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**OFFICE
OF
PROFESSIONAL RESPONSIBILITY**

OPR File #PR-2101-14-0017-D

Investigated by: Chief K. D. Phelps

Initials

Reviewed by: Director Leroy Smith

Redacted

Date: 03/23/15



South Carolina Department of Public Safety
Office of Professional Responsibility

INVESTIGATIVE REPORT

Case Number: PR-2101-14-0017-D

SUBJECT: T. P. Alford, Sergeant
South Carolina Highway Patrol (SCHP)

COMPLAINANT: T.A. Borowski, First Sergeant
South Carolina Highway Patrol (SCHP)

INVESTIGATOR: Chief Kenneth D. Phelps
Office of Professional Responsibility (OPR)

ALLEGATION(S): Sergeant T. P. Alford made an improper charge for Simple Possession of Marijuana.

ALLEGATION(S): Sergeant T. P. Alford intentionally withheld vital information from the court in order to force a defendant to plead guilty to a drug charge.

ALLEGATION(S): Sergeant T. P. Alford committed perjury when she offered untruthful testimony to a Lee County Magistrate.

ALLEGATION(S): Sergeant T. P. Alford was insubordinate and disrespectful when she hung up the telephone while talking to her direct supervisor.

ALLEGATION(S): Sergeant T. P. Alford failed to document all evidence that was seized and placed in an evidence bag on the marijuana analysis report and she also failed to review the marijuana analysis report after receiving the report from CEF.

INVESTIGATIVE PREDICATE

On March 11, 2014, the Office of Professional Responsibility received a memorandum from First Sergeant T. A. Borowski that documented multiple allegations of inappropriate conduct against Sergeant T. P. Alford. According to the memorandum, Sergeant Alford arrested a subject on January 1, 2014, for simple possession of marijuana and subsequently allowed this



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same subject to plead guilty to this crime, after the SCDPS marijuana analysis report indicated that the evidence tested negative for marijuana. First Sergeant Borowski also stated in his memorandum that Sergeant Alford knowingly withheld this evidence from the court. Additionally, the document alleged that Sergeant Alford committed perjury when she presented false testimony in the Lee County magistrate's office. This case was given OPR File number PR-2101-14-0017-D and was assigned to Chief Kenneth D. Phelps for investigation.

INVESTIGATION

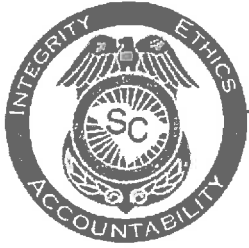
As part of this investigation, Chief Phelps reviewed a memorandum by First Sergeant T. A. Borowski (**Exhibit 1**), reviewed copy of traffic tickets issued to Ms. Brittany Smith (**Exhibit 2**), reviewed the South Carolina Department of Public Safety (SCDPS) Marijuana Analysis Request form that was completed by Sergeant Alford on January 1, 2014 (**Exhibit 3**), reviewed the SCDPS Chain of Custody & Evidence Destruction form related to case involving Ms. Brittany Smith's arrest for Simple Possession of Marijuana (**Exhibit 4**), reviewed the SCDPS Marijuana Analysis Report form that listed the test results for the drugs associated to Ms. Brittany Smith (**Exhibit 5**), reviewed a copy of the field notes completed by Sergeant Alford on January 1, 2014 (**Exhibit 6**), reviewed court order recalling ticket number G537951 (**Exhibit 7**), reviewed the South Carolina Law Enforcement Division (SLED) Forensic Services Laboratory Report dated March 19, 2014 (**Exhibit 8**), and lastly reviewed the in-car video recording of the incident that occurred on January 1, 2014, involving Ms. Brittany Smith's arrest for Simple Possession of Marijuana.

The aforementioned documents revealed the following:

Memorandum written by First Sergeant T.A. Borowski on February 20, 2014.

This memorandum indicated that First Sergeant Borowski went to the SCDPS Central Evidence Facility (CEF) to drop off some SLED blood collection kits on February 18, 2014. While at CEF, First Sergeant Borowski stated that he talked with Lance Corporal David Fouty and Lance Corporal P. M. Odom about some evidence that was submitted by Sergeant Alford, which had tested negative. According to the memorandum, Lance Corporal David Fouty checked the SCHP Console and discovered that the charge had been adjudicated of by the subject pleading guilty.

First Sergeant Borowski indicated that he asked Sergeant Alford if she was certain that the evidence that she had submitted to CEF was marijuana. Sergeant Alford confirmed that she was certain that the evidence submitted was marijuana; however, she did say that she had not looked at the test results that were emailed to her from CEF. First Sergeant Borowski goes on the write



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that Sergeant Alford wanted to have SLED retest the drugs because she was certain that she had submitted marijuana. First Sergeant Borowski again iterated that they were not going to have SLED retest the evidence.

First Sergeant Borowski then wrote that he checked with the court's clerk, Rachael Fields, to see if the testimony from the trial had been recorded. The clerk advised First Sergeant Borowski that the proceedings had not been recorded; however, Ms. Fields did notice that the analysis report for this simple possession case was on the judge's bench.

