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SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

July 9, 2021

Sheriff Kristin Graziano
Charleston County Sheriff's Office
3691 Leeds Avenue
North Charleston, SC 29405

Colonel Chisolm Frampton
South Carolina Department of Natural Resources – Law Enforcement Division, Region 4
P.O. Box 12559
Charleston, SC 29422-2559

RE: Officer Involved Critical Incident of April 24, 2021
First Sergeant Henry McClellan (SCDNR)
Master Deputy Micah Cox (CCSO)

Dear Sheriff Graziano and Colonel Frampton:

I am writing in regards to the April 24, 2021, officer involved critical incident (as defined by our Officer Involved Critical Incident Guidelines) which occurred at 8462 Old Georgetown Rd, McClellanville. While SLED has not compiled its final report, the investigating agents have briefed me on the matter and provided us with forensic reports, police reports, and body camera videos from the incident. I understand from SLED that First Sergeant McClellan was interviewed as part of the investigation; however, Master Deputy Cox has thus far declined to be interviewed upon advice of his legal counsel. The SLED agents and I agree that nothing outstanding or pending in their investigation would foreseeably impact my charging decision in this matter.

Based upon my review of what we have been provided, it appears that on April 24, 2021, at approximately 11:00 a.m., Charleston County Sheriff's Deputies Stuart Prettel, Raven Ross, Chris Quinn, and Damon Roy went to 8462 Old Georgetown Road in McClellanville, in an attempt to serve an arrest warrant for Failure to Register as a Sex Offender on the resident, Joseph Jackson. Deputies Prettel and Ross were certified law enforcement officers, but were still part of the CCSO

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Field Training program, with Master Deputies Quinn and Roy serving as their respective Field Training Deputies.

As Deputies Ross, Prettel, and Roy began walking down Jackson's driveway toward his home, Jackson was standing outside in his yard. Upon seeing the deputies, Jackson walked back inside his screened front porch and refused their requests to come outside to speak with them. Deputy Prettel walked up to the door of the screened porch in an attempt to make visual contact with Jackson. Prettel saw Jackson grab for an item that he believed was a long gun, at which time all three deputies retreated to the roadway to obtain positions of cover. From his position at the end of the driveway, Deputy Roy asked Jackson to come out and saw Jackson holding what he believed to be a shotgun. He instructed Jackson to put down the weapon. Jackson then pointed it at them and fired as the deputies retreated further to take cover. The deputies advised their dispatchers that shots had been fired and set up a perimeter to await the arrival of SWAT and other deputies. SCDNR First Sergeant Henry McClellan and CCSO Deputy Micah Cox were among the officers who responded to assist. McClellan and Cox eventually positioned themselves in the woods at the rear of the residence, approximately 20 to 50 yards apart from each other, as part of the perimeter.

A CCSO Air Support Unit also responded to the area to assist. In addition to standard video cameras, this helicopter was also outfitted with a Forward Looking InfraRed (FLIR) camera. Review of the helicopter's video of the incident shows Jackson initially sitting on screened porch holding what appears to be a shotgun in his lap. He remained seated as deputies secured the perimeter to await the arrival of SWAT. At one point, Jackson stood up and picked up another object, which appears to be another long gun, before he moved further inside the residence where the Air Support Unit lost sight of him. From his position on the perimeter, Deputy Roy radioed that he saw Jackson look out the backdoor with a shotgun in his hand. On the Air Unit's audio and video footage, a deputy is heard announcing Jackson was walking toward the wood line behind his home where Deputy Cox and First Sergeant McClellan were positioned. As described in his statement, McClellan saw Jackson walking in the backyard toward the wood line carrying a shotgun. McClellan called out, "State Police, drop your weapon!" Jackson ignored this order, raised his shotgun in the direction of Cox and fired. McClellan then fired two shots from his service rifle at Jackson. McClellan reported Jackson then went back toward the house before falling down. As McClellan was continuing to give him verbal commands, Jackson got up and raised his shotgun toward McClellan's location as if to fire again, at which time McClellan returned fire again. Jackson was then able to get back inside the backdoor of the home. For the majority of the time Jackson was in backyard with the shotgun, the view of the helicopter's cameras is obstructed by tree cover. When the camera regained a view of Jackson, the FLIR footage shows him running inside the backdoor of the trailer, then firing a shot toward the woods. The FLIR video also shows Jackson come to the back doorway and fire four additional shots from a long gun toward the woods. He can be seen firing, then ducking back behind doorframe, out of view of the camera, before returning and firing each additional time. In his statement, McClellan says he returned fire two additional times while Jackson was firing at them from inside the backdoor, as

seen on video. He reported that after one of his shots, it appeared that Jackson had been hit by at least one of the shots.

