his injuries.

PROPERTY EST.	TYPE (GROUP)	ORIGINAL COPY				TOTAL VALUE	JURISDICTION OF PROPERTY LAW ENFORCEMENT AGENCY
	STOLEN						
	DAMAGED						
	BURNED						
	RECOVERED						
RECEIVED						JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
ADMINISTRATIVE	SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☒ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY						
	REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER	
	B. Moniz	9/10/2014	10588	Sgt S. Eubanks	9/10/2014	8839	
	FOLLOW-UP INVESTIGATION ☐ YES ☐ NO				OFFICER		

INCIDENT SUPPLEMENT

192
K3 J. Al Cannon, Jr.
Sheriff

SC0100000	DISPATCH NUMBER	ORIGINAL CASE NUMBER	2014-015172	PAGE 1 OF 1 PAGES	NO ENTRY	NO.	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: Disturbance / Shots Fired)

INCIDENT DATE/TIME: 9/8/2014 / 1936hrs

INCIDENT LOCATION: 1840 Carriage Ln, Charleston, SC

VICTIM (#1): Name: Joseph Matuskovic
Address: 3505 Pinehaven Dr, N Charleston, SC
Charleston County Sheriff's Office
Phone #: 8432021700

Victim (#2): Name: Michael Ackerman
Address: 3505 Pinehaven Dr, N Charleston, SC
Charleston County Sheriff's Office
Phone #: 8432021700

SUSPECT (#1): Name: Michael Oswald
Address: 1840 Carriage Ln Apt 197G, Charleston, SC
Race: W, Sex: M, Height: 511, Weight: 175, DOB: 11/2/75
Phone #: unk

(West Ashley) On 9/8/2014 at 1936hrs, while working districts 9/10 I heard Deputies check on scene at the incident location in district 7. A short time later I heard a Deputy come over the radio with "shots fired, officers down". I immediately initiated my blue lights and siren from Central Park Rd and responded to the scene. Upon arrival I parked my vehicle in the raised median at Carriage Ln / Old Towne Rd. I then secured my SWAT issued rifle from my trunk and positioned myself on the perimeter next to Deputy Quinn on the C/D corner of the apartment. A few minutes later I heard Deputy B. Moniz asking for another CCSO rifle on the A/B corner. I responded over the radio that I was on scene and en route to that location. I quickly ran toward my car and around the outside of Old Towne Rd perimeter until I got to the B side of the apartment. I then took cover behind a parked car on the A/B side of the apartment and trained my rifle sights on the suspect's door and windows (Apt 197G). I remained in place until NCPD SWAT relieved me at approximately 2330hrs. I then reported to CCSO Headquarters for debriefing. Nothing further.

ORIGINAL COPY

PROPERTY TEST	TYPE (GROUP)					TOTAL VALUE	LABORATION OF TRIP LAW ENFORCEMENT AGENCY
	STOLEN						
	DAMAGED			N/A			
	BURNED						
	RECOVERED						
ADMINISTRATIVE	SEIZED						
	SUBJECT IDENTIFIED ☒ YES ☐ NO	SUBJECT LOCATED ☒ YES ☐ NO	☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☒ EX-CLEAR 18 AND OVER		
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☒ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY						
	REPORTING OFFICER(S)	DATE	RADGE NUMBER	APPROVING OFFICER	DATE	RADGE NUMBER	
	J. Wiedemann	9/10/2014	10467	Sgt S. Eubanks	9/10/2014	8839	
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO							

CCSO-101 3/1/99

INCIDENT REPORT

SC0100000		DISPATCH NUMBER 2014-015172	ORIGINAL CASE NUMBER		PAGE 1 OF 1 PAGES	NCIC ENTRY	INO.	ENT.
EVENT	1. Disturbance		INCIDENT CODE	COMPLETED ☒ YES ☐ NO	FORCED ENTRY ☐ YES ☒ NO	PREMISE TYPE Residence		TYPE VICTIM ☐ INDIVIDUAL ☐ BUSINESS ☐ FINANCIAL INST. ☐ GOVERNMENT ☐ RELIGIOUS ☐ SOCIAL CLUB ☐ OTHER ☐ UNKNOWN ☐ POLICE OFF.
	2. N/A			☐ YES ☒ NO	☐ YES ☒ NO	N/A		
	3. N/A			☐ YES ☒ NO	☐ YES ☒ NO	N/A		
INCIDENT LOCATION 1840 Carriage Lane Charleston SC					ZIP CODE 29407	WEAPON TYPE Gun		
BEGINNING INCIDENT DATE 9-8-14		24 HR. CLOCK 1923	ENDING INCIDENT DATE 9-8-14	24 HR. CLOCK Ongoing	DISP. DATE 9-8-14	DISP. TIME 1923	TIME ARRIVED 1923	DEPART. TIME Ongoing
COMPLAINANT	NAME (LAST, FIRST, MIDDLE) Charleston County Sheriff's Office			RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		DRIVERS LIC / ID & STATE	
	ADDRESS #	STREET NAME		CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
	OCCUPATION	EMPLOYER		ALIAS		NID #		
VICTIM #1	NAME (LAST, FIRST, MIDDLE) Unknown			RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		DRIVERS LIC / ID & STATE	
	ADDRESS #	STREET NAME		CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
	☐ VISIBLE INJURY		☐ NO ☐ YES		COMPLAINANT OF NON-VISIBLE INJURY ☐ NO ☐ YES		USING ALCOHOL ☐ NO ☐ YES ☐ UNK	
SUBJ. ID.	NAME (LAST, FIRST, MIDDLE) Unknown			RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		DRIVERS LIC / ID & STATE	
	ADDRESS #	STREET NAME		CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
	☐ VISIBLE INJURY		☐ NO ☐ YES		COMPLAINANT OF NON-VISIBLE INJURY ☐ NO ☐ YES		USING ALCOHOL ☐ NO ☐ YES ☐ UNK	
ARREST	(A) CHARGE N/A			(C) CHARGE N/A				
	(B) CHARGE N/A			(D) CHARGE N/A				
NARRATIVE	(Chas) Deputy Alexander, courtesy officer for the property, reported that he was out with a disturbance at apartment 197-G and requested another unit. Deputy Johnson, courtesy officer for property, responded to assist with the call. Units on scene began running an individual and advised that they had a subject that was refusing to exit his apartment. Deputies Ackermann, Matuskovic, and Harris responded to the scene to assist and arrived on scene at 1930. At approximately 2005 units on scene advised that shots had been fired. Nothing further at this time.							
	ORIGINAL COPY							
PROPERTY EST.	TYPE (GROUP)	N/A				TOTAL VALUE		ARRESTED OR THREAT LAW ENFORCEMENT AGENCY
	STOLEN							N/A
	DAMAGED							
	BURNED							
ADMINISTRATIVE	RECOVERED							RECOVERY OF PROPERTY LAW ENFORCEMENT AGENCY
	SEIZED							N/A
	SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY		REPORTING OFFICER(S) Sgt. K. Ford		DATE 9-8-14	PAID NUMBER 9114	APPROVING OFFICER Capt. Williams	DATE 9-8-14
				FOLLOWUP INVESTIGATION ☐ YES ☐ NO		BADGE NUMBER 9208		

CGSQ 100

INCIDENT SUPPLEMENT

lgc
J. Al Cannon, Jr.
Sheriff

SC0100000	DISPATCH NUMBER	ORIGINAL CASE NUMBER 2014-015172	PAGE 1 OF 1 PAGES	REC. ENTRY	FILED	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: Shooting Response

Location: 1840 Carriage Lane Apt 197-G
Charleston, SC 29407

INCIDENT DATE: 9-8-2014

VICTIM #1: DFC Joseph Matuskovic
3505 Pinehaven Drive
Charleston, SC 29405

VICTIM #2: DFC Mike Ackerman
3505 Pinehaven Drive
Charleston, SC 29405

SUSPECT #1: Oswald, Micheal W/M 510 210
1840 Carriage Lane Apt 197-G
Charleston, SC 29407

At the above date, I, Deputy Meade, responded to an officer down call at approximately 2007 hrs from the intersection of HWY 41 and HWY 17. I responded Code 3 to the incident location and arrived to the outside perimeter at approximately 2018 hrs. I deployed my patrol rifle and went to the interior perimeter to the AB side of building G. By the time I arrived on scene, DFC Matuskovic and DFC Akerman had been evacuated and were enroute to definitive medical care. I responded to a request for more rifles at the BC side of building G approximately twenty minutes from my arrival at the interior perimeter. I held position at the BC side of building G until I was relieved by NCPD SWAT at approximately 0000 hrs.

ORIGINAL COPY

PROPERTY EST.	TYPE (GROUP)					TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
	STOLEN						
	DAMAGED						
	BURNED						
	RECOVERED						JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
ADMINISTRATIVE	SEIZED						
	SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☒ ADM. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY						
	REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER	
	Meade	9-10-2014	10875	Sgt. K. Ford	9-10-2014	9114	
				FOLLOW-UP INVESTIGATION	☐ YES ☐ NO		

CCSO-101 3/1/99

R. WALTER HUNDLEY
ATTORNEY AT LAW

R. WALTER HUNDLEY
ELIZABETH R. JOHNSON

1517 SAM RITTENBERG BLVD.
PO Box 31189
CHARLESTON, SC 29417-1189

TELEPHONE : (843) 723-1995
FACSIMILE : (843) 723-1945

E-MAIL : FIRM@RWALTERHUNDLEY.COM

TOLL-FREE : (866) 723-1995

February 2, 2015

James Alton Cannon, Jr., Sheriff
Charleston County
3691 Leeds Avenue
North Charleston, SC 29405

Re: Laurent Britton (Deceased) v. Charleston County
WCC File Number : 1414226
Date of Accident : 09-09-14
Our File Number : 34-132

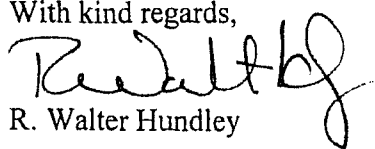
Dear Sheriff Cannon:

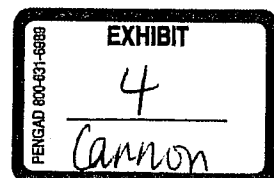
As you are aware, I am representing Chief Larry Britton's widow in regard to her claim for Workers' Compensation benefits due to his death as a result of a sudden acute myocardial infarction in the early morning hours of September 9, 2014, while managing radio communications following the shooting of 2 police officers, who were shot in the line of duty while attempting to apprehend a suspect barricaded in an apartment in the West Ashley area. Obviously, this was a very emotional and an unusual situation with over 100 officers responding to the scene of the crime on September 8, 2014, and the resulting 9 hour plus standoff with the suspect.