According to the memorandum, First Sergeant Borowski conducted an interview with Judge Pamela Brown about the marijuana case. The judge stated that Sergeant Alford informed her that the defendant, Ms. Smith, wanted to plead guilty to her charges of Simple Possession Marijuana and violation of ABC Law. Judge Brown agreed to allow the subject to plead guilty to both charges. First Sergeant Borowski goes on to write that he asked the judge if the test results were presented during the hearing, to which the judge answered that no evidence was presented during the hearing. First Sergeant Borowski then wrote that he showed the judge the test results and "The judge was disappointed in the result of this case because she took the word of a trooper and because she was not given all of the evidence for this case."

First Sergeant Borowski closed his memorandum by writing the following:

"I called the Lee Magistrate's office to talk to the judge to see if when the case was heard did she swear in the participants, and she advised me that she did. She then told me that Sgt. Alford came by to see her about this case and stated that she needed to get rid of the case. Sgt. Alford told the judge that the marijuana was not tested because the tip was burnt and STP Odom was unable to get a sample, but that she was certain it was marijuana. I reminded the judge that I had shown her the report and stating that no marijuana was detected."

First Sergeant Borowski also alleged that Sergeant Alford committed perjury by offering false testimony. **(Exhibit 1)**

Review of two traffic tickets issued to Brittany Monique Smith.

Chief Kenneth Phelps obtained a copy of the traffic tickets issued to Ms. Brittany Smith from the Lee County magistrate's office. Ticket number G429700 for violation of ABC Law (61-6-4020) was issued to Ms. Smith on January 1, 2014, with the time of violation listed as 0027 hours. The date of trial for this ticket was January 23, 2014, at 1000 hours; however, this case was rescheduled to February 11, 2014. This ticket also indicated that the defendant appeared in court and the judge sentenced her to "time served" with STP (scheduled time payment) written in the amount collected section.



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Ticket number G537951 for *Simple Possession of Marijuana* (44-53-370) was issued to Ms. Smith on January 1, 2014, with the time of violation listed as 0027 hours. The date of trial for this ticket was January 23, 2014, at 1000 hours; however, this case was also continued to February 11, 2014. This ticket also indicated that the defendant appeared in court and in the "verdict of trial if any" section indicated that the subject was found "guilty". Six hundred twenty dollars (\$620) was written in the fine section, and STP (scheduled time payment) written in the amount collected section. (Exhibit 2)

Review of the South Carolina Department of Public Safety Marijuana Analysis Request form.

T. P. Alford was listed as the requesting officer on the top line of this form. The incident date on the form was listed as "11-19-2013." However, during the investigation, it was determined that Sergeant Alford had pre-populated this form and left the incorrect date of incident on this form. The correct date of incident should have been "01-01-2014." The subject listed on this form was Brittany Monique Smith with a date of birth of June 3, 1991. In the description of evidence section, the document had "blunt rapped (sic) in a brown paper." (For the purpose of this investigation, the term blunt is defined as marijuana that is wrapped in brown cigar wrapping paper.) The item number section had the number "1" listed. Sergeant T. P. Alford's name and initials were written on the "Delivered by" line, and the form was dated January 1, 2014. Lastly, the form was signed by Lance Corporal P. M. Odom indicating that it was received by him. (Exhibit 3)

Review of the SCDPS Chain of Custody & Evidence Destruction form.

Chief Phelps obtained a copy of the chain of custody form for the marijuana that was taken as evidence by Sergeant T. P. Alford on January 1, 2014. The form indicated that the summons number for this case was G537951 with a court date of January 23, 2014. The violator listed was Brittany Monique Smith with an address of [REDACTED] in [REDACTED], South Carolina. The form indicated one (1) as the quantity of items submitted. In the description section the form had "one blunt" typed on the form. The below table shows the chain of custody for the evidence that was submitted by Sergeant Alford:

From	To	Location	Reason for movement	Date
T.P. Alford	R.D. McKay	Camden Office	Temp Storage	1-1-2014
R. D. McKay	Drug Locker#9	Camden Office	Temp Storage	1-1-2014
Drug Locker #9	T. P. Alford	Camden Office	Move to Refrig.	1-1-2014
T. P. Alford	Refrig. #7	Camden Office	Temp Storage	1-1-2014
Refrig. #7	T.P. Alford	Camden Office	Transport CEF	1-6-2014
T. P. Alford	D.K. Fouty	CEF	Storage	1-6-2014
D. K. Fouty	Safe	CEF	Storage	1-6-2014

The below was listed on the supplemental form



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From	To	Location	Date
Safe	P.M. Odom	CEF	1-10-2014
P. M. Odom	Safe	CEF	1-10-2014
Safe	M.C. Rivers	CEF	3-13-2014
M.C. Rivers	SLED	SLED	3-13-2014
SLED	M.C. Rivers	SLED	3-25-2014
M.C. Rivers	Safe	CEF	3-25-2014

(Exhibit 4)

Review of the SCDPS Marijuana Analysis Report

Sergeant T. P. Alford was listed as the requesting officer on the analysis report. Ms. Brittany Monique Smith was listed as the subject. In the EVIDENCE SUBMITTED section of the form the following was written: "Small sealed evidence bag, containing: (1) cigar / blunt with a brown plant material inside. *** (small amount of plant material was removed and tested, labeled as items 1.1).***"