After a period of time passed without any shots fired and Jackson not responding to their attempts to get him to exit the home, SWAT eventually made entry into the home to arrest him. Their entry was captured on their BWCs, which show that upon entering the home they found Jackson lying unresponsive on the floor of the living room. After taking him into custody, they determined he had suffered a gunshot wound to his chest and they provided trauma treatment prior to arrival of EMS. Located near where Jackson was found were a Benelli 12 gauge shotgun with three unfired 12 gauge shotshells and a Mauser bolt action rifle with four unfired 30-06 Springfield caliber cartridges. The SWAT BWCs show no gunshots were fired by anyone during the SWAT entry and while they were arresting Jackson. Jackson's wounds occurred during the exchange of gunfire between him and Cox and McClellan (as Jackson was firing toward them from backyard or from inside his backdoor).

DNR First Sergeant McClellan did not have a body worn camera, as he had not been issued one at the time of the incident. Deputy Cox was wearing a functioning body worn camera; due to his positioning in woods while observing and while taking cover, none of the actual gunshots are visible on his camera footage, although gunshots can be heard. Cox is observed on his BWC footage telling a SWAT deputy who relieved him that he returned fire "two or three times." Fortunately, the BWC videos from the initial responding deputies capture the sound of Jackson's initial shot from front porch as the deputies were retreating from his front yard, and the helicopter's FLIR video captures the five shots Jackson fired toward the deputies from inside his home.

After Jackson's arrest, SLED's Crime Scene Unit responded to process the scene and collect evidence. Their crime scene reports and diagrams, along with their forensic firearms report, show that in addition to the Benelli 12 gauge shotgun and Mauser bolt action rifle that were found in the living room near Jackson when he was arrested, there was also a Ruger .45-70 GOVT caliber rifle recovered from the front screened porch where the deputies reported seeing Jackson holding a long gun. Also found on the front porch were a revolver that does not appear to have been fired during this incident, and a fired R-P .45-70 GOVT cartridge case that SLED's firearm analysis confirms was fired by the Ruger .45-70 GOVT rifle found on porch. Just inside the backdoor of the residence where Jackson was seen on video firing at least five times at the officers, SLED recovered a fired Winchester 12 gauge shotshell, a fired R-P .45-70 GOVT cartridge case, and two fired Winchester 30-06 SPRG cartridge cases. While SLED's firearms analysis was not able to conclusively determine that shotshell was fired by Jackson's 12 gauge Benelli shotgun, they were able to forensically determine that the R-P .45-70 Ruger cartridge case was fired by Jackson's .45-70 GOVT rifle and the two fired Winchester 30-06 SPRG cartridge cases were fired by Jackson's Mauser bolt-action rifle. In addition, in the living room where Jackson was arrested, SLED also recovered a fired R-P .45-70 GOVT cartridge case, which was also fired by Jackson's Ruger 45-70 GOVT rifle. The fired shotshell and four fired rifle cartridge casings recovered inside the residence equal the number of shots that Jackson can be seen firing from inside the backdoor of the residence on the infrared video footage from the helicopter's cameras.

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In the backyard of the residence, SLED recovered two fired Winchester 12 gauge shotshells, which were consistent with the fired Winchester 12 gauge shotshell found just inside the backdoor of the residence. The location where those shotshells were found is consistent with the portion of McClellan's statement where he described Jackson walking in the backyard and firing his shotgun toward the officers before running back into the home, then firing additional shots at them. It should also be noted that one of the shotgun blasts fired by Jackson resulted in Deputy Cox being struck in the arm by a pellet from one of the fired shotshells. SLED also processed the areas in the woods where Cox and McClellan were positioned when they returned fire after being shot at by Jackson. Based upon the casings recovered at Cox and McClellan's locations, along with the examination of their respective firearms which were taken immediately after the incident, it was determined that Cox returned fire at Jackson twice and McClellan returned fire five times.

After review of the evidence provided to me, it is abundantly clear that both First Sergeant Henry McClellan and Deputy Micah Cox were in actual and imminent danger of death and or great bodily harm when they reasonably and lawfully exercised deadly force toward Jackson in this Officer Involved Critical Incident. It is apparent that Jackson aimed his weapon and fired toward them before either officer fired a shot. Furthermore, Jackson fired five additional times at the officers during the incident. The use of deadly force by McClellan and Cox was reasonable, appropriate and lawful in response to the unlawful actions of Joseph Jackson.

If you have any concerns, please contact me.

Sincerely yours,



Bryan Alfaro
Ninth Circuit Chief Deputy Solicitor

cc: Senior Special Agent Jomar Albayalde
Captain Ryan Neil, SLED

BAA/nwn