



# 14<sup>th</sup> Circuit Solicitor's Office

2018 ANNUAL REPORT

**Solicitor Duffie Stone**

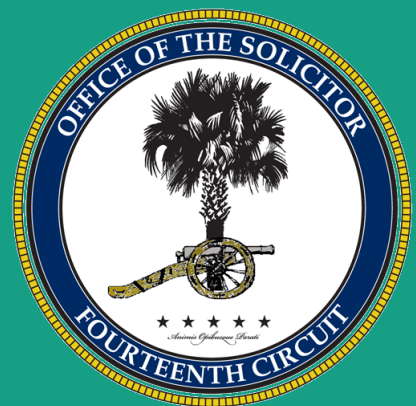
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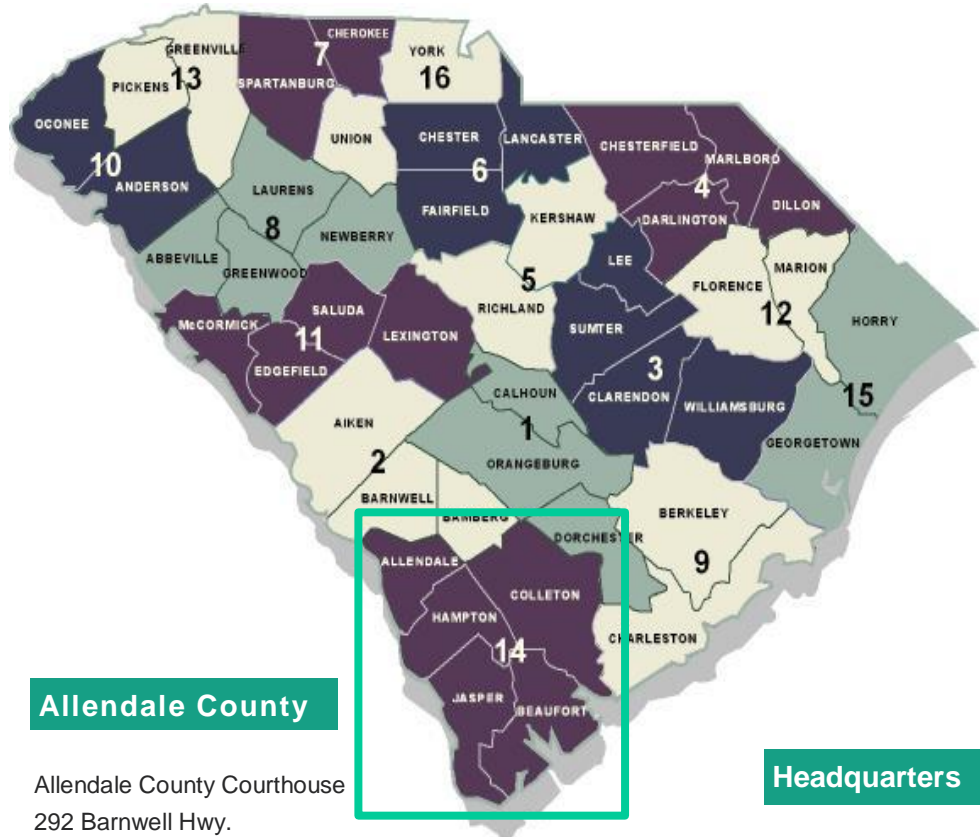


# Office Overview

The 14th Circuit Solicitor's Office is the chief prosecuting agency for Allendale, Beaufort, Colleton, Hampton and Jasper counties. The only five-county circuit in South Carolina, the 14th Circuit encompasses 3,256 square miles — more than one-tenth of the entire state — in the renowned Lowcountry. The circuit is home to more than 278,000 people, according to the latest U.S. Census estimates.

The primary role of the Solicitor's Office is to prosecute all cases in General Sessions Court and all criminal cases in Family Court. Additionally, the office operates several prevention and diversionary programs, including pre-trial intervention, worthless check recovery, alcohol education, traffic education, treatment-based courts and juvenile arbitration.

Solicitor Duffie Stone leads the office. He was appointed by the governor in 2006 and re-elected in 2008, 2012 and 2016.



## Allendale County

Allendale County Courthouse  
292 Barnwell Hwy.  
Allendale, SC 29810  
843-779-8665

## Beaufort County

Beaufort County Courthouse  
102 Ribaut Road  
Beaufort, SC 29902  
843-779-8477  
843-255-9512 (fax)

## Colleton County

Beaufort County Courthouse  
101 Hampton St.  
Walterboro, SC 29488  
843-779-8716  
843-549-6327 (fax)

## Hampton County

Beaufort County Courthouse  
80 Elm St. West  
Hampton, SC 29924  
843-779-8689  
803-914-2176 (fax)

## Jasper County

198 2<sup>nd</sup> Ave.  
Ridgeland, SC 29936  
843-779-8729  
843-726-7942 (fax)

## Headquarters

108 Traders Cross  
Suite 103  
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# What's Inside

## A message from Solicitor Duffie Stone

**S**everal significant accomplishments marked 2017, and 2018 brings the promise of yet more for the 14<sup>th</sup> Circuit Solicitor's Office, including a dramatic expansion of services to crime victims. This annual report has been crafted to recap the past year and offer a glimpse of what is to come.

Our Career Criminal Unit continues to pursue the circuit's most violent and habitual offenders. This team, comprised of our office's most experienced prosecutors, secured convictions against 43 of its 45 defendants in 2017. Among that number are 24 convictions in federal court, the result of a partnership with the U.S. Justice Department to thwart gang activity in Colleton County, and gun and drug violations across the circuit.

In addition, each of the five counties in our circuit now have designated community prosecutors, a strategy that aims to strengthen bonds with our partners in law enforcement and enhance our understanding of the threats to public safety at the most local level.

Looking ahead, we have ambitious plans for a family justice center, which will be the first of its kind in South Carolina. It will allow our partner agencies to better serve victims of domestic violence, sexual assault and child abuse. We also have launched a special victims unit that will specialize in the prosecution of domestic violence cases in Beaufort and Jasper counties and sexual assaults throughout the circuit.

Thank you again for supporting the 14th Judicial Circuit Solicitor's Office. I am grateful to all who have helped us achieve more professional, efficient and effective prosecution. I hope you find this report informative. Please contact me if I can be of service.



Yours sincerely,

**DUFFIE STONE**  
**14<sup>th</sup> CIRCUIT SOLICITOR**



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# Recent **Innovations**

## Federal prosecution: Solicitor's Office takes unique approach to fight guns, gangs, drugs



**Carra Henderson**

Only Solicitor's Office employee to work full time in federal court



Joey Barfield flashes a Gangsta Disciples gang sign in a photo investigators discovered on Facebook. Barfield was among the 24 defendants convicted by 14<sup>th</sup> Circuit Solicitor's Office prosecutors in federal court in 2017.

At one time, Gangsta Disciples returning to Barnwell County from prison received a disturbing welcome-home gift from fellow street-gang member Joey Barfield: He gave them guns.