In the RESULTS OF EXAMINATION section of the analysis report was written, "Item #1 : No Marijuana Detected". The report was notarized by Lance Corporal Fouty on January 10, 2014. The analyst, Lance Corporal P. M. Odom, also signed the report on January 10, 2014. **(Exhibit 5)**

Review of the field notes completed by Sergeant Alford on January 1, 2014

Sergeant T. P. Alford supplied her field notes to Chief Phelps during this investigation. The notes were dated January 1, 2014. The field notes listed the below information:

- Captain Griggs – Bishopville PD
- Car came thru road check on SC-341 / SC DOT Shed
- Driver was stopped for a head light violation
- The passenger was seen trying to conceal a bottle of cranberry juice with liquor.
- Liquor bottle under her leg
- After pulling both occupants out the car.
- Due to the vehicle smelling like marijuana.

(Exhibit 6)

Review of Summary Court Order to recall traffic ticket G537951.

On February 20, 2014, Judge Pamela Brown issued an order to have ticket number G537951 recalled from the South Carolina Department of Motor Vehicles (SCDMV). The order indicated that the reason for the recall was that "ticket was signed off in error, information received was



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inconclusive". Sergeant Alford also signed this order to indicate that she had been notified that the case would be reopened. **(Exhibit 7)**

Review of the SLED Forensic Services Laboratory Report dated March 19, 2014

The SLED Forensic Services Laboratory Report was reviewed and it indicated the Forensic Scientist Maribeth McCormack had completed that analysis of the evidence that was submitted to SLED from First Sergeant Mendel Rivers of SCDPS. The drug analysis indicated the following:

- Sub#1 On March 13, 2014 items were received from Mendel Rivers of the S. C. Department of Public Safety.
- Item:1.1 Evidence bag containing...
- Item:1.1.1 Pieces of rolling paper and plant substance
RESULTS:
No controlled substance(s) detected in the sample tested; 1 tested.
- Item:1.1.2 Evidence bag containing blunt containing plant substance
RESULTS:
Marijuana (C-I) found in the sample tested: tested, Net weight: less than 0.10 grams. **(Exhibit 8)**

Review of in-car video recording of January 1, 2014, incident involving Ms. Brittany Smith arrest for Simple Possession of Marijuana.

The video recording of this incident begin by showing three identified troopers standing in the roadway on SC 341 in Lee County, apparently conducting a safety checkpoint. The time displayed on the video recording was 0040 hours, on January 1, 2014. A short time later the camera was rotated around to show that a black female was seated in the passenger seat of the patrol vehicle. Out of the view of the camera, the voices of Captain Greg Griggs and Sergeant Alford can be heard discussing the incident surrounding the arrest of Ms. Brittany Smith. Captain Griggs can be heard saying "I haven't moved it," to which Sergeant Alford responds "If you want to write it you can." Captain Griggs goes on to say that "there is your blunt right there with a little marijuana still in it. That blunt was still in the pack, so after I saw that. I went ahead and checked it..." Captain Griggs then tells Sergeant Alford that he does not have a ticket book yet. (Captain Griggs was hired by the Bishopville Police Department a few days prior.) Sergeant



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Alford can also be heard saying that she had some evidence bags in her vehicle that she would get to secure the evidence.

Approximately seven minutes into the recording, Sergeant Alford's video camera was then turned back to facing out of the front windshield of the vehicle. Sergeant Alford then walks into the view of the camera and is seen pouring out a liquid substance from what appears to be a liquor bottle. Sergeant Alford is heard reading the name of the liquor out; however, the words are unintelligible. Sergeant Alford then states for the camera that this is "cranberry mixed liquor." The video camera is then turned back around to show the suspect, Ms. Smith, in the passenger seat as Sergeant Alford transport her to the detention center. While in route to the detention center, Sergeant Alford read the Miranda Rights to Ms. Smith and tells her that she is under arrest for violation of ABC Law and for Simple Possession of Marijuana. The recording continues until Sergeant Alford and Ms. Smith arrive at the detention center at 0120 hours, at which time to recording is stopped.

INTERVIEW OF COMPLAINANT

First Sergeant T. A. Borowski – Complainant

On March 24, 2014, Chief Kenneth Phelps obtained a sworn statement from First Sergeant Borowski. The following is a synopsis of his statement which contains paraphrasing:

First Sergeant Borowski went to the Central Evidence Facility (CEF) on February 18, 2014, in order to drop off some evidence. While at CEF, Lance Corporal David Fouty begins a brief conversation with First Sergeant Borowski about some of the procedures for turning in evidence to CEF. During this conversation, Lance Corporal Fouty mentioned to First Sergeant Borowski that Sergeant Alford had turned in some evidence that was suspected to be marijuana, but it had tested negative for being marijuana. First Sergeant Borowski stated that after reviewing the test results, he then inquired about the disposition of the traffic ticket for this case. Lance Corporal Fouty and First Sergeant Borowski then researched the ticket status using the SCHP Trooper Console. First Sergeant Borowski stated that he noticed that the case had a disposition of "guilty" with a \$620 fine.