It is noted that Chief Britton had worked his normal shift from 7 a.m. to 4 p.m. on September 8, 2014, and was called back after 7 p.m. to respond to the emergency. Chief Britton worked from a little after 7 p.m. until he called EMS for himself at approximately two o'clock in the early morning hours of September 9, 2014. He died later that morning at MUSC hospital of acute myocardial infarction, having worked approximately 16 hours in a highly emotional and stressful situation until he suffered the fatal heart attack. By medical history, it is noted that he previously had conditions of diabetes mellitus, hypertension and hyperlipidemia.

In order to assist Ms. Britton in her claim for Workers' Compensation benefits, I would appreciate your opinion to the following questionnaire. Please feel free to add any comments you may have or to contact me with any questions.

With kind regards,


R. Walter Hundley



RWH/rb

pc: Our File

William E. Wilson, M.D.

Claimant Name: Laurant Britton (Deceased)

Date of Injury: September 9, 2014

1. Is it your professional opinion, as the long serving (27 years) Sheriff of Charleston County, that Chief Larry Britton's job duties on September 8 and 9, 2014, were performed under unusual and extraordinary conditions of his employment with Charleston County?

_____ Yes

_____ No

James Alton Cannon, Jr., Sheriff
Charleston County

Date

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO. 1414226

LAURENT W. BRITTON)
(DECEASED),)
Employee/Claimant,)
-versus-) DEPOSITION OF:
CHARLESTON COUNTY,) WILLIAM WILSON, M.D.
Employer,)
-and-)
SC ASSOCIATION OF COUNTIES)
WORKERS' COMPENSATION)
TRUST/ARIEL THIRD-PARTY)
ADMINISTRATORS, INC.,)
Carrier/Defendants.)

C
O
P
Y

DATE: Friday, March 6, 2015
TIME: 10:55 a.m.
LOCATION: Wood Law Group
1 Wesley Drive
Charleston, SC 29407

REPORTED BY: JENNIFER M. HUGGINS,
Certified Shorthand Reporter



www.spectrumcourtreporting.com
465 West Coleman Blvd., Suite 302
Mount Pleasant, SC 29464
SpectrumAAA@gmail.com
843.849.0133

APPEARANCES

For the Claimant: R. WALTER HUNDLEY
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Firm@rwalterhundley.com

For the Defendants: WOOD LAW GROUP, LLC
BY: J. HUBERT WOOD, III
Attorney at Law
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Hubie@woodgroupllc.com

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EXHIBITS

Claimant's:		
Exhibit No.		Marked
1	(Letter from Al Cannon)	60
Defendant's:		
Exhibit No.		Marked
1	(Questionnaire)	7
2	(Hemoglobin Results)	7
3	(Letter From Mr. Hundley)	7

1 (The reading and signing of the
2 deposition by the witness is not waived.)

3 (WILLIAM WILSON, M.D., having been
4 first duly sworn, testified as follows:)

5 EXAMINATION

6 BY MR. WOOD:

7 Q. Okay. Dr. Wilson, we met this morning.
8 Thanks for coming over today. I know you know
9 Mrs. Britton -- or I presume you know Mrs. Britton
10 if you haven't met her before this morning.
11 Mr. Hundley, who represents Mrs. Britton in a
12 workers' compensation case involving the death of
13 Mr. Laurent Britton. I represent Charleston County
14 and the Association of Counties on the defense of
15 the claim. We've discussed briefly your reading
16 and signing, and I understand that you're going to
17 coordinate with the court reporter on that?

18 A. Correct.

19 Q. Okay. Great. I think you've done a
20 deposition before. You indicated you've done a
21 deposition before. The main thing is to try to
22 answer the questions verbally so the court reporter
23 can make a clean record.

24 A. Correct.

25 Q. If we ask you anything that you don't

1 understand, let us know so we can go back over
2 it.

3 **A. Yes, sir.**

4 **Q. All right. State your full name,**
5 **please, sir.**

6 **A. William Earl Wilson, Sr.**

7 **Q. All right. And, as I understand it,**
8 **you were a longtime primary care provider over at**
9 **Mt. Pleasant Family Practice; is that correct?**

10 **A. Correct.**

11 **Q. All right. And how long were you**
12 **there?**

13 **A. Started April 1st, 1991 in Mt.**
14 **Pleasant.**

15 **Q. Okay. And you -- as I understand it,**
16 **you recently retired?**

17 **A. Correct, the 31st of December.**

18 **Q. Right. Congratulations. Could you**
19 **give me a brief overview of your professional**
20 **education and certifications, credentials?**

21 **A. Certainly. Medical school, University**
22 **of Missouri, Columbia, Missouri; undergraduate,**
23 **Trinity University, San Antonio, Texas; family**
24 **medicine, a residency three years here in South**
25 **Carolina at MUSC in Charleston. I also did a years**

1 **worth of fellowship in family medicine in Missouri.**
2 **I'm board certified in family medicine since 1973.**
3 **I retake the boards every six years, successfully**
4 **passed. Also certified in hospice and palliative**
5 **care, which I've taken the boards and passed those**
6 **as well.**

7 Q. Okay. And when did you first start
8 seeing Mr. Britton as a patient?

9 A. **1991.**

10 Q. Okay. And your office was kind enough
11 to provide us the medical records you had or have.
12 It's kind of difficult to tell, but I don't think
13 what we've got goes all the way back. I don't
14 think that's any big deal. But is there a certain
15 cutoff in terms of the retention on the medical
16 records or --

17 A. **What happened is medical -- when Roper**
18 **bought us out, they moved everything down to Hasell**
19 **Street and put everybody's practice in this**
20 **humongous building. And nobody filed it**
21 **alphabetically. So it's impossible to -- to get**
22 **the records before 1991 when I moved there.**

23 Q. Okay. Just looking back, I guess --
24 well, actually, there are some handwritten notes
25 from 1991 and --

1 **A. Correct.**

2 Q. 1993?.

3 **A. Yeah.**

4 Q. All right. Would that have been a
5 situation -- and then the next thing I've got in
6 the way of typed notes is in 2000. Is that a
7 situation where you would have expected either
8 Mr. Britton didn't come see you during that
9 interval or maybe just the notes just can't be
10 located?

11 **A. No. It's -- the notes from '91 on are**
12 **correct.**

13 Q. Okay.

14 **A. I mean, if they are there.**

15 Q. All right. So there would have been an
16 interval there between '93 and 2000 where you
17 didn't see him?

18 **A. Correct.**

19 **(DFT. EXH. 1 through 3, Questionnaire,**
20 **Hemoglobin Results and Letter From Mr. Hundley,**
21 **were marked for identification.)**

22 Q. Okay. All right. Let me ask you:
23 I've marked over there and shown Mr. Hundley
24 what we've got marked as Defense Exhibit 1.
25 Can you identify that document for me, please,

1 sir?

2 **A. Yes. It's the multiple risk**
3 **questionnaire on Mr. Laurent W. Britton, Sr.**

4 Q. Okay. And I think the date on that up
5 there in the top right-hand corner is May 31 of
6 2007?

7 **A. '7, yes.**

8 Q. All right. What -- does that just come
9 up at certain intervals in your care of patients or
10 I guess precipitated that at that time?

11 **A. Well, this was really something that**
12 **came from the county when he had his county**
13 **physical. This was not generated by myself.**

14 Q. Okay. All right. And on that he had
15 indicated -- well, let me ask you about that. So
16 this document doesn't have anything to do with your
17 chart? You just received a form --

18 **A. I received this from the Charleston --**
19 **Charleston County did physicals and laboratory work**
20 **periodically on the employees, and I would ask to**
21 **get pertinent information if I could get it from**
22 **them.**

23 Q. Okay. All right. Do you know whether
24 this was associated with his preemployment
25 physical? I'm not -- my memory doesn't serve me.

1 real well right this second, but I think 2007
2 would've been along the time that he may have come
3 to work with the county. But do you know whether
4 this was a preemployment --

5 **A. I do not know.**

6 Q. Okay.

7 **A. I do not know.**

8 Q. Fair enough. All right. On that
9 document, it indicated -- it has a family history
10 section down there, and it indicated diabetes.
11 Mr. Britton apparently checked yes; is that
12 correct?

13 **A. Correct.**

14 Q. Okay. And then, with regard to the
15 coronary heart disease, it has a question. I guess
16 it breaks it down between father and brothers
17 versus mother and sisters. But the question
18 appears to be whether there was any history of
19 heart disease in his family?

20 **A. Correct.**

21 Q. Okay. And he had indicated yes on
22 that?

23 **A. Correct.**

24 Q. I think reading in your chart, was
25 there -- do you have any specific knowledge or

1 recollection as to who it was, whether it was his
2 father or his brother or --

3 A. Well, I've got -- if you look at the
4 physical that was done on him dated 11/1/2010,
5 there is a synopsis of the family history. The
6 family history: Father died at 67 from asbestos
7 exposure; did have a heart attack in his 60's and
8 bypass surgery at 66 and did have diabetes. Mother
9 died in her 90's, old age.

10 Also, brother, Andy, died at 56 from
11 lung cancer. Eric had diabetes, hypertension,
12 obesity, but he also had -- I think it was Andy had
13 some -- Andy or one of his other brothers had some
14 heart disease as well.

15 Q. Okay. All right. Let me make sure I'm
16 clear. You said you received periodically
17 information from the county in connection with
18 medical examinations?

19 A. We tried to receive.

20 Q. Tried to, okay. But you -- I didn't
21 mean to cut you off, but, as I understand it, you
22 didn't have any role in performing any physical
23 examinations or medical exams for the county?

24 A. No, sir.

25 Q. Okay. All right. I understood -- do

1 you know where those were performed? It's my
2 understanding that it was done at the CCOH, the
3 Occupational Health Center. I think that's
4 Dr. Weissglass' group if I'm not mistaken.