Incidentally, Barfield has done a little time himself. In the early 2000s, he was convicted of five counts of burglary and received two, 10-year sentences. So in essence, Gangsta Disciples celebrated their homecomings by having a felon rearm other felons.

Outrageous? Perhaps – but not necessarily illegal under South Carolina law.

While federal statutes prohibit any felon from possessing a firearm, state code expressly prohibits only some violent felons from doing so. Further, omissions from the list of crimes

considered “violent” raise an eyebrow. For example, daytime burglaries and some domestic-violence offenses are not included.

As a result, state-level prosecutors can have difficulty securing stiff sentences against habitual offenders ... if they're able to bring a case against them at all.

Barfield and his welcome-home gifts exposed this gap between state and federal law, and the problem was not merely academic. Many Gangsta Disciples used these weapons to commit new crimes – and although Barnwell is in South Carolina's 2nd Judicial Circuit, Gangsta Disciples activity frequently spilled into the neighboring 14th Circuit, particularly Allendale County.

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To rid his circuit of these criminal enterprises, 14th Circuit Solicitor Duffie Stone crafted an inventive solution: Arrange access to federal courts for one of his most experienced prosecutors, Carra Henderson.

In 2015, Henderson became the first state prosecutor in South Carolina to work exclusively alongside the U.S. Attorney's Office. That put at her disposal more robust laws, penalties and investigative tools, such as the federal grand jury. Henderson uses these resources to prosecute gun and drug crimes across the 14th Circuit. She remains employed by the Solicitor's Office but argues her cases in U.S. District Court in Columbia and Charleston, rather than in the 14th Circuit's county General Sessions Courts.

The partnership has worked so well that the U.S. Department of Justice has encouraged other Solicitor's Offices in South Carolina to follow suit. (At the start of 2018, however, Henderson remained the only state prosecutor focused solely on federal prosecution.) Henderson has earned convictions against 12 federal defendants since the collaboration began, including eight in 2017.

Among them was Barfield, who received a 10-year sentence in March 2017 after pleading guilty to charges of felon in possession of firearms, possession of drugs with intent to distribute and firearm possession in furtherance of drug trafficking.

Were it not for Henderson and the partnership with the U.S. Attorney's Office, Barfield might still be doling out guns. Here is how it played out:

Acting on a tip from another of Henderson's defendants in an Allendale case, authorities got a warrant from a federal judge to search Barfield's residence. What they discovered was staggering.

A loaded assault rifle was kept in the closet of a child's bedroom. Nearby, a black bag contained several types of drugs, a loaded pistol, a knife, a stun gun, scales and baggies. Both the bag and loaded AR were within reach of the toddler bed where Barfield's 3-year-old daughter slept. Another pistol – cocked and loaded – was found on a shelf. Several long guns were hidden in the bedroom of Barfield's brother (who was in state prison at the time).

The drug violations, like the gun charges, would have been more difficult to press in state court, Henderson notes. The amount seized wasn't sufficient to support trafficking charges in South Carolina, and with no prior drug convictions, Barfield would have been treated as a first-time offender were he to have been tried in state court.

Because there is no parole in the federal system, Barfield will serve the entirety of his 10-year sentence. That will be followed by three years of supervised release.

## **RICO prosecution of gangs nets 17 convictions in 2017**

The Cowboys and Wildboys street gangs shared more than a common interest in posting threats, and images of firearms, cash and drugs on social media. They shared common enemies in Colleton County and elsewhere in the Lowcountry.

When they aligned to target rival gang members in a series of shootings, they left in their wake several innocent bystanders who were seriously injured.



**Tameaka  
Legette**

Prosecutor dealt severe blow to Cowboys, Wildboys gangs in 2017.

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Yellow placards mark evidence at the scene of a gang-related shooting in Colleton County. The perpetrators were prosecuted by Department of Justice trial attorney Leshia Lee-Dixon, with assistance from Tameaka Legette, a 14<sup>th</sup> Circuit Solicitor's Office Career Criminal prosecutor.

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Attempts to bring the Cowboys and Wildboys to justice using state statutes would likely prove difficult, tedious and ineffective. Instead, Legette and the 14<sup>th</sup> Circuit Solicitor's Office sought to prosecute offenders using the federal Racketeer Influenced and Corrupt Organizations Act. These laws treat gangs for what they are – organized, on-going criminal enterprises.

"What the federal RICO act allows you to do is to take out many of the gang members all at once. That is the only way to dismantle a gang," Solicitor Duffie Stone said. "If you take a piecemeal approach and go after one at a time, they are replaced by the gangs by the time you get them into bond court."

To do this, the 14<sup>th</sup> Circuit Solicitor's Office expanded its successful collaboration with the U.S. Department of Justice, which began in 2015 when prosecutor Carra Henderson fully embedded as a special assistant U.S. Attorney. In 2016 and 2017, another Solicitor's Office Career Criminal prosecutor, Tameaka Legette, worked shoulder-to-shoulder with a Washington, D.C.-based Assistant U.S. Attorney who specializes in gang prosecutions. Along with state and local law-enforcement agencies, and the 9<sup>th</sup> Circuit Solicitor's Office, they dealt the Cowboys and Wildboys a serious blow using the RICO Act.

All told, Legette participated in the conviction of 17 defendants – gang members and their associates – in federal District Court in 2017. The offenses

#### Advantages of federal prosecution

Solicitor Duffie Stone noted federal law provides several investigative and prosecutorial tools not available under South Carolina law. Among them:

- The ability to prosecute several members of a criminal enterprise in a single trial, rather than separately.
- Language that makes it a crime in itself to lie to a federal investigator. The possibility of prosecution for that offense often prompts witnesses and suspects to provide useful information.
- An investigative grand jury that allows law enforcement and prosecutors to keep witness testimony under seal longer, making it possible to make roundup arrests before suspects have a chance to go underground or harm witnesses.

included attempted murder and conspiracy.

With the cases against Cowboys and Wildboys now complete, Legette's collaboration on federal RICO prosecutions has concluded. However, Henderson continues to work exclusively on federal cases in the 14th Circuit. At the start of 2018, she also remained the only Solicitor's Office employee in the state to be fully embedded with DOJ.

These federal partnerships resulted in the conviction of 24 defendants and a total of more than 147 years in prison sentences in 2017 alone.





# New unit fights domestic violence, criminal sexual assault offenses

The 14<sup>th</sup> Circuit Solicitor's Office new SVU members. The team was launched in late 2017 with a federal Violence Against Women Act grant. The funding allowed the Solicitor's Office to hire three additional prosecutors.



**Career Criminal prosecutor  
Hunter Swanson leads the SVU.**



**PROSECUTOR  
Julia Butner**



**PROSECUTOR  
Rebekah Luttrell**



**PROSECUTOR  
Brittany Sutton**



**PROSECUTOR  
Francine Norz**



**ADVOCATE  
April Winston**



**INVESTIGATOR  
Tim Carter**

Prosecuting the perpetrators of domestic violence and sexual assault is particularly vital work in a state that regularly ranks among the nation's worst in terms of violence against women. That is why the 14<sup>th</sup> Circuit Solicitor's Office formed a special victims unit in 2017, which is headed by one of its most successful prosecutors.