After leaving CEF, First Sergeant Borowski met briefly with Sergeant Alford, who was also in Columbia turning in some equipment. According to First Sergeant Borowski, he asked Sergeant Alford why Ms. Smith was allowed to enter a guilty plea when the marijuana had tested negative. Sergeant Alford responded that she was certain that the evidence was marijuana. After a few minutes into this discussion, First Sergeant Borowski asked Sergeant Alford if she had



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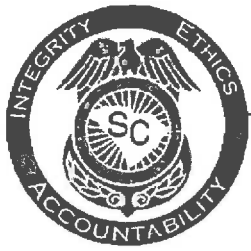
looked at the analysis report, when Sergeant Alford replied that she had the report but she had not looked at it. First Sergeant Borowski then stated that he showed her the analysis report and told Sergeant Alford that she should have dismissed the simple possession of marijuana ticket on Ms. Smith. After inquiring about the test results, Sergeant Alford insisted on having the drugs retested. First Sergeant Borowski stated that he told her that he was not going to ask for a retest. Sergeant Alford then ask that the evidence be taken to SLED for test, which First Sergeant Borowski again told her that was not going to happen. First Sergeant Borowski ended this discussion by telling Sergeant Alford that she needed to have this case reopened and dismissed because of the negative analysis report.

The following day, February 19, 2014, First Sergeant Borowski had to go to a supervisors' meeting in Columbia. After the meeting was over, First Sergeant Borowski notified his supervisor, Lieutenant G. T. Levine about this situation with the analysis report. According to First Sergeant Borowski, Lieutenant Levine instructed him to look into what actually occurred in the Lee County court.

First Sergeant Borowski advised that he proceeded to go to Lee County to meet with the traffic court staff. Upon arriving, First Sergeant Borowski stated that he first checked to see if the hearing that involved Sergeant Alford and Ms. Smith was audio recorded. After a few minutes the court clerk, Rachael Fields, advised that there was not a recording of the hearing. First Sergeant Borowski then asked Judge Pamela Brown if she recalled the hearing with Ms. Smith. The judge stated that she did recall the hearing and she did allow the defendant to enter a plea of "guilty" and gave Ms. Smith credit for time served on the other charge of Violation of ABC Law. First Sergeant Borowski then stated that he showed Judge Brown the analysis report and confirmed that Judge Brown had not seen this report prior to First Sergeant Borowski showing it to her.

According to First Sergeant Borowski, he returned back to the Lee County Magistrates office on the following day to see if Judge Brown wanted to file a formal complaint on Sergeant Alford. Due to the nature of the issue, Judge Brown called the chief magistrate, Judge Gibson, to consult with him on whether the court should file a complaint with SCDPS. Judge Gibson and Judge Brown then told First Sergeant Borowski that the court would allow SCDPS to handle this situation as the department see fit.

After leaving the magistrate's office, First Sergeant Borowski stated that he was heading back to Kershaw County when he apparently passed by Sergeant Alford. First Sergeant Borowski stated that he did not see Sergeant Alford but he received a call from her asking why he was in Lee County. First Sergeant Borowski responded that he was turning in green tickets to the court and checking on something. Approximately twenty minutes later, Sergeant Alford called First Sergeant Borowski and asked why he was checking up on her. According to First Sergeant Borowski, Sergeant Alford told him that she was going to get the case reopened herself and that



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he did not have to check behind her. First Sergeant Borowski stated that Sergeant Alford was obviously angry with him and she hung the phone up on him. When asked specifically did Sergeant Alford hang up on him, First Sergeant Borowski stated that it is possible that the signal dropped but, one minute we were talking and the next minute Sergeant Alford was not on the phone.

INTERVIEW OF WITNESS

Captain Greg Griggs - witness

On March 21, 2014, Chief Kenneth Phelps obtained a sworn statement from Captain Greg Griggs of the Bishopville Police Department. The following is a synopsis of his statement which contains paraphrasing:

On January 1, 2014, multiple police agencies were conducting a joint safety checkpoint on SC-341 within the city limits of Bishopville, South Carolina. Captain Griggs recalled that SCHP, the Lee County Sheriff's Office and the Bishopville Police Department were participating in this New Year's Day checkpoint. Captain Griggs remember seeing a vehicle approaching his location, when he observed a female passenger attempting to conceal a bottle of alcoholic beverage. Captain Griggs instructed the driver to pull the vehicle off of the roadway and to park in a SC Department of Transportation parking lot. The driver and front seat passenger were instructed to exit the vehicle. While the driver and passenger were exiting the vehicle, Captain Griggs stated the he could smell the odor of freshly burnt marijuana coming from the vehicle. Due to having probable cause, Captain Griggs stated that he conducted a search of the vehicle.

When Captain Griggs looked in the passenger side of the vehicle, he observed that a purse was overturned on the floorboard of the vehicle. A small blunt was observed near the purse. Captain Griggs stated that the marijuana was wrapped in brown wrapping papers and the green leaves of marijuana were visible on the end of the blunt. After this discovery, Captain Griggs stated that he asked Sergeant Alford to come over to his location to assist with making this charge. According to Captain Griggs, he had just started working for the Bishopville Police Department and he had not been issued a ticket book. Due to not having a ticket book issued to him, Captain Griggs stated that he asked Sergeant Alford to make the charges. Captain Griggs also stated that he would have made the charges if he would have possessed a ticket book.