5 **A. I think so, but then again, some of the**
6 **other -- I get confused with the various entities**
7 **of the county, too.**

8 **Q. Sure.**

9 **A. So whether it's the fire department or**
10 **whatever.**

11 **Q. All right. So you don't know who they**
12 **may have used or contracted with to do that?**

13 **A. No.**

14 **Q. Okay. All right. Just in general,**
15 **Dr. Wilson, I think that there really are three**
16 **conditions that Mr. Britton had I guess that --**
17 **that maybe bear some relevance to his current**
18 **claim. But in reviewing your chart as well as the**
19 **statement that Mr. Hundley obtained from you that's**
20 **marked as Defense Exhibit 3 over there --**

21 **A. Uh-huh.**

22 **Q. -- you mentioned diabetes, I think**
23 **hypertension or high blood pressure, and then the**
24 **other one is hyper -- is it --**

25 **A. Hypercholesterolemia or hyperlipidemia.**

1 Q. Okay. All right. Let's take those one
2 by one if we could, and just in general terms
3 before we talk about Mr. Britton in particular,
4 but, just in general terms, why are those -- or are
5 conditions risk factors for heart disease or a
6 heart attack?

7 A. Yes.

8 Q. Okay. Let's just go one by one and
9 again in general terms.

10 A. All right. Diabetes -- we'll start
11 with diabetes. It causes, you know, acceleration
12 of atherosclerosis due to the stuff with the
13 intimal proliferation and the putting down of
14 cholesterol byproducts. It causes intimal damage,
15 if you would. It's a precursor and it's associated
16 with hypertension.

17 Move to hypertension. Hypertension is
18 also a risk factor. It creates extra problems with
19 the heart to work against, you know, excessive
20 pressure. Hypertension causes increasing
21 atherosclerosis, therefore decreasing blood flow to
22 the heart and the other various parts of the body.
23 Elevated cholesterol, hyperlipidemia is the same
24 kind of phenomena.

25 Q. Okay. All right. Now, going back to

1 Defense Exhibit 1, at that time, Mr. Britton had
2 indicated a -- he's 6 feet tall, correct?

3 **A. Correct.**

4 Q. All right. That's consistent
5 throughout your chart. The weight at the time of
6 that questionnaire in May of 2007 was at 309
7 pounds?

8 **A. Correct.**

9 Q. Okay. In looking at your chart, it
10 appears that his weight fluctuated maybe down as
11 low as 250?

12 **A. 249.**

13 Q. Okay. Was that an up and down thing
14 with him, or how would you characterize his weight
15 at --

16 **A. His weight went up and down. It**
17 **depended upon the -- the stress he was under, how**
18 **well he was able to stay on his diet. He did a lot**
19 **of traveling towards the end. I mean, he'd be in**
20 **Haiti. He'd be in Washington, DC. He'd be all**
21 **over the country. He was in -- with Katrina was in**
22 **New Orleans for a period of time.**

23 Q. And do you know what he was doing in
24 connection with those trips?

25 **A. He was working for hazmat. That's all**

1 I know was that he was working to provide, you
2 know, extra care for the various people.

3 Q. Okay. All right. In preparing for the
4 deposition today and in completing the statement
5 that's marked as Defense Exhibit 3, can you tell
6 me what records and documents that you've
7 reviewed?

8 A. I reviewed my whole chart.

9 Q. Okay.

10 A. Which I did not have access to until
11 somebody was kind enough to send it to me since I'm
12 no longer employed at Roper.

13 Q. Okay. I think our assistant -- my
14 assistant had sent that --

15 A. Yes.

16 Q. -- over to you per your request. But I
17 think that there was -- in your chart, there's a
18 release executed by -- or an authorization by
19 Mrs. Britton as Mr. Britton's personal
20 representative authorizing you to speak with
21 Mr. Hundley about the case?

22 A. Correct.

23 Q. Okay. Was there a meeting or a
24 telephone discussion, or did you just receive the
25 correspondence from him with the proposed statement

1 attached?

2 **A. We talked on the telephone.**

3 Q. Okay. All right. And, at that time,
4 and before signing off -- what's the date on --
5 that you executed the statement, this Defense
6 Exhibit 3? It's the second page of Defense 3.

7 **A. September 9 -- well, no, wait. Excuse**
8 **me. 12/18/14.**

9 Q. Okay. All right. At the time you
10 executed that statement, had you reviewed any
11 medical records or documentation of any sort?

12 **A. Yeah. When I found out that he had**
13 **died, I went back through his chart.**

14 Q. Okay.

15 **A. I mean, I do that routinely with --**

16 Q. All right. Let me finish the
17 question.

18 **A. I'm sorry.**

19 Q. That's all right. I appreciate your
20 eagerness. Had you reviewed any medical records or
21 documentation beyond what was contained in your
22 medical records chart?

23 **A. No, sir.**

24 Q. Okay. Since that time, have you
25 reviewed any medical records or documentation

1 beyond what's contained in your medical chart?

2 **A. No, sir.**

3 Q. Okay. In particular, you did not --
4 you have not reviewed the MUSC records from the
5 night Mr. Britton passed away?

6 **A. No.**

7 Q. Okay. Did you review the EMS
8 records --

9 **A. No, sir.**

10 Q. -- associated with the call that -- on
11 the night in question?

12 **A. No, sir.**

13 Q. Okay. All right. Let me ask you
14 about Defense Exhibit 2, which is a letter --
15 well, why don't you identify it for us,
16 Dr. Wilson?

17 **A. Letter dated July 8th, 2013 discussing**
18 **with Mr. Britton his hemoglobin A1C, which was**
19 **12.1.**

20 Q. Now, what does that mean?

21 **A. It means that his sugar is not well**
22 **controlled at all. We would like to have it 8 or**
23 **less. So 12.1 would indicate his sugar was**
24 **probably on average somewhere around 300.**

25 Q. Okay. And is that good, bad,

1 marginally bad, marginally good? Where does that
2 stack up in terms of what you would like to see?

3 **A. I want to see it at 8, therefore it --**
4 **I mean, good, bad, I don't know quite how to -- to**
5 **say that.**

6 Q. Yeah. You can characterize it --

7 **A. He needs --**

8 Q. -- however you want.

9 **A. He needs some definite improvement.**

10 Q. All right. And that was on -- I assume
11 that was following some lab work that was done in
12 the summer of 2013?

13 **A. Correct.**

14 Q. Okay. And, when we are talking about
15 the blood sugar, we're talking about the diabetes
16 condition?

17 **A. Correct.**

18 Q. All right. Okay. When is the -- the
19 last note I have from you is June 12th of 2014. Is
20 that the last time that you saw Mr. Britton as a
21 patient?

22 **A. Yes.**

23 Q. Do you recall seeing him in any --
24 you know, just running into him at any time after
25 that?

1 A. No. His paths and mine did not cross
2 socially.

3 Q. Okay. All right. What was the
4 situation with Mr. Britton's health the last time
5 you saw him on June 12 of 2014?

6 A. He'd actually had improved quite a
7 little bit as far as his weight goes. He was down
8 to 288; blood pressure was 140/180, which was very
9 good for him at that particular point in time.
10 If you look -- you know, he was trying to do
11 better.

12 Q. Right.

13 A. And was exceeding in doing so. He
14 still had some room to go, but he's -- he at least
15 had tried. He had begun to work out a little bit
16 more. He had a little more time to spend doing
17 what he needed to do. And, yeah, he knew that if
18 he ate right, his blood sugar would be a lot
19 better.

20 Q. Okay. But you mentioned a high --
21 let's, I guess, take them one by one again.

22 A. Uh-huh.

23 Q. The high blood pressure at that time
24 was -- you quoted the level, and you felt like that
25 was pretty good?

1 A. Yeah. 144/80 for a gentleman at his
2 height and his weight concerning the fact that he
3 had been as high as 180/90, that his weight was
4 coming down, yes, I was -- I was comfortable with
5 that.

6 Q. Okay. Was he on medication for the
7 blood pressure?

8 A. Lisinopril, 10 milligrams a day.

9 Q. Okay. And that had been going on --

10 A. Had been going on for a while.

11 Q. Okay. All right. How about the
12 cholesterol situation at that point?

13 A. Cholesterol situation at that point,
14 and, see, they never gave me the results of his
15 blood work, so I'm -- I'm working a little bit
16 blind on this one. So, I mean, if you have
17 something in your chart --

18 Q. Well, we --

19 A. -- with lab work, that would be
20 good.

21 Q. We do have the lab work, and I'll be
22 glad to --

23 A. That would be helpful.

24 Q. It doesn't mean anything to me what I'm
25 looking at.

1 A. Yeah. Well, they didn't send me any of
2 that.

3 Q. Yeah. Well, we --

4 A. And I understand.

5 Q. Yeah.

6 A. This is 2007.

7 Q. Yeah. Well, that's just that page. I
8 sort of put the lab work, because I don't -- it
9 doesn't mean anything to me, but this is the rest
10 of your chart if you want to kind thumb through
11 it.

12 A. Again, a lot of what I did with him was
13 what he told me his blood sugars were running
14 because he was -- wasn't financially able to do a
15 lot of the tests according to him.

16 Q. Okay. What type of test are you
17 referring to?

18 A. The hemoglobin A1Cs predominately.

19 Q. Okay.

20 A. And plus he was getting -- supposedly
21 getting blood work done by the county, and he was
22 telling me that Dr. Weissglass said it was okay.
23 That's all I know.

24 Q. Okay. All right. We are talking about
25 the cholesterol or the --

1 A. We're talking about cholesterol,
2 hemoglobin and hemoglobin A1C, sodium, potassium,
3 liver function and those things, which is
4 traditionally what they do in this with the 2007,
5 which was the template of what they do.

6 Q. Okay. What were you -- was he on
7 medication for cholesterol?

8 A. Yes.

9 Q. Okay. And --

10 A. Atorvastatin.

11 Q. And was that -- had that been ongoing
12 for a period of time or --

13 A. He had been on Vytorin, and then we
14 switched him over to Atorvastatin because of the
15 cost. But he was on 80 of the Atorvastatin, which
16 was similar to the Vytorin 1040 that he was on.
17 They're pretty compatible.

18 Q. Okay. All right. And that was
19 designed to lower the bad cholesterol?

20 A. Correct.

21 Q. Okay. What about the diabetes? What
22 type of therapy or treatment were you prescribing
23 for the diabetes?

24 A. Over the whole time period or are we
25 talking --

1 Q. Well --

2 A. -- in the last couple of --

3 Q. Well, let's focus on the last time you
4 saw him on --

5 A. Okay.

6 Q. -- June 30th of 2014.

7 A. Yeah. Okay.

8 Q. And then I'll follow-up.

9 A. Yeah. He was -- he was on Avandamet at
10 that time, which is Avandia plus Metformin and
11 Januvia. They all work slightly differently. He
12 did not want to go on insulin because of the fact
13 that he was traveling a great deal. We
14 discussed Byetta, but, because of the cost of the
15 Byetta, that was not really a -- an option at that
16 time.