Funded in part by a \$244,000 grant from the S.C. Attorney General's Office over the next three years, the Special Victims Unit will prosecute domestic violence cases in Beaufort and Jasper counties, and criminal sexual assaults across the 14<sup>th</sup> Circuit.

The Special Victims Unit is led by Hunter Swanson. She has been with the Solicitor's Office since 2007 and is a member of our Career Criminal Unit, which prosecutes the most violent and habitual offenders in the 14<sup>th</sup> Circuit. Entering 2018, Swanson had prosecuted – and won – more Career Criminal cases than any other attorney, past or present. Among those victories was the conviction of Hilton

Head Island's Nick Evangelista, who was found guilty in December 2017 of suffocating his live-in girlfriend with a sheet of bubble wrap. This case, detailed in the Career Criminal summary of this report, was the first tried by the SVU.

Joining Swanson's team are Rebekah Luttrell, Julia Butner and Brittany Sutton, who will prosecute domestic violence cases in Beaufort and Jasper counties. Each is new to the Solicitor's Office but brings pertinent expertise. Luttrell comes to the 14<sup>th</sup> Circuit after a four-year stint in Sarasota, Fla., where her work in the 12<sup>th</sup> Judicial Circuit included prosecution of sex-related crimes committed by juveniles. Butner has worked previously at the American Bar Association Center on Children and the Law, and at the Children's Law Center of Massachusetts. Sutton is a recent Charleston Law School graduate, who interned for the 9<sup>th</sup> Circuit

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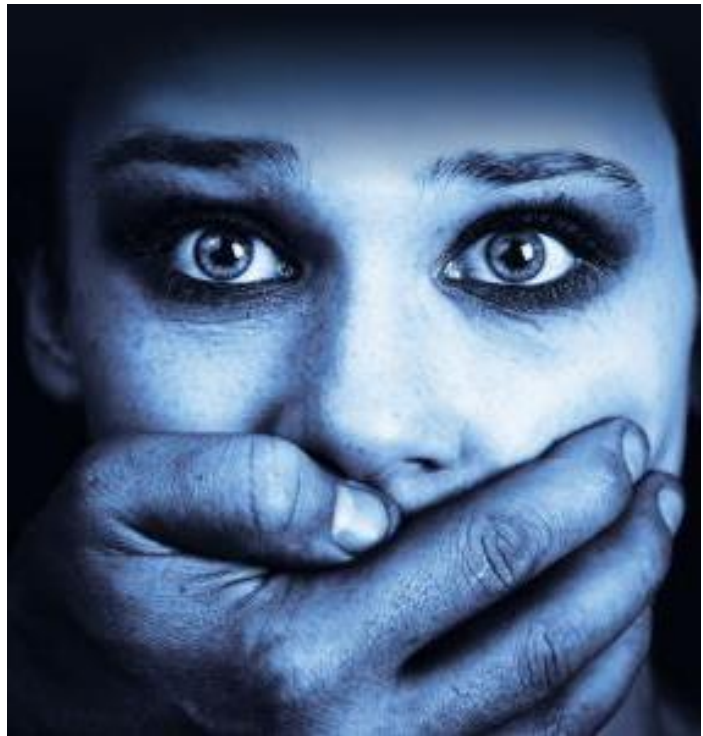
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Solicitor's Office and the U.S. Air Force Judge Advocate Office.

Additionally, Assistant Solicitor Francine Norz, an attorney with 28 years of experience, will assist the team by prosecuting financial crimes committed against vulnerable adults.

Investigator Tim Carter, a retired Marine military police officer, has been assigned to this team, as well. A sworn law-enforcement officer, Carter helps prepare cases for trial by working with more than 20 law-enforcement agencies in our circuit, many of which are small and have limited manpower and training opportunities.

Also joining the team is victims' advocate April Winston, who has worked for the Solicitor's Office since 2013. Winston is the office's liaison to the victims of crimes prosecuted by the SVU. In addition to keeping them apprised of developments in their cases, she helps victims and their families find other, non-legal services they might need. Winston previously worked for the Beaufort County Clerk of Court Office and has both undergraduate and masters' degrees from Winthrop University.



*South Carolina had the fifth-highest rate of females killed by males, according to a 2017 report by the Violence Policy. The study examined FBI statistics from each state in 2015, the most recent year for which data was available. South Carolina has ranked in the top 10 for the rate of women killed by men in each of the 20 years the report has been issued and among the top five in each of the past six years.*

## Stone continues to break ground in battle against domestic, sexual violence



**Solicitor  
Duffie  
Stone**

The Special Victims Unit marks an advance in Solicitor Duffie Stone's years-long effort to curb domestic violence and assist its victims. On the horizon is another – a family-justice and children's advocacy center that opens in 2018. This first-in-the-state venture is described in further detail in the "What's Next" section of this report. Stone's work on this front also includes:

- The current chairmanship of the State Domestic Violence Advisory Committee, which works to decrease the incidence of domestic violence in South Carolina.
- Membership on that body's predecessor, Gov. Nikki Haley's task force that guided the General Assembly's 2015 overhaul of domestic-violence laws.

A provision of the new law was modeled after a pilot program Stone created, in which his prosecutors handle misdemeanor-level domestic violence cases that once were prosecuted by arresting officers or city attorneys. Now, all of the state's solicitors can take on these cases, so that domestic violence offenses are no longer treated in the same manner as speeding tickets.





# Community prosecution concept now covers entire 14<sup>th</sup> Circuit. Why that's a good thing

## Community prosecution team leaders

### BEAUFORT COUNTY



**Mary Jordan Lempesis**  
heads the community  
prosecution teams.



**ALLENDALE CO.**  
Corey Williams



**COLLETON CO.**  
Ceth Utsey



**HAMPTON CO.**  
Nicole Bonine



**JASPER CO.**  
Patrick Hall



**BLUFFTON**  
Dustin Whetsel



**HILTON HEAD**  
Leigh Staggs

Solicitor Duffie Stone first became intrigued with “community prosecution” after learning about it through his membership in the National District Attorneys Association, of which he is a board member. Since then, he has incorporated its principles in his office’s defendant-based, “vertical” prosecution system, in which a single attorney handles all charges against a particular defendant, from arrest through disposition.

With new funding from state and municipal sources, the Solicitor’s Office significantly expanded the community prosecution concept in 2017.

What are the benefits?

A key feature of community prosecution is that it improves communication among the prosecutor, law enforcement and victims. It also increases accountability because a single prosecutor is responsible for the outcome of each case. Further,

this arrangement imbues our attorneys with a feel for their community’s needs and the trends within it.