After turning this case over to Sergeant Alford, Captain Griggs was still present when the passenger, Brittany Smith, admitted to them that she had smoked marijuana earlier in the day. After Ms. Smith confessed that she smoked the marijuana, Sergeant Alford placed Ms. Smith under arrest for an alcohol violation and for Simple Possession of Marijuana.



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Captain Griggs recalled seeing multiple cigars that were also in the vehicle. When asked about the comment that he made on the video recording about "That blunt was still in the pack." According to Captain Griggs, he did see multiple cigars in the general area of the marijuana blunt but he was not sure if Sergeant Alford had placed any cigars in the evidence bag along with the marijuana. According to Captain Griggs, he has been a certified marijuana analyst earlier in his law enforcement career. Even though his certification had expired, Captain Griggs stated that he was certain that the item that he pointed out to Sergeant Alford was indeed marijuana.

Lance Corporal P. M. Odom - witness

On March 20, 2014, Chief Kenneth Phelps obtained a sworn statement from Lance Corporal P. M. Odom. The following is a synopsis of his statement which contains paraphrasing:

Lance Corporal Odom has worked in the department's Central Evidence Facility (CEF) for approximately four years. Lance Corporal Odom was certified through SLED to analyze marijuana after he transferred to CEF. According to Lance Corporal Odom, he still refers to his marijuana analysis booklet each time he performs an analysis, in order ensure that he follows the proper steps for the analysis.

In the case that involved Brittany M. Smith, Lance Corporal Odom recalls that he retrieved the evidence from the safe to perform the analysis on January 10, 2014. Lance Corporal Odom verified that the case number printed on the evidence bag was the same case number listed on the chain of custody. After verifying that the evidence and the paperwork matched, Lance Corporal Odom cut the bottom of the evidence bag in order to retrieve the evidence from the bag.

Lance Corporal Odom recalled that he only saw one "greenish colored cigar" in the evidence bag. The cigar did appear to be hand rolled and approximately three to four inches long, according to Lance Corporal Odom. The evidence was then tested visually and chemically and, the results of both tests indicated that this evidence was not marijuana. Lance Corporal Odom also stated that this particular sample was obviously not marijuana just by visual observation. The contents inside of the rolling paper looked to be normal tobacco from a regular cigar.

At the conclusion of the analysis, Lance Corporal Odom scanned the analysis report and emailed the report to Sergeant Alford. Lastly, Lance Corporal Odom did have a brief discussion about the cigar that was submitted as marijuana with other CEF staff and they all agreed that this evidence was obviously not marijuana.

Lance Corporal Odom was then presented with the analysis report that SLED had completed on March 19, 2014. According to Lance Corporal Odom, he was made aware that SLED's analysis results were positive for marijuana by First Sergeant Mendel Rivers. Lance Corporal Odom



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stated that it was possible that when he cut the bottom of the evidence bag to retrieve the cigar, the blunt must have been stuck in the top of the evidence bag. That is the only explanation Lance Corporal Odom offered for not seeing the blunt that was located by SLED.

Judge Pamela Brown - witness

On March 20, 2014, Chief Kenneth Phelps obtained a sworn statement from Judge Pamela Brown at the Lee County Magistrate's office. The following is a synopsis of her statement which contains paraphrasing:

Judge Pamela Brown recalls having Sergeant Alford and Ms. Smith before her bench in the Lee County Magistrate's office. Judge Brown stated that Ms. Smith stood before the court and requested to plead guilty to her charges. According to Judge Brown, Sergeant Alford had agreed to help Ms. Smith with the ABC violation fine, if she entered a plea on the Simple Possession of Marijuana charge. Judge Brown agreed to the plea and gave Ms. Smith additional time to pay the fine for the marijuana charge. A payment plan was given to Ms. Smith and the brief hearing ended. The judge did not ask any questions about this case during Ms. Smith's plea. The judge did not recall any testimony about the testing of the evidence in this case. Judge Brown stated that she assumed that there was not a question about the validity of the evidence, since the defendant was pleading guilty. Judge Brown also confirmed that this proceeding was not recorded.

On February 20, 2014, First Sergeant Borowski came by the office and asked to speak with Judge Brown about the case with Ms. Smith. When First Sergeant Borowski introduced himself to Judge Brown, he presented the judge with a copy of the Marijuana Analysis Report that was related to the case with Ms. Smith. Judge Brown stated that it was the first time that she had seen this form. First Sergeant Borowski went on to explain to Judge Brown that the document was allegedly found on her desk, inside of the court room. Judge Brown then stated that she had no idea how this document was on her desk, since it was February 11, 2014, when Ms. Smith and Sergeant Alford appeared before her bench. First Sergeant Borowski then informed Judge Brown that the defendant, Brittany Smith, did not have marijuana in her possession on the night that she was arrested. First Sergeant Borowski also told Judge Brown that Sergeant Alford had received the analysis results for the evidence and knew that it was not marijuana when she allowed Ms. Smith to plead to the charges.