17 Q. Okay. Were those -- was the insulin
18 something that you were recommending?

19 A. Insulin was something that we
20 discussed. In the ideal world, yes, but you have
21 to fit the -- the therapy to what the patient can
22 afford and --

23 Q. I understand.

24 A. -- what the patient can do.

25 Q. Okay.

1 **A. And so we made this compromise because**
2 **I could give him samples out of the office, to be**
3 **blunt.**

4 Q. Okay. All right. Fair enough. And
5 these are oral medications?

6 **A. Yes.**

7 Q. Okay. And how long had he been on
8 medication for the diabetes?

9 **A. At least three to five years.**

10 Q. Okay. All right. Now, as part of his,
11 I guess, routine management of his diabetes, was he
12 testing his own blood sugar?

13 **A. Correct.**

14 Q. Okay. And as you see TV
15 advertisements, newspaper or magazine
16 advertisements about certain things that are used
17 for diabetics to test their blood sugar, how is
18 that done? It's just a little prick?

19 **A. Fingerstick prick.**

20 Q. Okay. And is that something that he
21 would do daily, or you would instruct him to do
22 daily?

23 **A. Ideally you would do it daily.**

24 Q. Okay. All right. Now, what is going
25 on with the body when you are having a high blood

1 sugar day or a spike in the blood sugar?

2 A. Well, it depends upon how high. I
3 mean, if it's under 200 probably not a whole lot as
4 far as physical problems with doing the work and
5 that type of stuff. Physiologically what is going
6 on is you are affecting the blood vessels. You're
7 affecting the brain. You're affect some other
8 things.

9 Q. Okay.

10 A. Get above 200, then you may have, you
11 know, lethargy. You may have some confusion. You
12 may have some vision issues; heart may flip and
13 flop. All sorts of things may happen. May get
14 muscle cramps.

15 Q. Well, does that play a role in any
16 fashion in bringing on a coronary event or a heart
17 attack?

18 A. Yes. I mean, if -- if your sugar is
19 consistently high for a period of time, you are
20 going to accelerate atherosclerosis. So the event
21 itself will come on sooner than it would have
22 theoretically had you been under control.

23 Q. Okay. And I know people kind of throw
24 the term heart attack around, and it's -- it's, I
25 guess, different facets of that, but -- and you

1 said you have not reviewed the MUSC records, but
2 the term myocardial infarction and what we -- is
3 that referring to a situation where something just
4 basically at a certain point in time clogs one of
5 the coronary arteries and results in the cardiac
6 arrest and --

7 A. Technically a myocardial infarction is
8 death of heart tissue.

9 Q. Okay.

10 A. The etiology of it then would be to
11 determine what type of myocardial infarction you
12 had.

13 Q. Okay. And how do we determine that?
14 How can that be determined?

15 A. Well, postmortem an autopsy is going to
16 be the best way to do it.

17 Q. Okay.

18 A. Otherwise it's going to be an
19 assumption or perhaps done if there was an EKG
20 performed that showed severe ischemia, if they did
21 an echo that showed, you know, laxity of the
22 myocardial wall where you had the death of the
23 tissue. Those are some other ways you might be
24 able to make that diagnosis.

25 Q. Okay. Let me -- you said you have not

1 seen the MUSC records?

2 **A. No, sir.**

3 Q. Okay. Can you take a minute to look
4 through these for me because --

5 **A. Sure.**

6 Q. -- I, frankly, didn't anticipate
7 needing to do that, but, in light of your testimony
8 just then, I think we might ought to.

9 MR. HUNDLEY: So as to not rush him,
10 why don't we just take a break?

11 MR. WOOD: Absolutely. That's
12 perfectly fine.

13 (A recess transpired.)

14 MR. WOOD: We are back on the record
15 after a brief recess to allow Dr. Wilson to review
16 the medical records from MUSC as well as the
17 Charleston County EMS records from the night in
18 question.

19 BY MR. WOOD:

20 Q. All right. I think we had sort of
21 dropped off there before we took that recess, you
22 were telling me the definition of myocardial
23 infarction, and we were trying to sort of ascertain
24 whether there was anything suggestive of the type
25 of heart attack that Mr. Britton may have

1 suffered --

2 A. Correct.

3 Q. -- on the night in question?

4 A. Correct.

5 Q. Okay. You've had a chance to review
6 the MUSC and the EMS records. Is there anything
7 in there that sheds any light on that to your
8 mind?

9 A. His troponin level and CPK level were
10 slightly elevated, which could indicate myocardial
11 injury. The echo that they performed prior to him
12 having the arrest on the way to the cath showed
13 that his heart was a little sluggish but did not
14 show at that time any left ventricular wall
15 dysfunction or right ventricular wall dysfunction,
16 which would indicate that he might -- he did not
17 have what we would call a through-and-through
18 myocardial infarction. That is the full thickness
19 of the heart muscle was damaged.

20 Now, you can have -- and that's why I
21 wished we had an EKG. You can have a partial
22 involvement of the wall of the heart, which is both
23 not a through-and-through heart attack or a
24 subendocardial is the fancy term for that --

25 Q. Yes, sir.

1 A. -- which can cause irritation to the
2 myocardium. It can cause you to have arrhythmias
3 and that type of thing, but it's not going to go
4 all the way through the heart.

5 Q. Okay.

6 A. So you can -- you can have a -- I hate
7 this term, but a lot of the lay folks use the --
8 you can have a light heart attack --

9 Q. Right.

10 A. -- which can cause arrhythmias, which
11 can then cause you to have an arrest.

12 Q. Well, we were talking about the heart
13 attack, and, again, I'm --

14 A. Again, the definition of a
15 myocardial infarction is -- is injury to the muscle
16 tissue.

17 Q. Right.

18 A. A through and through, a complete
19 myocardial infarction is going all the way through
20 the myocardium full thickness injury.

21 Q. Okay.

22 A. If you have a subendocardial, that is
23 it just goes below the endocardium, the outside
24 layer, if you would, that's profused, it may not be
25 a through-and-through heart attack. But,

1 **technically, it's a myocardial injury.**

2 Q. Well, I guess as a precursor to that or
3 what leads to that is if some type of blockage or
4 -- or clot or something congesting the coronary
5 arteries? Is that what we are talking about?
6 Blocking the coronary arteries, I guess, is a
7 better term.

8 A. A blockage -- the coronary artery could
9 be a clot. It could be spasm. It could be a viral
10 infection causing inflammation. It could be an
11 embolus from another material other than a
12 thrombus, which is a blood clot. I mean, there's
13 a lot of different things that could do that.
14 One of the things is that you can flip off of
15 plaque that's not necessarily a clot that could do
16 that.

17 Q. All right. Is there anything in the
18 records that you reviewed that we just provided
19 you, the EMS records or the MUSC records that sheds
20 any light on that aspect of this situation in your
21 mind?

22 A. I can't really -- from -- I have no --
23 there's no EKG in here. All I have is the echo.
24 Okay?

25 Q. Okay.

1 A. And the echo would show that he's got
2 some bogginess to the heart. Now, is that related
3 to the exact episode, or is that related to
4 previous? I don't know.

5 Q. Okay.

6 A. I do know, though, from the blood work
7 that was performed, he had cardiac injury with the
8 CPK and the troponin.

9 Q. Okay. Yeah.

10 A. So there was cardiac injury.

11 Q. Right.

12 A. The extent of that injury I do not
13 know.

14 Q. Okay. And what caused it, you don't
15 know?

16 A. Don't know for sure.

17 Q. Okay.

18 A. It could be, again, hypertension,
19 diabetes, yes.

20 Q. Okay.

21 A. Excessive output of epinephrine causing
22 vasoconstriction could do that.

23 Q. A number of scenarios?

24 A. Yes.

25 Q. All right.

1 **A. Yes.**

2 Q. Let me ask you because you mentioned
3 the term -- or you mentioned this earlier, but
4 postmortem --

5 **A. Uh-huh.**

6 Q. -- you mentioned the autopsy as a
7 possible investigative tool. Would the autopsy --
8 would an autopsy be able to shed any further light
9 on the laundry list of items that you were just
10 speaking of there?

11 **A. Correct, yes.**

12 Q. Okay. And I had a doctor -- and this
13 is sort of consistent with what you just told me,
14 but years ago in a case we were handling, the
15 doctor told me that the troponin levels or the
16 troponin test was the supreme court of heart
17 attacks?

18 **A. Correct.**

19 Q. In other words, if you have a positive
20 troponin, then that clearly indicates you had a
21 heart injury?

22 **A. Right.**

23 Q. All right. And we do know from the
24 MUSC records that that was --

25 **A. The troponin was elevated.**

1 Q. Okay. All right. Since you've already
2 looked at the EMS records, let me ask you about
3 those. You can certainly refer to them, and I
4 think Mr. Hundley -- I'm pretty certain he's got a
5 copy that was provided to him. There's reference
6 in there in two different places. One is
7 information that the EMS workers or paramedics
8 obtained from a coworker.

9 A. Uh-huh.

10 Q. And then there is information that they
11 obtained from Mr. Britton directly making reference
12 to his blood sugar situation during the course of
13 the day. What's -- is there any significance to
14 that in your mind? I mean, what -- we've talked
15 about elevated blood sugar and diabetes and so
16 forth in terms of the risk of heart disease, heart
17 attack. But tell me what the significance of that
18 is in your mind.

19 A. Well, I mean, an elevated blood sugar
20 is going to put an additional stress upon the
21 body.

22 Q. Okay. Could you describe that? I
23 think you have, but describe it again.
24 Physiologically, what is going on with the body?

25 A. Well, you're going to have some --

1 you're going to have increasing sugar within the
2 blood stream, which is going to affect the brain
3 potentially on how to make a proper decision. It
4 is going to affect your muscles and how rapidly
5 they're able to respond to situations. It is not
6 necessarily going to be the reason to have an
7 episode. It's going to be one of the things that
8 goes into it.

9 It's certainly going to make your
10 body under more stress, which would raise your
11 blood pressure and potentially put out more
12 epinephrine, and, therefore, could cause all sorts
13 of vascular issues, the brain, body, heart, lungs,
14 kidneys:

15 Q. Okay. And the information that's in
16 that EMS report from the coworker reflects that
17 Mr. Britton had been -- I forget the exact
18 terminology that's used, but it suggests that
19 he'd been having a blood sugar issue throughout the
20 day?