In the 14<sup>th</sup> Circuit Solicitor’s Office, prosecutors who do not belong to the Career Criminal or Special Victims units are assigned to a geographical region. When a new arrest is made there, the matter is assigned to an attorney who will work the case from beginning to end.

In its fiscal 2018 budget, the General Assembly provided new funding to assure each South Carolina county has at least one prosecutor and that Solicitor’s Offices are better-equipped to reduce attorney caseload. We used our appropriation to expand community prosecution in a big way.

First, we devoted a prosecutor to cases in Allendale County, which previously shared a prosecutor position with Hampton County.

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County	Population	Population as percentage of circuit total	Cases disposed during 2017	Pending cases, end of 2017	Pending caseload as percentage of circuit total
Allendale County	9,045	3.2%	171	301	5.8%
Beaufort County	183,149	65.8%	2,150	1,970	38.2%
Colleton County	37,923	13.6%	1,097	1,116	21.6%
Hampton County	19,922	7.2%	323	908	17.6%
Jasper County	28,465	10.2%	601	860	16.7%
<b>14<sup>th</sup> Circuit total</b>	<b>278,504</b>	<b>100%</b>	<b>4,342</b>	<b>5,155</b>	<b>100%</b>

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Second, the towns of Hilton Head Island and Bluffton matched a portion of the state funding to create their own community teams. Now, the Solicitor's Office has four prosecutors – two for each municipality – devoted entirely to cases arising on Hilton Head and in Bluffton.

Though this partnership is in its nascent stage, early results suggest it is having the intended effect. (See the tables at right.) The number of cases on our docket that are one year or older has been reduced 18% on Hilton Head Island and 22% in Bluffton in the first six months after the teams were initially funded.

This means swifter justice for these communities.

*A look at the decline in the number of aging cases on Hilton Head Island and the Town of Bluffton after the implementation of the special Community Prosecution teams in July 2017.*

### Hilton Head pending caseload

DATE	365-544 days old	545 days, older	TOTAL
July 2017	66	56	<b>122</b>
Aug. 2017	59	63	<b>122</b>
Sept. 2017	66	60	<b>126</b>
Oct. 2017	54	50	<b>104</b>
Nov. 2017	54	50	<b>104</b>
Dec. 2017	48	51	<b>99</b>

### Bluffton pending caseload

DATE	365-544 days old	545 days, older	TOTAL
July 2017	87	55	<b>142</b>
Aug. 2017	85	62	<b>147</b>
Sept. 2017	90	61	<b>151</b>
Oct. 2017	66	54	<b>120</b>
Nov. 2017	66	54	<b>120</b>
Dec. 2017	51	59	<b>110</b>



# Continuing Programs

## Career Criminal Unit continues success prosecuting worst of circuit's offenders

The Career Criminal Unit is one of the 14th Circuit Solicitor's Office overwhelming success stories because it is predicated upon two unassailable truths. First, a large percentage of crimes are committed by a disproportionately small number of criminals. Second, these criminals do not typically specialize in any particular crime, nor do they confine their activity to any particular political or geographical jurisdiction.

As Solicitor Duffie Stone is fond of noting, "often, what many describe as a 'crime' problem is actually a criminal problem."

A team of six attorneys, plus Stone and Deputy Solicitor Sean Thornton, are devoted exclusively to the prosecution of the circuit's most serious and habitual offenders. The idea is that by focusing these resources on the prosecution of the most dangerous criminals – and keeping them in jail without bond whenever possible – can reduce the region's crime rate.

From the team's inception in late 2008 through the end of 2017, the Career Criminal Unit earned convictions against 294 of the 305 defendants it prosecuted.

In 2017, the Career Criminal Unit enjoyed another successful year, with convictions against 43 of the 45 offenders it prosecuted. Defendants received more than 640 years in prison sentences, not including nine life-without-parole penalties. Offenses included murder (14 counts), attempted murder (12 counts), racketeering (14 counts), various drug violations (11 counts) and first-degree criminal sexual assault (1 count).

The success of the 14th Circuit Solicitor's Office career-criminal approach is now being replicated elsewhere, including the neighboring 9th Circuit, which encompasses Charleston and Berkeley counties.

COUNTY	Wins	Cases	Win percentage
Allendale	10	10	100%
Barnwell	1	1	100%
Beaufort	7	8	87.5%
Colleton	16	16	100%
Hampton	3	3	100%
Jasper	6	7	85.7%
<b>TOTAL</b>	<b>43</b>	<b>45</b>	<b>95.6%</b>

### What qualifies as a Career Criminal case?

To be prosecuted by our Career Criminal Unit, a defendant must meet at least one of the following criteria, although exceptions and exclusions may be made by Solicitor Duffie Stone:

- Defendant charged with a Class C felony or above.
- Faces the possibility of life in prison without parole (with the state's two- or three-strikes law).
- Has an extensive criminal history.
- Shows a significant degree of violence.





## Notable Career Criminal Unit cases of 2017



**Malcolm Orr, 29**  
Hampton County, Town of Estill

**Sentence:** 35 years, the maximum for his offense

### ‘Dispatcher, tell my family I love them’

Malcolm Orr of Estill is shown moments before firing the first of several shots from a 9 mm handgun at Estill Police Officer Quincy Smith in an incident New Year's Day 2016. The shooting was captured by a camera mounted on Smith's eyeglasses. The video was a key in convicting Orr of attempted murder.

**Prosecutor:** Solicitor Duffie Stone

**Charge:** Attempted murder, possession of a weapon during commission of a violent crime

**Crime:** His stun gun drawn, Estill Police Officer Quincy Smith followed the man in the heavy jacket several hundred feet. Despite Smith's repeated demands that he stop, the man continued walking, pressing a cellphone to his ear with one hand and clutching in his jacket pocket with the other. "Let me see your hands! Let me see your hands!" Smith implored. Finally, Malcolm Orr of Hampton County stopped and turned.

Then he shot Smith four times with a 9 mm handgun ... never taking the cellphone from his ear.

The harrowing interaction on New Year's Day 2016 was captured by the camera-glasses Smith had recently purchased for himself on Amazon. Smith's voice can be heard in the recording as he scurried

back to his patrol car. Bleeding and fearful he might die, he tells the emergency dispatcher, "Tell my family that I love them."

"If but not for the grace of God and some very good doctors, this would not only have been a murder case, but a death penalty case," Solicitor Stone told jurors in his compelling closing argument. (See more online at [http://bit.ly/Orr\\_closing](http://bit.ly/Orr_closing).)

Smith encountered Orr after answering a call for service from an employee at an Estill convenience store, who reported a man outside harassing customers and trying to steal their groceries.

The case – and Smith's recording – drew worldwide attention after a Hampton County jury found Orr guilty after just 45 minutes of deliberation. Smith's video was picked up by news outlets across the country. In addition, it was viewed more than 4 million times on the Solicitor's Office Facebook page and another 1 million times on its YouTube channel.