Judge Brown continued to recall that the information that First Sergeant Borowski was relaying to her caused her to feel that she was "caught up in the middle of something." According to the judge, Sergeant Alford did come to her office and iterated to the judge that Sergeant Alford was certain that the evidence that was discovered on Ms. Smith was marijuana; however, she did not



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believe that the drugs were tested. When Judge Brown asked Sergeant Alford how the analysis report indicated that the evidence was negative for marijuana, Sergeant Alford told Judge Brown that she felt that this was "political" and, she just wanted to reopen this case and get this situation over. Additionally, Sergeant Alford explained that she did not believe the drugs could be tested properly because the "tip was burnt."

On a different occasion, Judge Brown thinks it was February 21, 2014; First Sergeant Borowski called her on the telephone and asked if she would write a letter of reprimand against Sergeant Alford, in order to ban Sergeant Alford from prosecuting future cases in the Lee County Magistrates' office. Judge Brown told First Sergeant Borowski that the court did not want to issue any kind of reprimand against a trooper. After First Sergeant Borowski continued to request the court to issue some type of reprimand in writing, Judge Brown contacted the Chief Magistrate, Judge George Gibson, to ask if the court should take any action. Judge Brown and Judge Gibson both responded to First Sergeant Borowski that they did not want to get more involved with this personnel issue and any reprimands should come from SCDPS. (During the interview of Judge Brown, OPR contacted Judge Gibson via telephone and confirmed that a request was made by First Sergeant Borowski for the court to reprimand Sergeant Alford.)

Administrative Clerk Rachell Fields - witness

On March 24, 2014, Chief Kenneth Phelps obtained a sworn statement from Administrative Clerk Rachell Fields at the Lee County Magistrate's office. The following is a synopsis of her statement which contains paraphrasing:

Rachell Fields was working at the Lee County Magistrate's office on February 19, 2014, when she received a telephone call from First Sergeant Borowski. According to Ms. Fields, First Sergeant Borowski asked her to retrieve a copy of the tickets for Brittany Smith. After Ms. Fields retrieved the tickets, First Sergeant Borowski wanted to confirm if the ticket for simple possession indicated that Ms. Smith had entered a guilty plea. After confirming that the case was indeed signed off as a guilty plea, First Sergeant Borowski told Ms. Fields that the court would need to recall that ticket because the drugs had tested negative. Next, First Sergeant Borowski asked if the testimony from the hearing was recorded. Ms. Fields stated that she was not sure at that time if the proceedings were recorded; however, she did find out later that the hearings were not recorded. On the following day, February 20, 2014, First Sergeant Borowski came to the office to discuss this case. Prior to his arrival, Ms. Fields was looking on Judge Brown's desk and discovered several documents with Ms. Smith's and Sergeant Alford's names written on them. Once First Sergeant Borowski arrived, Ms. Smith turned the documents over to him.

When asked how the documents got on Judge Brown's desk, Ms. Fields stated that she had no idea how the documents got there, since she had confirmed that Judge Brown had not seen the



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documents prior to First Sergeant Borowski showing her the documents. Lastly, Ms. Fields was asked if Sergeant Alford had been in the magistrate's office during the week that the documents were discovered. Ms. Fields stated that officers can access the court room and the judge's bench without going through the administrative area of the building.

Administrative Clerk Yvette Bradley - witness

On March 24, 2014, Chief Kenneth Phelps obtained a sworn statement from Administrative Clerk Yvette Bradley at the Lee County Magistrate's office. The following is a synopsis of her statement which contains paraphrasing:

Ms. Yvette Bradley works at the Lee County Magistrate's office as an Administrative Assistant. Ms. Bradley received a call from Sergeant Alford on February 20, 2014, in reference to producing an Ishmael Order to have ticket number G537951 recalled. Ms. Bradley stated that she produced the order prior to Sergeant Alford arriving to her office. Ms. Bradley recalls that upon Sergeant Alford's arrival, she read the order and signed it. According to Ms. Bradley, Sergeant Alford commented that the evidence was "either not tested or could not be tested because it was burnt".

Forensic Scientist Maribeth McCormack (SLED) - witness

On March 20, 2014, Chief Kenneth Phelps obtained a statement from Maribeth McCormack, Forensic Scientist, of SLED. The following is a synopsis of her statement which contains paraphrasing:

Agent Maribeth McCormack, a Forensic Scientist with SLED, stated that on March 13, 2014, she received an evidence bag from SCDPS that contained two items. The first item was identified as some loose plant substance and rolling paper. This item appeared to be a cigar that had been torn apart. Within that first evidence bag was another smaller evidence bag that contained a blunt. Agent McCormack listed the blunt as the second item on the SLED laboratory report. The blunt was wrapped in brown wrapping paper and tested positive for marijuana. Agent McCormack stated that she did not measure the blunt but she was certain that it was longer than an inch in length. Agent McCormack also advised that the blunt had not been opened or tested prior to her examination.