21 A. Yes.

22 Q. Okay.

23 A. It indicated that he had said his blood
24 sugar had been up the whole day.

25 Q. Okay. Now --

1 A. They got 477.

2 Q. Yeah. What does that -- what does that
3 mean?

4 A. That he's got high blood sugar. I
5 mean, I don't --

6 Q. Is that real high?

7 A. Yeah, it's pretty high. I mean, it's
8 not going to be to the point where he's going to go
9 into any kind of, you know, osmole or coma or that
10 type of thing.

11 Q. Right.

12 A. That's going to be 800 or 900.

13 Q. Okay. What would -- there was also
14 some mention in there of the -- was that the
15 information from the -- that the paramedics
16 obtained, or what --.

17 A. His last blood sugar this morning was
18 -- and said it was high. The paramedic was 477.

19 Q. I see. Okay. So it indicates in there
20 Mr. Britton couldn't -- knew it was high, but he
21 didn't recall the specific level earlier in the
22 day.

23 A. Well, I don't know what -- all it
24 says is that -- that the -- that it wasn't
25 recorded.

1 Q. Okay.

2 A. I don't know whether he knew what it
3 was, and they just didn't put it in or what.

4 Q. That's fair enough. I think the report
5 is not a question for you. Okay. Let me ask you
6 about the specific statement that's marked as
7 Defense Exhibit 3.

8 A. Okay.

9 Q. And let me get my copy because I've
10 highlighted some things on there.

11 A. Okay.

12 Q. Actually, I've got another copy over
13 here. Now, do you know what Mr. Britton's job
14 entailed, his job with the county?

15 A. He was communication officer that
16 night. That's what -- that's what I know. I know
17 he worked with hazmat. I know he went into this
18 other situation, but, to tell you exactly what he
19 did, no, I could not tell you that because over the
20 years that I worked with him, he was doing various
21 things.

22 Q. Okay. But, in terms of his specific
23 position as radio communications manager with the
24 -- with the Charleston County, do you have any type
25 of knowledge as to what the job -- what that job

1 entails, what the responsibilities are, what he
2 does on a daily basis?

3 A. He's kind of like 911 I -- for the
4 county is what I -- how I would say it in layman's
5 terms.

6 Q. Okay. But --

7 A. I mean, he's -- he coordinates --
8 coordinates communication. That's all I know.

9 Q. Okay.

10 A. That's all I know.

11 Q. But you don't know what that involves,
12 and you don't know what he was specifically
13 charged with, his responsibility on the night in
14 question?

15 A. No, but I do know that a couple of his
16 buddies, who I also take care of, told me that he
17 was under a lot of stress that night, that he had
18 been working for about 13 or 14 hours, and he was
19 in the room by himself. That's what I know.

20 Q. Who told you that?

21 A. You know, one of the firemen. And, if
22 you asked me which one, I don't know.

23 Q. Well, you made reference to specific
24 information, but you can't -- that you heard --

25 A. I can only tell you that. I'm being

1 **honest with you.**

2 Q. Okay. But you don't know who told you
3 that?

4 A. I can't remember who told me that.

5 Q. Okay. And --

6 A. And I'm not trying to be evasive. I
7 flat out don't remember.

8 Q. Okay. That's fair enough. I'm not
9 suggesting otherwise. I'm just -- do you know
10 whether that person was with Mr. Britton that
11 night?

12 A. That person was in fact -- came in and
13 out of the room where he was. He was not sitting
14 with him the whole time. He was one of the firemen
15 that was there on the scene.

16 Q. Well, is your impression that
17 Mr. Britton was on the scene of this --

18 A. No. He was in a room someplace else,
19 and this guy was coming and going. He was a friend
20 of -- of Laurent's. That's all I -- you know, I
21 honestly -- I don't know whether -- you know, I
22 mean, I can try and figure that out. If you'd
23 like, I can call some of the folks that I take care
24 of. I'm happy to do that for you, but I don't know
25 specifically.

1 Q. Well, was it an individual by the name
2 of Martin Kratz?

3 A. No, it was not Martin Kratz.

4 Q. Okay. Do you know Martin Kratz?

5 A. No, I do not.

6 Q. Okay. Do you know for a fact whether
7 anybody else was at the radio communications
8 building on the night in question apart from
9 Mr. Britton and Mr. Kratz?

10 A. No, I do not.

11 Q. And obviously the paramedics and
12 firemen that arrived --

13 A. Right.

14 Q. -- later?

15 A. Right. Right. No, I don't.

16 Q. Okay. All right. But you've testified
17 that somebody, who you don't recall specifically
18 who it was, a fireman told you that he was at the
19 radio communications building?

20 A. It was either a fireman or an EMS guy.
21 I don't -- you know, one or the other. You know, I
22 take care of a number of -- some of these guys go
23 back and forth.

24 Q. Right.

25 A. You know, so I -- I don't know.

1 Q. Okay. But I just -- I'm just trying to
2 make sure of what this person told you. Was it
3 your impression that this person that told you this
4 was with Mr. Britton throughout the course of the
5 evening?

6 A. No. He was not with him throughout the
7 course of the evening. He had come in and talked
8 to Laurent and then left. And that's all I -- and
9 he -- he was -- Laurent was under a lot of stuff, a
10 lot of pressure. That's what he told me. That's
11 all I know.

12 Q. Okay. But you don't know who would
13 have access to that building, how they would get
14 in?

15 A. No, sir, I do not.

16 Q. Do you know whether the building was
17 locked when the firefighters and EMS folks
18 arrived?

19 A. I do not know that.

20 Q. Okay. All right. And you don't have
21 any knowledge as to the veracity of what this
22 person, who you cannot remember who it was, you
23 don't -- you don't have any -- you don't know
24 whether they are being truthful or not, do you?

25 A. Considering the fact that they're --

1 if -- if they were whom -- if they are somebody I
2 have been taking care of for years, I believe
3 them.

4 Q. Okay.

5 A. I believe them.

6 Q. Well, what if they didn't have access
7 to the building and couldn't get in, would you
8 believe them?

9 A. I would believe that what they told me
10 they thought was true. That's all I can really
11 tell you.

12 Q. Okay. All right.

13 A. That's all I can really tell you.

14 Q. But you don't know whether it's true or
15 not?

16 A. I -- if you put it that way, yes.

17 Q. Okay. All right. When did you have
18 this conversation with this subject?

19 A. Probably about three or four days after
20 the episode.

21 Q. Okay.

22 A. I also went to Laurent's --

23 Q. Funeral?

24 A. -- wake and funeral and talked to
25 another -- a number of people there as well.

1 Q. Okay. But, on the night in question,
2 you don't have any direct knowledge as to who was
3 with Mr. Britton?

4 A. That's correct.

5 Q. Okay. All right. Going back to his
6 job responsibilities --

7 A. Uh-huh.

8 Q. -- you don't know? You don't know what
9 he -- what he did or what his job was?

10 A. No. I mean, I can't tell you
11 specifics. I just know that he worked in
12 communications.

13 Q. Okay.

14 A. That's all I know.

15 Q. Okay. And that was his title?

16 A. Correct.

17 Q. Okay. All right. Let's talk about
18 the statement. I've got my copy up here. Do you
19 know what time of day -- and I'm referring to the
20 last sentence there in the first paragraph of
21 Mr. Hundley's correspondence dated December 18,
22 2014. Do you know what time of day the police
23 officers who were wounded in the incident or the
24 standoff, do you know what time of day that
25 occurred?

1 A. I -- I don't know the exact time. My
2 knowledge comes from the news media.

3 Q. Okay.

4 A. Okay. And I'm -- and it was in the
5 evening, if I remember right. But I -- you know, I
6 don't know exactly what time.

7 Q. All right. Have you seen any news
8 media reports that put Mr. Britton on the scene?

9 A. No.

10 Q. Okay. All right. Do you know whether
11 Mr. Britton went to the scene that night?

12 A. I can't tell you for sure. I'm
13 assuming he did not since he was in the
14 communications area.

15 Q. Okay. Fair enough. And, from a
16 physical standpoint, you don't know what
17 Mr. Britton was doing that evening when he was at
18 the radio communications building?

19 A. Again, all I can tell you is the
20 information that I was given. Whether it was at
21 the funeral, whether it was in my office, I don't
22 know.

23 Q. I'm just asking your personal direct
24 knowledge?

25 A. I do not know.

1 Q. Okay. All right.

2 A. I wasn't there.

3 Q. Now, in the second paragraph -- well,
4 let me ask you: Do you know what time Mr. Britton
5 would have arrived at the radio communications
6 building that evening?

7 A. No, I do not know.

8 Q. Okay.

9 A. All I know is what I was told. He was
10 there for a significant period of time.

11 Q. Okay.

12 A. That's all I know.

13 Q. All right. Do you know whether he was
14 called out to the scene? This letter from
15 Mr. Hundley indicates that -- that Mr. Britton was
16 called back after 7:00 p.m. to respond to the
17 emergency. Do you have any direct knowledge of
18 that yourself?

19 A. No. Other -- again, no.

20 Q. And you've indicated you don't know
21 what time that the officers were wounded and
22 removed from the emergency scene, and you don't
23 know what time Mr. Britton --

24 A. I don't know the exact times of any of
25 those things.

1 Q. Okay. All right. Now, this -- still
2 in the second paragraph of Mr. Hundley's
3 correspondence, it says that, having worked
4 approximately 16 hours in a highly emotional and
5 stressful situation, he suffered the -- until he
6 suffered the fatal heart attack. Do you have any
7 direct knowledge of how stressful or how emotional
8 it was?

9 A. Direct knowledge? No. Indirect
10 through -- again, through talking with some of the
11 folks at the funeral, then that's --

12 Q. Okay. But that would be dependent upon
13 somebody who was actually with Mr. Britton
14 observing Mr. Britton, correct? You would agree
15 with that, wouldn't you?

16 A. It would have to be through somebody --
17 whether it was the person who told me was there
18 with him or the person who told me was very good
19 friends with the person that was with him, I don't
20 know that.

21 Q. Okay. But what I'm getting at is to
22 know the emotional level, to know the stress level,
23 to know what Mr. Britton was doing --

24 A. Uh-huh.

25 Q. -- you would either have to be there

1 yourself or hear directly from somebody who was
2 there? Would you agree with that?

3 **A. Do you want to state that again --**

4 Q. Yeah.

5 **A. -- just so that I understand what**
6 **you're --**

7 Q. Yeah. To know what Mr. Britton was
8 doing that night --

9 **A. Uh-huh.**

10 Q. -- at the radio communications
11 building, to know how emotional he was --

12 **A. Uh-huh.**

13 Q. -- to know how stressful it was for
14 him, you would either need to be there with him or
15 hear from somebody who was there with him who could
16 give a firsthand account?