## Notable Career Criminal cases of 2017



**Jaycoby Williams, 30**  
Allendale County, Town of Allendale

**Prosecutor:** Assistant Solicitor Brian Hollen

**Charge:** Murder

**Crime:** James Spellman, 29, was standing outside of his girlfriend's unit in Allendale's Pinewood Apartments, talking to a cousin, when Williams approached and fired without warning. The defendant and victim had been feuding over a common love interest. "Despite the fact it was broad daylight and despite the fact there were multiple witnesses standing around, Williams walked up and, without saying a word, fired a single shot," Hollen noted.

Williams' criminal history includes a 2015 conviction for misdemeanor marijuana possession in Allendale, and three 2010 felony convictions in Florida on drug possession and distribution charges.

**Sentence:** 35 years



**Jerry Lee Manigault, 57**  
Beaufort County, Town of Bluffton

**Prosecutor:** Deputy Solicitor Sean Thornton

**Charge:** Murder, first-degree criminal sexual conduct, first-degree burglary

**Crime:** When U.S. Marshals Service and Bluffton Police officers spotted Jerry Lee Manigault riding a bike near Buck Island Road, they arrested him because he had failed to register as a sex offender and because he was a suspect in a Charleston-area murder a few days earlier. Little did they know, Manigault he had committed a second murder a few hours earlier. He broke into the home of Polly Ann Mitchell, 70, shortly after she returned from a community Mother's Day celebration. He strangled her with a television power cord, sexually assaulted her, then stole items from her home.

Manigault pleaded guilty in Beaufort County General Sessions Court to charges related to Mitchell's death and the murder of Charleston's Julia Mudgett, 77.

**Sentence:** Four life sentences, plus 45 years

**More online:** <http://bit.ly/Manigault>



## Notable Career Criminal cases of 2017



**Nick Evangelista, 56**

Beaufort County, Town of Hilton Head Island

**Prosecutor:** Assistant Solicitor Hunter Swanson

**Charge:** Murder

**Crime:** Rebecca Melton's body was discovered Sept. 4, 2014, in the bedroom of the Palmetto Dunes condo she shared with her boyfriend. She had been dead for a week, suffocated with bubble wrap that was found strewn around the room. Melton's boyfriend, Nick Evangelista, was nowhere to be found and remained on the lam five weeks, until Florida authorities spotted him driving Melton's Jeep Wrangler. After his arrest, he described a turbulent relationship with Melton and the events that led to her death.

"It takes three minutes to five minutes to make someone stop breathing with bubble wrap," Swanson noted. "The sheer violence of the act and the vulnerability of the victim in her naked and unarmed state made it a horrible act and a nightmare scenario."

A Beaufort County jury found Evangelista guilty Dec. 14, 2017.

**Sentence:** 45 years

**More online:** [http://bit.ly/Evangelista\\_trial](http://bit.ly/Evangelista_trial)



**Joshua Poacher, 22**

Jasper County

**Prosecutor:** Solicitor Duffie Stone, Assistant Solicitor Mary Jones

**Charge:** Two counts of murder, one count each of armed robbery and possession of a weapon during commission of a violent crime

**Crime:** Kantibhai Patel, 72, and his 67-year-old wife, Hansaben Patel, dressed for work one morning in 2015 in their room at the Best Western motel in Point South, where they were house-keepers. Joshua Poacher of Yemassee entered their room, shot and killed the couple, then stole several items. Among the items taken was a debit card that Poacher attempted to use 15 times before his arrest later that day. Solicitor Stone called the Patels' deaths "a cold-blooded execution." "They were cowering in the back of their own home when they were shot and killed by the defendant," Stone added. "Mrs. Patel was bending over her dead husband when Poacher shot her in the back."

A Jasper County jury found Poacher guilty on all counts in a trial in April 2017.

**Sentence:** Two life sentences, plus 30 years.





# Intel team uses technology to gather evidence, insight into gang activity

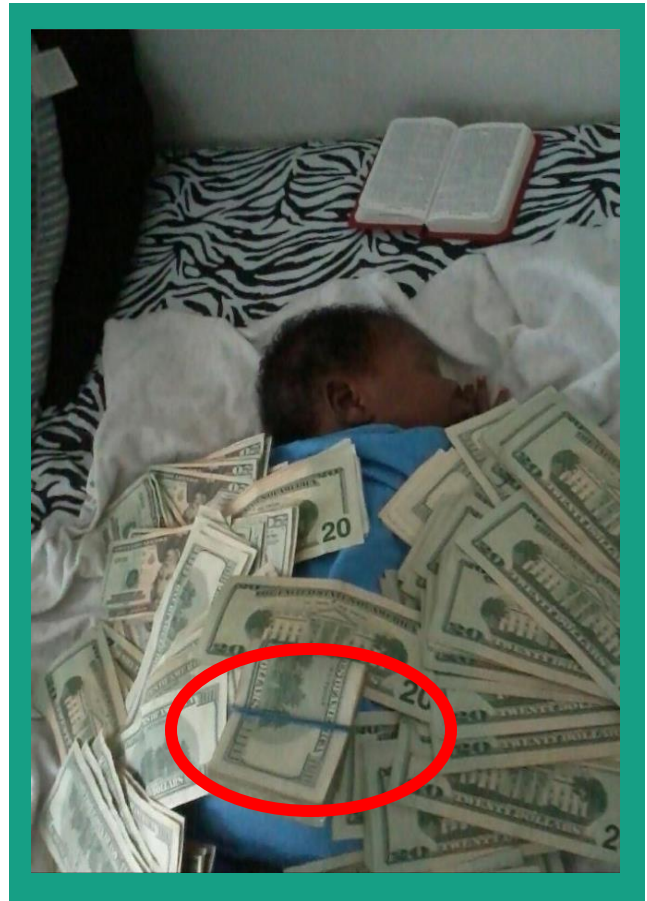
The convenience store clerk was barely out the door with the bank deposit bag when a car rolled up. Bursting from the vehicle were two men with shotguns and another with an assault rifle. Terrified, the clerk handed over the deposit bag full of large bills. Then, as quickly as they arrived, the armed robbers were gone again.

The stolen money was never recovered, but that was not the last that was seen of it by authorities.

Acting on a tip from the U.S. Department of Justice, Solicitor's Office Investigator Dylan Hightower scoured social media. For several hours, he combed public posts and tracked networks of friends. Finally, he found what he was looking for – a photo of a baby blanketed in \$100 and \$20 bills. It contained one small but important detail – a blue band that the convenience store uses when counting its cash. The photo, seen at right with the band circled in red, was posted by the sister of a suspect, who later told investigators her brother gave her the money and ordered her to arrange and post the picture.

This confirmation of his involvement in the robbery helped the Solicitor's Office qualify the defendant and his associates for prosecution under the federal Racketeer Influenced and Corrupt Organizations Act. (RICO cases against the Cowboys and Wildboys gangs of Colleton County were described in the "Recent innovations" section of this report.)