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INTERVIEW OF SUBJECT

Sergeant T. P. Alford - Subject

On April 23, 2014, Chief Kenneth Phelps obtained a sworn statement from Sergeant T. P. Alford. The following is a synopsis of her statement which contains paraphrasing:

Sergeant Alford stated that on January 1, 2014, she was conducting a safety checkpoint on SC-341 at the South Carolina Department of Transportation section shed. Sergeant Alford recalled observing a white vehicle approach the checkpoint that had a defective headlight. According to Sergeant Alford, she was on the driver's side of the vehicle when she observed Captain Griggs speaking with the passenger, Brittany Smith. Captain Griggs had observed Ms. Smith attempting to hide a bottle that contained alcohol mixed with cranberry juice. After Captain Griggs made this discovery, the driver was instructed by Captain Griggs to pull the vehicle out of the roadway. The driver and passenger were instructed to exit the vehicle while Captain Griggs conducted a search of the vehicle. Sergeant Alford stood with the two suspects while Captain Griggs and another officer searched the vehicle. Sergeant Alford noted that Ms. Smith continued to look back at the officers searching the vehicle as though she had something to hide. Once Captain Griggs located the blunt, Ms. Smith was asked if the blunt was hers. After Ms. Smith confirmed that the blunt belonged to her, Captain Griggs asked Sergeant Alford to make the charges because he had not been issued a ticket book from his department. (Captain Griggs had just started working with the Bishopville Police Department two days prior to this incident.) After agreeing to make the charges, Captain Griggs pointed out the evidence to Sergeant Alford and Sergeant Alford placed the blunt in an evidence bag. (During the OPR interview, Sergeant Alford was asked repeatedly about how many items she placed in the evidence bag. Sergeant Alford stated that she only recalls seeing the one blunt; however, she vividly recalls seeing cigars in the vehicle, but she does not recall placing a cigar in the evidence bag.) Sergeant Alford placed Ms. Smith under arrest and transported her to the Lee County detention center. Ms. Smith was charged with ABC violation and Simple Possession of Marijuana.

The evidence was secured in the Post B office until Sergeant Alford transported the evidence to CEF on January 6, 2014. According to Sergeant Alford, on the original court date of January 23, 2014, Ms. Smith asked for additional time in order to get enough money to pay the fines. Sergeant Alford agreed to the continuance and rescheduled the case for February 11, 2014.



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Sergeant Alford recalled meeting with First Sergeant Borowski in Columbia on February 18, 2014, when he asked her about the Ms. Smith case. First Sergeant Borowski asked Sergeant Alford if she had looked at the analysis report for the marijuana submitted for Ms. Smith. Sergeant Alford stated that she had not looked at the report; however, she was sure that it was marijuana. First Sergeant Borowski then informed Sergeant Alford that the evidence had tested negative for marijuana. According to Sergeant Alford, she was shocked that the blunt tested negative for marijuana. Sergeant Alford immediately insisted on having the blunt retested. First Sergeant Borowski denied the request from Sergeant Alford even though Sergeant Alford asked multiple times to have the evidence sent to SLED to be retested. At the conclusion of this conversation, First Sergeant Borowski instructed Sergeant Alford to get this case reopened and to dismiss the ticket.

Sergeant Alford stated that she called the court and asked Yvette Bradley to prepare an Ishmael Order to have the case reopened. While Sergeant Alford was traveling to the Lee County court to sign the Ishmael Order, Sergeant Alford observed First Sergeant Borowski apparently leaving the Lee County area. Sergeant Alford called First Sergeant Borowski and they had small conversation but there was no mention that he had been at the court checking on the case that involved Ms. Smith. Upon arrival at the court, Sergeant Alford asked the judge to sign the order to have the case reopened due to the negative test. The judge asked Sergeant Alford how the test could have come back negative if the blunt was indeed marijuana. Sergeant Alford explained to the judge that she was certain that it was marijuana; however, it was possible that CEF either just did not test this sample or due to the tip being burnt, they were unable to complete the test properly. Sergeant Alford went on to tell the judge that when she was going through her training to be a certified marijuana analyst, SLED encouraged them to forward drug samples to SLED if the samples were burnt or too small to test in the field.

After signing the court order, Sergeant Alford stated that Judge Brown relayed to her the allegations that First Sergeant Borowski had made to Judge Brown while he was at the court a short time earlier. According to Sergeant Alford, the judge told her that First Sergeant Borowski asked the judge if she wanted to ban Sergeant Alford from the Lee County court. Also, First Sergeant Borowski told the judge that he felt that Sergeant Alford had committed perjury by prosecuting this case in court. Sergeant Alford then called First Sergeant Borowski and informed him that the judge had told her that First Sergeant Borowski was checking up on her. Sergeant Alford went on to tell First Sergeant Borowski that she did not appreciate him asking the judge if she wanted to allow Sergeant Alford back in her court because Sergeant Alford had allegedly perjured herself. Sergeant Alford was upset when she talked with First Sergeant Borowski but she denied that she hung the phone up on him.

When asked about the marijuana analysis report that was emailed from CEF to Sergeant Alford on January 10, 2014, Sergeant Alford explained that she did receive the report; however, she was in the habit of saving documents on her email without opening the attachments. According



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to Sergeant Alford, she failed to review the report because she automatically assumed the results were positive based on her observation of the evidence.