17 **A. Or get an account from somebody who had**
18 **heard it from the person that had been there with**
19 **him that I -- that I trust that I've known for**
20 **years and years.**

21 Q. All right. Okay. Now, there's got --
22 somebody had to be there with him to be able to
23 report that?

24 **A. Correct.**

25 Q. Okay. All right. Fair enough. Now,

1 in terms of what Mr. Britton's job is -- you've
2 said you don't know what his job entailed. I want
3 to go back over that. But, in terms of what he was
4 doing that night compared to what his job entailed,
5 his job responsibilities, do you know whether there
6 was anything different than what he normally did in
7 those circumstances?

8 **A. Direct knowledge? No.**

9 Q. Okay. And you couldn't know that
10 because you don't know what his regular job
11 activities were, fair?

12 **A. Correct.**

13 Q. All right.

14 **A. My statement was based, again, upon**
15 **what I was told by the folks who I trust that knew**
16 **what was going on.**

17 Q. But it's hearsay?

18 **A. I guess that's what you would call**
19 **it.**

20 Q. Well, okay.

21 **A. I would -- I would call it -- anyway.**

22 Q. All right. But we don't know who it
23 was and we don't know whether the person was there
24 with Mr. Britton or they heard it from somebody who
25 was allegedly there with Mr. Britton? It's just

1 basically passed down information, fair, that your
2 statement is based on?

3 A. Again, what I will say is what you say
4 and the way you say it is correct; however, the
5 people with whom I was dealing with I've known and
6 trusted for years and years.

7 Q. All right.

8 A. And, therefore, if I took that as
9 hearsay -- if you call it hearsay, then I guess I
10 would have to say it's hearsay.

11 Q. All right.

12 A. I took it as gospel truth.

13 Q. I understand. That's fair enough. And
14 I don't want to belabor the point, but I just want
15 to make sure that I'm certain in understanding
16 it. The person you heard it from, you don't
17 remember who that was. You don't know if that
18 person that you did hear it from was with
19 Mr. Britton that evening or whether they heard it
20 from somebody who was allegedly with Mr. Britton
21 that evening?

22 A. I cannot tell you who it was that told
23 me the information.

24 Q. And you can't tell me here under oath
25 today whether that person -- it was that person who

1 was with you --

2 **A. I cannot tell you that.**

3 Q. Okay.

4 **A. I cannot tell you that.**

5 Q. Fair enough. Going to the
6 questionnaire that you signed, it says, is it your
7 opinion within a reasonable degree of medical
8 certainty that due to the unexpected strain and
9 overexertion suffered on September 8th and 9, 2014,
10 Chief Larry Britton more probably than not died of
11 a sudden acute myocardial infarction while
12 providing law enforcement support under unusual and
13 extraordinary conditions of employment; is that
14 right?

15 **A. Correct.**

16 Q. All right. With respect to the phrase
17 that, due to the unexpected strain and overexertion
18 suffered, I mean, is it the same thing? You don't
19 know yourself because you didn't know what his
20 regular job was compared to what he was doing that
21 night? I mean, is that -- well, strike that. Let
22 me start the question over.

23 In using the phrase unexpected strain
24 and overexertion, how do you know whether there was
25 any unexpected strain or overexertion without you

1 being there, without you having any knowledge of
2 what Mr. Britton's regular job responsibilities
3 entailed?

4 **A. The statement was based upon the**
5 **individuals with whom I talked with who had either**
6 **direct or indirect knowledge of what he was going**
7 **through.**

8 Q. Okay. All right. And same thing --
9 I don't want to belabor the point. Same thing I
10 just asked you a minute ago, you don't know who it
11 was, you don't know whether they were there, or
12 whether you heard it from somebody who was
13 allegedly there?

14 **A. I talked to many, many people at his**
15 **wake.**

16 Q. I understand.

17 **A. And so that's probably where I got the**
18 **information.**

19 Q. Okay.

20 **A. I don't know specifically.**

21 Q. All right. All right. But, in terms
22 of whether there was any unexpected strain and
23 overexertion, apart from what you heard at the wake
24 or think you heard at the wake --

25 **A. No, I haven't --**

1 Q. -- you don't have any way to know
2 directly yourself, personally, whether it was -- it
3 was unexpected strain or overexertion?

4 A. I was not there with him.

5 Q. Okay. And you didn't know what his
6 job entailed usually and what he was doing that
7 night?

8 A. No.

9 Q. Okay. Same thing with the phrase under
10 unusual and extraordinary conditions of employment.
11 Same testimony? I mean, would you respond the same
12 way to the questions I just asked you on the other
13 phrase?

14 A. I do not know exactly how long he was
15 there. The information I was given said he was
16 there for at least 16 hours. If he's there for 16
17 hours, and he is, in fact, having all of the other
18 problems that he's had, that certainly would be an
19 extraordinary strain on someone if you're working
20 for 16 hours. That's how I came to that
21 conclusion.

22 Q. Okay. But, relative to his job, do you
23 know how frequently he worked overtime or on the
24 weekends?

25 A. No, I do not.

1 Q. Okay. Do you know whether --

2 A. And --

3 Q. I'm sorry.

4 A. And I would have to say that whether or
5 not he worked 16 hours all the time or he worked 8
6 hours all the time, a 16-hour workday for somebody
7 in his age group with what he has, is not conducive
8 to good health.

9 Q. Okay.

10 A. That's why they tell -- that's why they
11 have residents that they'll only let them work 40
12 hours a week instead of the way we worked 120 hours
13 a week, so --

14 Q. I understand that. But, in terms of
15 what he normally did, as part of his job in the
16 radio communications department, that comparison,
17 you don't know whether it was unusual and
18 extraordinary for the job he had with Charleston
19 County for him to work overtime, on the weekends,
20 more than the regular stipulated workday?

21 A. No, I do not.

22 Q. Okay. Now, physiologically -- and
23 forget about all the unusual, all that we just went
24 over. Okay? I just want to get down to the -- to
25 regardless of what he was doing on the job that

1 night --

2 A. Okay.

3 Q. -- and whether that was unusual and
4 extraordinary and all of that stuff, tell me why
5 you think the job -- the conditions of his
6 employment that night caused him to have the fatal
7 heart attack?

8 A. Number one, blood sugar was -- has been
9 elevated and had been elevated; number two, 16
10 hours for somebody in his age group to work where
11 you're in a situation which is potentially, you
12 know, stressful -- and I'm sure it probably was
13 potentially stressful when you're working and
14 talking about people whom you know.

15 They're going through hell. To sit in
16 a room potentially by yourself, and that was my
17 understanding of what was going on, that he was
18 there pretty much by himself a good part of the
19 time. All of that together is going to be a
20 stress.

21 Q. Okay. And describe for me -- and I
22 think we talked about this a little bit when we
23 were talking about diabetes and high blood pressure
24 and so forth. But physiologically when the body is
25 under stress, what is it about the body being under

1 stress that has the potential to precipitate that
2 heart attack?

3 A. Epinephrine, adrenaline, call it what
4 you will is put out. If you're under an extreme --
5 if you're under stress, epinephrine, adrenaline,
6 same thing. What that causes is your blood
7 pressure to go up, your blood vessels to constrict.
8 You have to have increasing glucose requirements to
9 keep up, you know, that. If you have diabetes and
10 you can't get the sugar to where it needs to go,
11 that's an additional stress on the brain and the
12 kidneys, the heart, the lungs, the muscles, et
13 cetera.

14 Q. Okay. And, you know, we talked about
15 earlier in the deposition the type of heart attack,
16 correct?

17 A. Uh-huh.

18 Q. If we knew the type of heart attack,
19 would that -- would a physician, such as yourself,
20 be able to zero in even more closely or with more
21 certainty as to whether the work conditions that
22 night precipitated the heart attack?

23 A. No. A heart attack would be a heart
24 attack. Now, the type of heart attack would
25 indicate the severity of the heart attack. But, if

1 he has a subendocardial heart attack, it's still a
2 heart attack that can cause an arrhythmia to cause
3 the death.

4 Q. Okay.

5 A. If he has a through-and-through heart
6 attack, then that's going to be a much more severe
7 situation that still can cause death. Either one
8 of them may not cause death.

9 Q. Right.

10 A. But, again, especially with what you --
11 of course, the MUSC records showing that he was an
12 atrial fib, I did not know that when I did my
13 statement, to be honest with you.

14 Q. Right.

15 A. But the atrial fib probably didn't help
16 him to survive because that's a cardiac arrhythmia,
17 so you don't -- the heart is not pumping very
18 successfully.

19 Q. So that's a heart function issue as
20 opposed to a blockage?

21 A. But the heart function issues may be
22 related to the blockage and the irritation --

23 Q. Right.

24 A. -- to the myocardial --

25 Q. I follow you.

1 **A. Yeah.**

2 Q. Okay. All right. I guess what I'm
3 getting back to is circling back around to this
4 question of the autopsy and the additional
5 information that can be gleaned from that. What is
6 it, in your view, if anything, that would be
7 helpful from that?

8 **A. That would be to answer the question**
9 **you asked me, which is which type of heart attack**
10 **could it be.**

11 Q. Okay.

12 **A. You know, what are the causes? And so**
13 **I -- that would help with whether it's embolic,**
14 **thrombotic, if you would, whether it was a flipping**
15 **of, you know, plaque, whether it was spasm. What**
16 **was the etiology of it?**

17 Q. Okay. But, regardless of the
18 etiology, as I understand your testimony, you think
19 that the --

20 **A. The heart attack --**

21 Q. -- stress would -- would be -- under
22 this timeline, would be a precipitating --

23 **A. Right. A heart attack is a heart**
24 **attack coupled --**

25 Q. Gotcha. I understand.

1 **A. Okay.**

2 **Q. I understand. Do you have any**
3 **particular -- obviously you counsel patients in**
4 **your primary care provider practice against risk**
5 **factors. We've talked about that. But do you have**
6 **any particular expertise or training in cardiology**
7 **or heart attacks, heart problems?**

8 **A. A long time ago since I -- when I was**
9 **at MUSC as a resident, Mike Assey (ph) and I ran**
10 **the coronary unit for about three months.**

11 **Q. Right.**

12 **A. We were the only two.**

13 **Q. Right. Okay.**

14 **A. But that was 35 years ago.**

15 **Q. Beyond that?**

16 **A. Beyond that I did hospital medicine and**
17 **was in the ICU until eight years ago.**

18 **Q. Okay.**

19 **A. So -- but am I a cardiologist? By no**
20 **means, I'm not.**

21 **Q. Okay. All right. Bear with me one**
22 **second. Let me double check my notes, and then I**
23 **will turn it over to Mr. Hundley.**

24 **A. And I will say to take the boards every**
25 **seven years, we have a lot of cardiology on it,**

1 **but, I mean, I'm' still not a cardiologist.**

2 MR. WOOD: I wanted to say nor did you
3 stay at a Holiday Inn Express last night, but I
4 will lay off that. All right. I think that's all
5 I have. I appreciate your time. Please answer any
6 questions Mr. Hundley has for you.