Hightower's social media research helped advance



the RICO case at other junctures. As with any organized crime syndicate, street gangs often create a front to make their activities appear legitimate and

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## The three pillars of our intelligence-led prosecution

Intelligence-led prosecution is a strategy rooted in the collection of background information about people, places and problems driving crime in specific neighborhoods. The 14<sup>th</sup> Circuit Solicitor's Office intel unit serves three primary functions:

- 1 Gathering information** from social media, databases and other online resources.
- 2 Intake analysis** as arrests are made. Ascertaining criminal histories, gang affiliations, etc., helps us assign cases to appropriate prosecution team, argue for appropriate bond.
- 3 Trial preparation.** Our intel team prepares court exhibits that help prosecutors present evidence effectively.



*This Facebook post, made by a defendant prosecuted by the 14<sup>th</sup> Circuit Solicitor's Office, was used at a hearing at which the defendant was denied bond. That's a real Glock handgun tucked in the waistband of the defendant's son.*

#### Continued from previous page

launder the money they make from their illegal activities. In this case, that front was a hip-hop group that posted several videos to YouTube. Using his own knowledge of suspected gang members, as well as facial-recognition software available from the S.C. State Law Enforcement Division, he was able to identify several people involved in gang activity and use the social-media posts to prove their affiliation in federal court.

Photos like the one on the right, which also was gleaned from social media, can serve the same purpose.

"The biggest change in the criminal justice system over the past 10 years has been the use of technology by criminals," Solicitor Duffie Stone said.

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### The bird's eye view

Investigator Dylan Hightower (far left) demonstrates the flight of the Solicitor's Office drone during the Bluffton Police Department's National Night Out celebration at Eagles' Field. Hightower uses the drone primarily to photograph crime scenes, such as the one shown in the inset, where an Estill police officer was shot. These photos often are used at trial to show juries a unique perspective. Though aerial imagery is available from sources such as Google Earth, drones allow us to depict a scene as it looked soon after a crime and, sometimes, to maneuver below tree cover that might obscure satellites.

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The lyrics, displays of gang colors and flashing of gang hand signs in posted music videos can also be useful in proving an individual's association with a "continuing criminal enterprise," one of the requirements for bringing a RICO case.

Hightower leads an intelligence team composed of analysts and duly-sworn law-enforcement investigators. They serve important functions from the time we receive a new case until it is adjudicated in court.

Each morning, analysts arrive early to review the previous day's arrests made across the circuit.

They research each new detention-center detainee's criminal history, check their identifications against a national gang database and determine if the defendant has other charges pending. The results are relayed to our attorneys before the start of bond court, arming them with the information they need to argue, when appropriate, for higher bond amounts, revocation of earlier bonds or denial of bonds. The analysts also assign incoming cases to the appropriate prosecution team.

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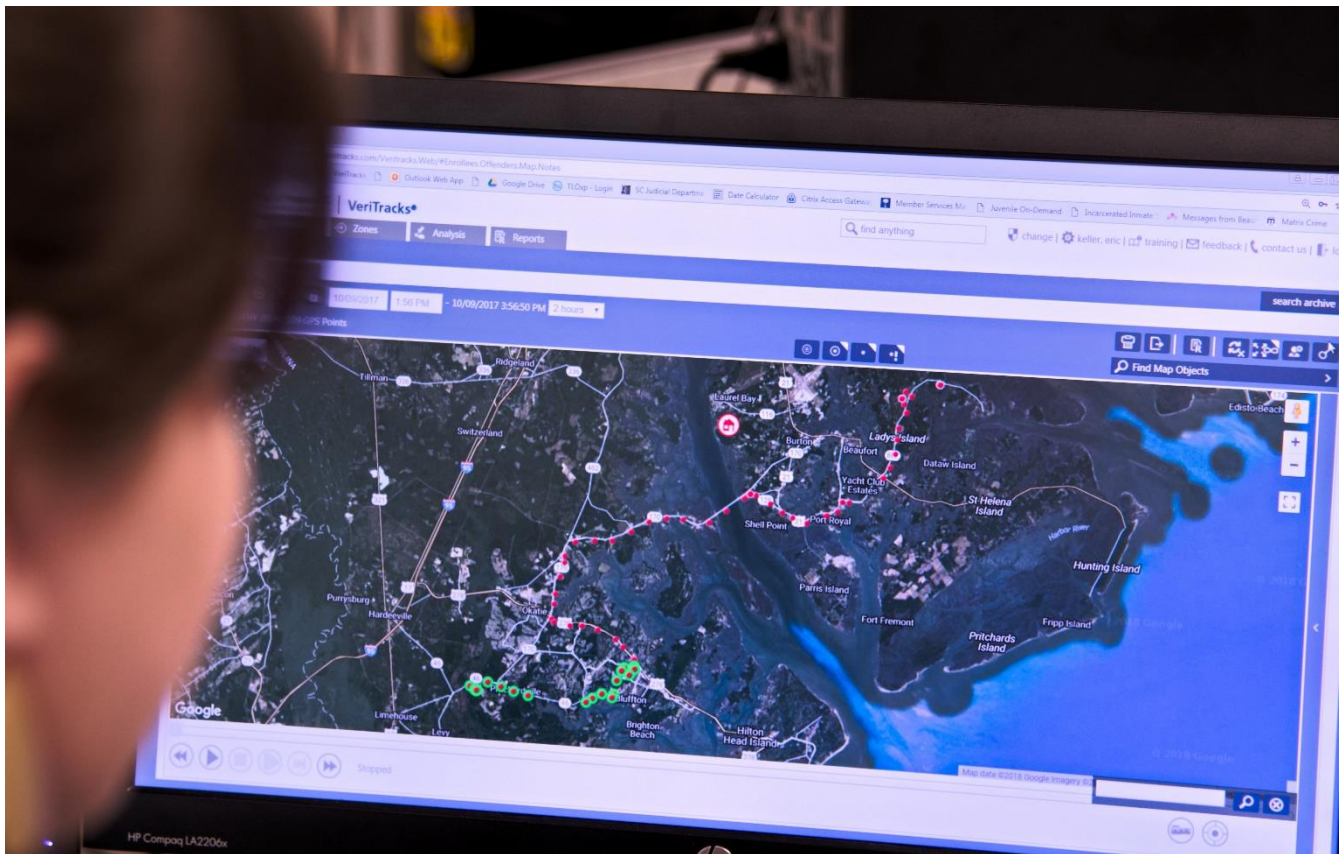


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The research continues well after intake. Analysts and investigators pore over social media for clues that might be relevant to our pending cases. Along with a team of community volunteers, they monitor defendants' jailhouse phone calls. They might also review data from offenders' cellphones and track down geolocation information from service providers that can tell us where the offender was at the time of the crime. They might fly the Solicitor's Office drone to photograph crime scenes. Defendants ordered to wear ankle monitors as a condition of their bond are also tracked in real time.

Our intelligence team also helps prepare cases for trial. They create maps and print crime-scene photos and other displays that will be shown to the jury. They also edit audio and video evidence from law enforcement.

Even after cases are over, our intelligence team is still hard at work, coordinating with our communications department to compile data and review S.C. Court Administration records that tell us if our prosecution strategies are having the intended effect. Among the information they track is the number of cases we are prosecuting, how quickly we get new cases to court and recidivism rates for our multidisciplinary court programs.



### Keeping track of defendants

Intelligence analyst Ashley Collins monitors VeriTracks, an online program that allows the Solicitor's Office and law enforcement to track the whereabouts of those wearing monitoring devices, for instance, as a condition of their bond or who are under house arrest. The information is presented in real time.



## Prevention programs offer offenders second chance, at a high success rate



### Veterans Court helps keep service members' lives on track

As Judge Erin Dean looks on, German Batista of Hilton Head Island addresses the gallery in Veterans Court after completing the treatment program. Batista, a Bronze Star recipient who once repaired Blackhawk helicopters for the U.S. Army, suffered psychological and physical wounds as a result of his service. He was battling alcohol-dependency when he was arrested for DUI and drug possession. Instead of prison, Batista was enrolled in the Solicitor's Office Veterans Court and became the program's first graduate in late 2016.

Much of our prosecutors' time is spent trying to put criminals in prison. However, prison is not where every law-breaker belongs. Some convicted of non-violent crimes are first-time offenders. Addiction or mental health problems might underlie their offenses. Or the offender might be a military veteran grappling with post-traumatic stress disorder that resulted from their service.

Such people often benefit more from an intensive treatment program than from jail or prison time. Their communities benefit from alternative programs, too, because graduates again become productive citizens. The community and state save money, to boot, since these programs are far less expensive than incarceration.

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Program	2017 participants
Juvenile MDC	15
Veterans Court	2
Domestic Abuse Track	3
Other Adult MDC programs	34
<b>MDC TOTAL</b>	<b>55</b>
Juvenile PTI	55
Adult PTI	213
<b>PTI TOTAL</b>	<b>268</b>
<b>PTI/MDC GRAND TOTAL</b>	<b>323</b>

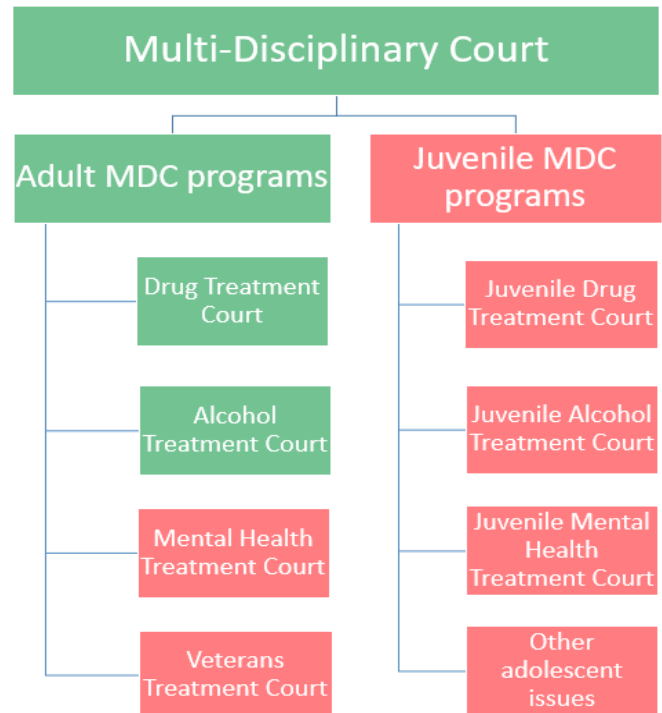


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The 14<sup>th</sup> Circuit Solicitor's Office began running "multidisciplinary courts" in 2010, when it took over a failing Drug Court in Beaufort County. Since then, we have added programs for other sorts of treatment and for juvenile offenders. The additions are denoted in red in the chart at right.

Although these programs offer an alternative to prison and give offenders a chance to wipe their records clean, they are no free pass. Participants are carefully selected and assigned a mentor with whom they meet regularly. They must also:

- Undergo substance-abuse or mental-health abuse treatment. This often includes group therapy, as well.
- Submit to random drug testing and unscheduled home visits.
- Pay restitution and perform community service.
- Report progress and answer questions from a judge at weekly court sessions.



Participants who, in the judge's estimation, have failed to follow the program's protocols can be sent to the county detention center until their next court session. If a participant's failures persist, they are dropped from the program and a sentence is imposed. Only those who complete the program can have their charges expunged.

The multidisciplinary courts are conducted only in Beaufort County, where there is adequate access to treatment programs. However, defendants from other 14th Circuit counties can be admitted if they have the accommodations necessary to travel to Beaufort County and participate as any other enrollee would.

If the Solicitor's Office is tough on the defendants referred to our treatment courts, we're equally tough in our assessment of those courts' performance. To figure our recidivism rate, we run national checks each quarter and note if any of our past participants have been re-arrested on any charge within two years of their successful completion. Those rates – 32% for graduates of our adult programs and 36% for our juvenile programs in 2017 – have not varied more than one or two percentage points since 2010.

These numbers represent a significant success story. By way of comparison, the S.C. Department of Corrections calculates its two-year recidivism rate at 16% to 18%, jumping to well over 30% after five years. However, the state considers only whether its former inmates are re-incarcerated, while our recidivism figure is based on mere arrests.

And there's no question the recidivism rate for our juvenile programs is vastly better than that for the S.C. Department of Juvenile Justice. A 2011 study commissioned by DJJ estimated a three-year recidivism rate of at least 80.2%. More recently, a 2014 DJJ report indicated 15% of children on probation or parole or in arbitration programs reoffended *while still under DJJ supervision*, suggesting a much higher recidivism rate among those who completed programs.



**Michael Lee**  
Former City of  
Beaufort Police  
officer now  
multidisciplinary  
Courts  
administrator,  
overseeing  
several  
treatment-court  
programs.





## Prison visit key component of 14<sup>th</sup> Circuit's PTI program

Participants in the Pretrial Intervention program run by the 14<sup>th</sup> Circuit Solicitor's Office hold hands as they walk through the prison yard at Allendale Correctional Institute. The prison trip exposes participants to the realities of life in incarceration. The circuit is one of the few in South Carolina that make such a prison trip mandatory for PTI enrollees.



Pretrial Intervention is a “diversionary” program available across South Carolina for first-time offenders charged with non-violent offenses (e.g.: various driving offenses, shoplifting, and possession of marijuana). Participants can take PTI only once in South Carolina and are required to perform community service and other programs specific to the criminal charge, such as alcohol education.

In the program run by the 14<sup>th</sup> Circuit Solicitor's Office, participants also must tour Allendale Correctional Institute. Holding hands for their own protection as they move through the prison yard, they see and speak with inmates who provide sobering accounts of life inside one of the state's 23 prisons.