7 EXAMINATION

8 BY MR. HUNDLEY:

9 Q. You've been practicing in the community
10 a long time; is that correct, Doctor?

11 **A. Correct.**

12 Q. And you're actually pretty familiar
13 with firefighters; is that correct?

14 **A. That's correct.**

15 Q. Would you tell Mr. Wood why?

16 **A. Well, from 1982 until 1991 I was a**
17 **physician for the St. John's Fire Department for**
18 **all that time period. And, since that time, when I**
19 **moved to Mt. Pleasant, I did the Isle of Palms for**
20 **a couple of years, the fire department for the Isle**
21 **of Palms. I've had a lot of patients and a lot of**
22 **firemen, in particular, have been my personal**
23 **patients and a number of the EMS guys have been my**
24 **personal patients.**

25 Q. So you've -- you've got a familiarity

1 with first responders, whether it be police,
2 firemen? You've got a lot of knowledge and a lot
3 of contacts in that area?

4 **A. I've got a lot of policemen I take care**
5 **of.**

6 **Q. And --**

7 **A. Or took care of. I should say took**
8 **care of.**

9 **Q. And Mr. Wood -- and you and I talked,**
10 **and I asked you questions about what you thought**
11 **may have caused this; that's correct?**

12 **A. Correct.**

13 **Q. All right. And, as a result of that, a**
14 **statement was engendered, which assumed that,**
15 **because of the long hours that day, and that --**
16 **Mr. Wood never brings up in a deposition -- did**
17 **something unusual happen that day, the day -- the**
18 **evening that he died? Did two policemen get**
19 **shot?**

20 **A. Two policemen were shot and one was**
21 **killed, and I think the other one was wounded.**

22 **Q. Okay. And isn't that kind of an**
23 **unusual event in the first responder's world?**

24 **A. Especially if they happen to know the**
25 **individual.**

1 Q. And, in this world and down here in
2 Charleston, most of these first responders all know
3 each other, don't they?

4 A. Yes.

5 Q. Okay. I would like take just a
6 couple minutes. I want you to review a statement
7 from -- you know Sheriff Al Cannon? You know who
8 that is?

9 A. Oh, yes.

10 Q. He's been around a long time?

11 A. Yeah.

12 Q. Would you think he would know kind of
13 what not only Mr. Britton, but what all first
14 responders do?

15 A. I would assume so.

16 Q. Okay. And he'd probably been in a
17 position to -- instead of Mr. Wood, to determine
18 what might have been a normal day in the life of
19 Larry Britton or a first responder? He might know
20 that a little better than Mr. Wood, wouldn't you
21 think, whether this was an unusual day?

22 MR. WOOD: I would just say, Walter,
23 that I'm not a witness in here.

24 MR. HUNDLEY: I understand, but you've
25 been testifying through your questions, so I'm

1 addressing that.

2 MR. WOOD: No. I've been
3 cross-examining him.

4 BY MR. HUNDLEY:

5 Q. But I'd like to take five minutes and
6 have you just review Mr. -- Sheriff Al Cannon's
7 statement.

8 A. To answer your question, I'm sure
9 Sheriff Cannon does have knowledge in that area.

10 Q. Right. Just take your time. We can go
11 off the record for a second and let -- just take
12 your time with that.

13 (A recess transpired.)

14 (CLMT. EXH. 1, Letter from Al Cannon,
15 was marked for identification.)

16 BY MR. HUNDLEY:

17 Q. Dr. Wilson, have you had a chance to
18 review Sheriff Cannon's statement regarding
19 Mr. Britton's situation and death?

20 A. Yes, sir.

21 Q. And does that also entail his
22 professional opinion as to the health conditions
23 that day, the emotional conditions and whether or
24 not it was an unusual and exceptional day?

25 A. It does, and it states that.

1 Q. Okay. And, quite briefly, I'm not
2 going to go on -- quite as long as Mr. Wood. But,
3 based upon your knowledge of firefighters and based
4 upon your knowledge of medicine, based upon your
5 long-term personal knowledge of Mr. Britton and the
6 circumstances surrounding his death after working
7 essentially a double shift under emotional
8 circumstances, is the statements that you executed
9 on December 18th, 2014 reflective of your
10 opinion --

11 A. **That's correct.**

12 Q. -- as to the cause of death?

13 A. **That's correct.**

14 MR. HUNDLEY: Okay. That's all I
15 have.

16 RE-EXAMINATION

17 BY MR. WOOD:

18 Q. I just want to ask you. You mentioned
19 -- Mr. Hundley asked you about your experience or
20 interaction with St. Johns Fire Department and Isle
21 of Palms Fire Department?

22 A. **Uh-huh.**

23 Q. And I think Mr. Britton was
24 associated with -- with both of those units over
25 the years?

1 A. Correct.

2 Q. Had you known him even before he became
3 a patient of yours in '91?

4 A. Right.

5 Q. Okay.

6 A. I knew him because of his -- his
7 brother, Eric.

8 Q. Was he a patient of yours?

9 A. Yes. Eric has been a patient of mine
10 since -- good God, 1979.

11 Q. So your -- your relationship with him
12 or acquaintance with him predated him becoming your
13 patient?

14 A. Right. Right.

15 Q. Okay.

16 A. But, again, I will tell, you know --
17 are we on the record?

18 Q. Yes, sir.

19 A. Okay. But I will tell you that my
20 relationship with him was just knowing him. You
21 know, he helped Eric with the barbecue business and
22 some of the other things, but I -- we didn't have
23 any type of, you know, medical knowledge of one
24 another. It was not, you know, any kind of social
25 or anything like that. I didn't socialize with my

1 **patients.**

2 MR. WOOD: Okay. All right. That's
3 all I have. Thank you.

4 (The deposition concluded at 12:01
5 p.m.)

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CERTIFICATE

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I do hereby certify that the witness whose attached deposition was taken before me in the aforementioned matter was, by me, first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the testimony contained in said deposition was, by me, reduced to writing in the presence of said witness by means of computerized transcription. The said deposition is a true and accurate transcript of the whole of the testimony given by the said witness, as aforesaid.

I do further certify that I am not connected by blood or marriage with any of the parties or their attorneys or agents, and I am not an employee of either of them, nor interested directly or indirectly in the matter of controversy either as counsel, attorney, agent, or otherwise.

Jennifer M. Huggins

Court Reporter And Notary Public

My commission expires: 02/07/2022

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DEPONENT CORRECTION SHEET

I, the undersigned, WILLIAM WILSON, M.D., do
hereby certify that I have read the foregoing
deposition and wish to make the following
clarifications and/or corrections, if any.

PAGE	LINE	CHANGE	REASON
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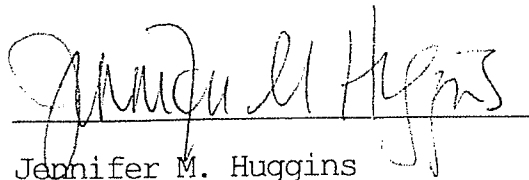
WILLIAM WILSON, M.D.
JH

Date

CERTIFICATE

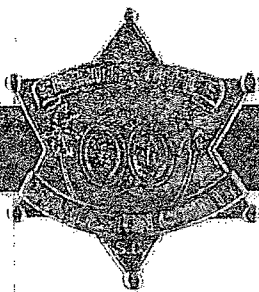
I do hereby certify that the witness whose attached deposition was taken before me in the aforementioned matter was, by me, first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the testimony contained in said deposition was, by me, reduced to writing in the presence of said witness by means of computerized transcription. The said deposition is a true and accurate transcript of the whole of the testimony given by the said witness, as aforesaid.

I do further certify that I am not connected by blood or marriage with any of the parties or their attorneys or agents, and I am not an employee of either of them, nor interested directly or indirectly in the matter of controversy either as counsel, attorney, agent, or otherwise.


Jennifer M. Huggins

Court Reporter And Notary Public

My commission expires: 02/07/2022

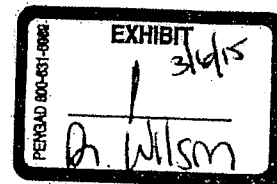


February 6, 2015

Sheriff J. Al Cannon, Jr.

R Walter Hundley
Post Office Box 31189
Charleston SC 29417-1189

Dear Mr. Hundley:



I am writing to you with respect to some of the circumstances surrounding the death of Mr. Larry Britton on September 9, 2014. Sometime in the evening of September 8, 2014, two Charleston County Deputy Sheriffs were shot outside an apartment in the West Ashley part of Charleston County. One of the Deputies, Joseph Matuskovic was killed, and the second seriously wounded. Both Deputies were down outside the apartment and they and other Deputies were taking fire from the subject inside the apartment. Police officers from around the various jurisdictions responded to the scene and established a command post to coordinate handling the emergency. SWAT teams from the Charleston County Sheriff's Office, the North Charleston Police Department and the Charleston Police Department responded to the scene to provide specialized resources to those in charge. An emergency operation of this type is extremely rare, but requires extraordinary coordination to insure the safety of officers and citizens. A necessary element of such coordination involves establishing the ability for officers to be able to communicate with each other, and generally Charleston County Communications technicians are called out to assist.

Larry Britton responded to the callout to assist in providing the necessary expertise and equipment to insure that police leaders had what they needed to communicate effectively in handling this tragedy. Mr. Britton and his colleagues are recognized as integral participants in the emergency situations that arise. This was an extremely traumatic situation for the community and those who were involved were under tremendous stress and pressure to prevent any further injuries or deaths. And, however removed from the actual scene Mr. Britton and his colleagues were, that pressure was heavy on them in light of the importance of insuring communications amongst the responders was sufficient to carry out the plans formulated to resolve the situation. In addition, Mr. Britton, as a state constable, who was active in his volunteer law enforcement service, and who had frequently worked with and assisted the Charleston County Sheriff's Office, as well as other local agencies, knew the Deputies involved, which made this even more traumatic for him. Mr. Britton's death was another tragic aspect of this situation, and all police officers involved felt it to have been a part of the events set in motion with the shooting of the Deputies.