“You can't describe this particular prison tour experience. It's something that has be seen and heard first hand,” Solicitor Duffie Stone said. While each of the state's 16 judicial circuits has a PTI program, Stone's added the prison tour component in 2006 and remains one of the few to require it. He

### By the numbers

18%

**Recidivism rate for the 14<sup>th</sup> Circuit's adult pretrial intervention programs. In addition, 284 adult enrollees successfully completed PTI in 2017.**

22%

**Recidivism rate for the 14<sup>th</sup> Circuit's juvenile pretrial intervention programs. In addition, 64 juvenile enrollees successfully completed PTI in 2017.**

says the tour contributes to the low recidivism rate in the 14<sup>th</sup> Circuit – 18% among adult enrollees and 22% in the juvenile program. “Our goal is to prevent the next generation of career criminals.”



# Innovations To Come



## 14<sup>th</sup> Circuit's victim-services center to help protect vulnerable, train next generation of professionals

### *Why doesn't she just leave?*

It's a question asked time and again about victims of domestic violence. On average, a battered victim is harmed seven times before deciding to flee the abuser for good. Most contemplate leaving much sooner. However, leaving requires planning and, often, assistance with legal, financial and childcare matters.

Many nonprofit groups and government agencies in the 14<sup>th</sup> Judicial Circuit provide such assistance. However, those providers seldom reside under a single roof. Thus, victims might have to crisscross their community to arrange shelter at one stop, financial assistance at the next stop and childcare at yet another. For those already in the midst of upheaval, this is more than an inconvenience; it is an obstacle to their safety.

Those fleeing domestic violence aren't the only victims who face this challenge. Frequently, children in the 14<sup>th</sup> Circuit who are sexually abused must travel all the way to Charleston for a physical examination, then return for a separate forensic interview.

Wouldn't it be better if that child were interviewed and examined in the same place, much closer to home? And wouldn't it be better if a domestic-abuse victim, instead of receiving a stack of brochures, was escorted down the hall by the prosecutor handling her case, to meet people who can tend to her other needs?

Solicitor Stone has long believed in removing obstacles for those fleeing dangerous situations, and his office is now poised to do just that.

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In December 2017, the Solicitor's Office moved to a 4.85-acre property in Okatie that includes two office buildings and 44,000 square feet of floor space. Not only will this property serve as a modern headquarters for the Solicitor's Office, it will house a Justice Institute to provide many different types of assistance under one roof. There are about 100 such centers around the country, but this will be the first of its kind in South Carolina.

**WORKING WITH PARTNERS**

The institute won't duplicate services that already exist. Rather, we're bringing together partners such as Hopeful Horizons and the Child Abuse Prevention Association to work collaboratively and make full use of the expertise that already exists across the 14th Circuit. However, we'll bolster them with facilities and training so that



facilities and training so that value is added to their already invaluable work. The new center will be located near the Beaufort-Jasper county line, nearest the circuit's population center, and we are confident this center will help people across the judicial circuit.

We'll start with a children's advocacy center, where forensic interviews and physical examinations can be performed in a child-friendly environment and within a few hours of arrival.

No longer will young victims have to be carted around the Lowcountry, recounting again and again the worst day of their lives for new sets of strangers.

Soon thereafter, we will include assistance for battered partners and vulnerable adults. In one location, victims will be able to meet with a prosecutor, a victim advocate and service providers.

Victims assistance is just one aspect of our plans for a multidimensional Justice Institute. We also will develop a substantial educational component, applying the model of our nation's finest teaching hospitals to law enforcement, social services and legal professions. Among the first services will be training for pediatric sexual assault nurse examiners. This will address a particularly pressing need – at the start of 2018, there were none in the 14<sup>th</sup> Circuit. We also are outfitting a mock courtroom and classrooms, which will allow us to partner with local higher-education providers to train the next generation of criminal-justice professionals.







## By the Numbers

# 43

Defendants convicted in 2017 by our Career Criminal Unit, which prosecutes the circuit's most serious and habitual offenders. Learn more about how this team has been keeping our citizens safe since 2009 on pages 9 to 12 of this report.

37,604  
cases  
added  
2002-09

10% increase

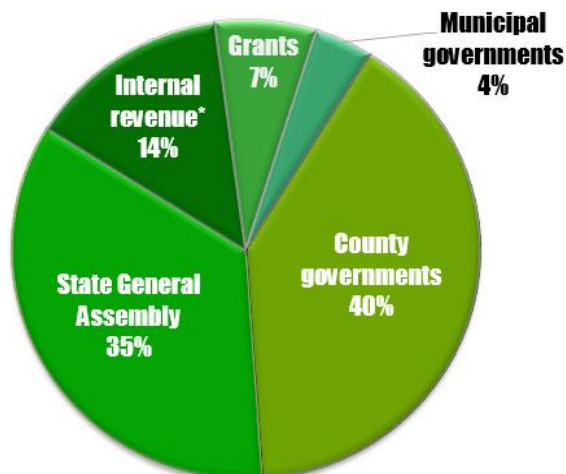
41,369  
cases  
added  
2010-17

County	2010 population	2016 population*	% change
Allendale	10,619	9,045	-14.8%
Beaufort	159,737	183,149	+14.6%
Colleton	38,864	37,923	-2.4%
Hampton	21,205	19,922	-6.1%
Jasper	24,234	28,465	+17.3%
<b>14<sup>th</sup> Circuit</b>	<b>254,659</b>	<b>278,504</b>	<b>+9.36%</b>

\* Latest year for which U.S. Census figures are available

### Where our funding comes from

The 14<sup>th</sup> Circuit Solicitor's Office had a \$4.44 million budget for fiscal 2017. This is where our funding comes from.



# 5,117

Cases pending at the end of 2017. That's a 43% reduction since the the Career Criminal Unit was formed in 2009. The 14<sup>th</sup> Circuit's population grew 9.36% during those eight years.

\* "Internal revenue" includes proceeds from programs such as Pretrial Intervention



## Convictions

# 1,453

Convictions earned by our prosecutors in 2017, either by guilty pleas or jury verdicts. Here's a partial breakdown by offense:

**17** Murder and manslaughter

**262** Domestic violence

**143** Burglary

**154** Assault & battery

**31** Criminal sexual conduct, attempted CSC, and sexual exploitation

**262** Armed robbery and attempted armed robbery

COUNTY	Worthless check cases
Allendale	32
Beaufort	149
Colleton	117
Hampton	172
Jasper	90
TOTAL	560

# \$215,708

Collected and disbursed from our worthless check program in 2017. The Worthless Check Unit helps businesses and individuals recoup financial losses resulting from bad checks. It is offered free of charge to victims of bad checks. Additional fees collected from offenders fund the program.

## Our office

# 62

FTEs employed by the 14<sup>th</sup> Circuit Solicitor's Office, including attorneys, victim advocates, investigators and support staff. The employees are spread across five counties.

# 30

Prosecutors working for our office.

# 189.5

Fulltime attorneys per pending case entering 2018. That's about half the state average and down 45% since FY 2015. High caseloads are problematic. They mean prosecutors have less time to devote to each case and seek the proper outcome, and they mean justice delayed for crime victims and the communities where they live.