Administrative Office

3691 Leeds Avenue
N. Charleston, SC 29405
~ Sheriff ~
Voice (843) 554-2230
Fax (843) 554-2243

Law Enforcement Division

3691 Leeds Avenue
N. Charleston, SC 29405
~ Patrol ~
Voice (843) 202-1700
Fax (843) 554-2234

Al Cannon Detention Center

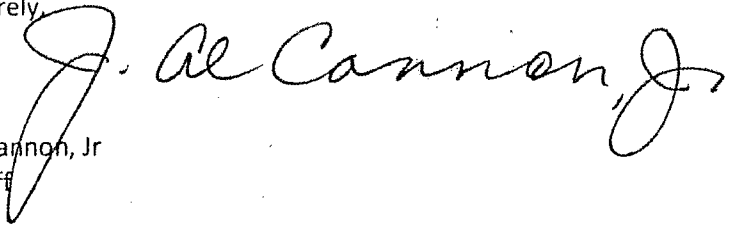
3841 Leeds Avenue
N. Charleston, SC 29405
Voice (843) 529-7300
Fax (843) 529-7406

Judicial Center

100 Broad Street, Suite 381
Charleston, SC 29401
Voice (843) 958-2100
Fax (843) 958-2128

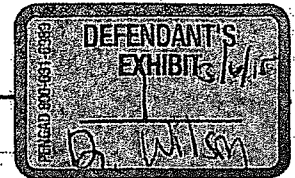
The circumstances under which Mr. Britton was called on to perform his duties were extremely rare and unusual and extraordinarily stressful and traumatic. This assessment is based on having commanded law enforcement agencies for over thirty (30) years and having dealt during that time with all manner of tragic situations and disasters. If there is anything else you would like from me with respect to Mr. Britton's case, I stand ready to assist.

Sincerely,

A handwritten signature in cursive script that reads "J. Al Cannon, Jr.". The signature is written in dark ink and is positioned to the right of the typed name.

J Al Cannon, Jr
Sheriff

Know Your Number® Multiple Disease Risk Questionnaire



Your Name: **Laurent W. Britton SR.**

Today's Date: **5/31/07**

Name of Your Physician: **William Wilson**

Participant ID #: **247-11-1175**

PERSONAL INFORMATION

Date of Birth: **09/04/1956** (MM/DD/YYYY)

Gender: Male ☒ Female ☐

Ethnic Group: White ☒

African-American ☐

Asian ☐

Hispanic ☐

Native American ☐

Other ☐

PERSONAL HEALTH

Have you ever been told by a doctor that you have any of the following:

Diabetes (gestational diabetes not included)

Yes

No

Coronary Heart Disease (angina, heart attack, angioplasty or by-pass surgery)

Stroke/TIA (mini strokes)

Congestive Heart Failure:

Valve Disease or Heart Murmurs

Other Cardiovascular Disease (atherosclerosis, peripheral arterial disease or aortic aneurysm)

Left Ventricular Hypertrophy (enlargement of the left ventricle of the heart)

Atrial Fibrillation

FAMILY HISTORY

Have any of these blood relatives, living or deceased, ever been told by their doctor that they have the following:

Diabetes Mother, Father, Sister or Brother

Yes ☒

No ☐

Coronary Heart Disease Father or Brother (Before age 55)

Yes ☒

No ☐

Mother or Sister (Before age 65)

Stroke/TIA Mother, Father, Sister or Brother

Yes ☐

No ☐

LIFESTYLE

Do you currently smoke cigarettes

Yes ☐

No ☒

Have you ever regularly smoked cigarettes

Yes ☐

No ☒

Average times per week you exercise for at least 20 minutes 1 or less ☒ 2-4 ☐ 5 or more ☐

While exercising, how hard are you breathing Normal ☐ Moderate ☒ Hard ☐

MEDICATIONS

Do you currently take any of the following:

Medication to lower your blood pressure

Yes ☒

No ☐

Medication to lower your cholesterol

Yes ☒

No ☐

At least one quarter of an adult aspirin (81 mg) daily

Yes ☐

No ☒

FOR WOMEN ONLY

Are you currently pregnant

Yes ☐

No ☐

How many live births have you had

Were you ever told by your doctor that you had gestational diabetes while pregnant

Yes ☐

No ☐

If yes, how many years since you were last diagnosed

Have you passed through menopause (either naturally or have had your ovaries removed)

Yes ☐

No ☐

Are you currently using any form of hormone replacement therapy (after menopause only)

Yes ☐

No ☐

FOR INDIVIDUALS WHO CURRENTLY SMOKE CIGARETTES

Has your birth mother or father, living or deceased, ever been told by their doctor that they have lung cancer

Yes ☐

No ☐

Have you ever been told by a doctor that you have any of the following:

Lung cancer or COPD

Yes ☐

No ☐

Emphysema

Yes ☐

No ☐

Asthma

Yes ☐

No ☐

Do you currently have asthma

Yes ☐

No ☐

What is the combined number of years you have smoked

On average, how many cigarettes do you smoke daily

CLINICAL INFORMATION

REQUIRED LAB VALUES (fasting)

OPTIONAL LAB VALUES

Height: **6** FEET **0** INCHES

Weight: **309** ~~300~~ LBS

Waist Measurement: **48** ~~40~~ INCHES

Pulse Rate: **73** ~~60~~ BPM

Blood Pressure: **153/87** (SYS/DIASTOLIC)

Glucose: **381** mg/dL

Total Cholesterol: **126** mg/dL

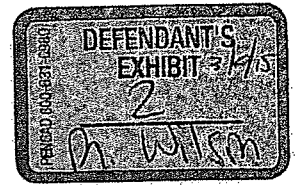
Triglycerides: **150** mg/dL

HDL Cholesterol: **35** mg/dL

C-Reactive Protein: mg/L

Homocysteine: µmol/L

Lipoprotein(a): mg/dL



Laurent Britton
1135 ASTOR DRIVE
MT PLEASANT, SC 29464

July 08 2013

Dear Laurent Britton:

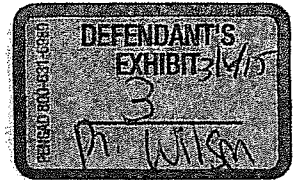
The results of your recent tests are explained below:

HEMOGLOBIN A1C: Your HEMOGLOBIN A1C results are outside the normal ranges.
HEMOGLOBIN A1C 12.1 Range: 4.0-6.0 % (Collection Date: 07/05/2013)

The blood sugar is too high and you need to control your diet better.

Sincerely,

WILLIAM WILSON MD MD.
Mt Pleasant Family Practice
1400 HOSPITAL DRIVE
MT PLEASANT, SC 29464-3255
843-884-1341, 843-606-8001



R. WALTER HUNDLEY
ATTORNEY AT LAW

R. WALTER HUNDLEY
ELIZABETH R. JOHNSON

E-MAIL: FIRM@RWALTERHUNDLEY.COM

1517 SAM RITTENBERG BLVD.
PO BOX 31189
CHARLESTON, SC 29417-1189

TELEPHONE: (843) 723-1995
FACSIMILE: (843) 723-1945

TOLL-FREE: (866) 723-1995

December 18, 2014

SENT VIA U.S. MAIL & FACSIMILE (843) 884-1345

William E. Wilson, M.D.
Mt. Pleasant Family Practice
1400 Hospital Drive
Mt. Pleasant, SC 29464

Re: Laurent Britton (Deceased) v. Charleston County
WCC File Number : 1414226
Date of Accident : 09-09-14
Our File Number : 34-132

Dear Dr. Wilson:

As you are aware, I am representing Chief Larry Britton's widow in regard to her claim for Workers' Compensation benefits due to his death as a result of a sudden acute myocardial infarction in the early morning hours of September 9, 2014, while managing radio communications following the shooting of 2 police officers, who were shot in the line of duty while attempting to apprehend a suspect barricaded in an apartment in the West Ashley area. Obviously, this was a very emotional and an unusual situation with over 100 officers responding to the scene of the crime on September 8, 2014, and the resulting 9 hour plus standoff with the suspect.

It is noted that Chief Britton had worked his normal shift from 7 a.m. to 4 p.m. on September 8, 2014, and was called back after 7 p.m. to respond to the emergency. Chief Britton worked from a little after 7 p.m. until he called EMS for himself at approximately two o'clock in the early morning hours of September 9, 2014. He died later that morning at MUSC hospital of acute myocardial infarction, having worked approximately 16 hours in a highly emotional and stressful situation until he suffered the fatal heart attack. By medical history, it is noted that he previously had conditions of diabetes mellitus, hypertension and hyperlipidemia.

In order to assist Ms. Britton in her claim for Workers' Compensation benefits, I would appreciate your opinion to the following questionnaire. Please feel free to add any comments you may have or to contact me with any questions.

With kind regards,

R. Walter Hundley
R. Walter Hundley

RWH/rb

pc: Our File

Dec. 18, 2014 2:22PM

No. 2820 P. 2

William E. Wilson, M.D.

Claimant Name: Laurant Britton (Deceased)

Date of Injury: September 9, 2014

1. Is it your opinion, with a reasonable degree of medical certainty, that due to the unexpected strain and overexertion suffered on September 8 and 9, 2014, Chief Larry Britton, more probably than not, died of a sudden acute myocardial infarction while providing law enforcement support under unusual and extraordinary conditions of employment, which resulted in an exacerbation of his known pre-existing medical conditions to the extent he suffered the heart attack?

✓

Yes

No

William E. Wilson

William E. Wilson, M.D.

12/18/14

Date

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1414226

Court of Appeals Case No. 2016-000595

RECEIVED

SFP 19 2016

SC Court of Appeals

Laurent W. Britton, Decedent/Employee, and
Marsha P. Britton, Claimant, ... Respondents,

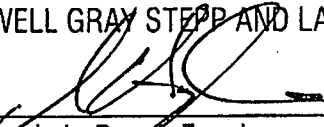
v.

Charleston County, Employer, and
SC Association of Counties, SIF, Carrier, ... Appellants.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

SOWELL GRAY STEPP AND LAFFITTE, L.L.C.

By: 

Grady L. Beard, Esquire
Nicolas L. Haigler, Esquire
Eve S. Goodstein, Esquire
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorneys for Appellants

Columbia, South Carolina

August 30th, 2016