Additionally, it was noted that Sergeant Alford had listed "11-19-2013" as the incident date on the Marijuana Analysis Request form that was submitted to CEF on January 6, 2014. According to Sergeant Alford, November 19, 2013, was the incident date for a previous case. Sergeant Alford stated that she would always save forms on her computer and simply change the data for the new cases. On the form that was submitted for Ms. Smith, Sergeant Alford failed to put the correct incident date on this form.

According to Sergeant Alford, prior to becoming a certified marijuana analyst herself, she had to take all marijuana evidence to CEF to be tested. However, since being certified as an analyst in October of 2012, Sergeant Alford did analysis for all simple possession of marijuana cases in Post B. Conversely, due to Sergeant Alford being the arresting officer in this case, she opted not to analyze the blunt but instead sent the evidence to CEF for testing.

CONCLUSION

On February 18, 2014, First Sergeant Borowski learned that a marijuana analysis report that was requested by Sergeant Alford had been returned with a negative test for being marijuana. First Sergeant Borowski explained that he went the Central Evidence Facility (CEF) on February 18, 2014, in order to drop off some evidence. While at CEF, Lance Corporal David Fouty begins a brief conversation with First Sergeant Borowski about some of the procedures for turning in evidence to CEF. During this conversation, Lance Corporal Fouty mentioned to First Sergeant Borowski that Sergeant Alford had turned in some evidence that was suspected to be marijuana, but it had tested negative for being marijuana. First Sergeant Borowski stated that after reviewing the test results, he then inquired about the disposition of the traffic ticket. Lance Corporal Fouty and First Sergeant Borowski then researched the ticket status using the SCHP Trooper Console. First Sergeant Borowski stated that he noticed that the case had a disposition of "guilty" with a \$620 fine.

After leaving CEF, First Sergeant Borowski met briefly with Sergeant Alford, who was also in Columbia turning in some equipment. First Sergeant Borowski asked Sergeant Alford why Ms. Smith was allowed to enter a guilty plea when the marijuana had tested negative. Sergeant Alford responded that she was certain that the evidence was marijuana. After a few minutes into this discussion, First Sergeant Borowski asked Sergeant Alford if she had looked at the analysis report, when Sergeant Alford replied that she had the report but she had not looked at it. First Sergeant Borowski then showed her the analysis report and told Sergeant Alford that she should have dismissed the simple possession of marijuana ticket on Ms. Smith. According to First Sergeant Borowski, Sergeant Alford insisted on having the drugs retested. First Sergeant



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Borowski told her that he was not going to ask for a retest. Sergeant Alford then ask that the evidence be taken to SLED for testing, which First Sergeant Borowski again told Sergeant Alford that that was not going to happen. According to Sergeant Alford, she was shocked that the blunt was negative for marijuana and Sergeant Alford immediately insisted on having the blunt retested. First Sergeant Borowski denied the request from Sergeant Alford even though Sergeant Alford asked multiple times to have the evidence sent to SLED to be retested. First Sergeant Borowski ended this discussion by telling Sergeant Alford that she needed to have this case reopened and dismissed because of the negative analysis report.

Judge Pamela Brown recalled having Sergeant Alford and Ms. Smith before her bench in the Lee County Magistrate's office on February 11, 2014. Judge Brown stated that Ms. Smith stood before the court and requested to plead guilty to her charges. According to Judge Brown, Sergeant Alford offered to help Ms. Smith with the ABC violation fine, if she entered a plea on the Simple Possession of Marijuana charge. Judge Brown agreed to the plea and gave Ms. Brown additional time to pay the fine for the marijuana charge. A payment plan was given to Ms. Smith and the testimony was over at that time. The judge did not ask any questions about this case during Ms. Smith's plea. The judge stated that no testimony was offered about the testing of the evidence. The judge also confirmed that she did not ask any questions because she assumed that there were not any questions about the validity of the evidence, since the defendant was offering an admission of guilt. Judge Brown also confirmed that this proceeding was not recorded.

On a different occasion, Judge Brown thinks it was February 21, 2014; First Sergeant Borowski called her on the telephone and asked if she would write a letter of reprimand against Sergeant Alford in order to ban her from prosecuting future cases in the Lee County Magistrate's office. Judge Brown replied to First Sergeant Borowski that the court did not want to issue any kind of reprimand against a trooper. After First Sergeant Borowski continued to request the court to issue some type of reprimand in writing, Judge Brown contacted the Chief Magistrate, Judge George Gibson, to ask if the court should take any action. Judge Brown and Judge Gibson both responded to First Sergeant Borowski that they did not want to get more involve with this personnel issue and any reprimands should come from SCDPS. (During the interview of Judge Brown, OPR contacted Judge Gibson via telephone and confirmed that a request was made by First Sergeant Borowski for the court to reprimand Sergeant Alford.)

The evidence gathered during this investigation did confirm that on January 1, 2014, Sergeant Alford was conducting a safety checkpoint on SC-341 at the South Carolina Department of Transportation section shed. In addition to the SCHP, multiple other police agencies were also participating in this joint safety checkpoint within the city limits of Bishopville, South Carolina. Captain Griggs recalled that SCHP, the Lee County Sheriff's Office and the Bishopville Police Department all were participating in this New Year's Day checkpoint. Sergeant Alford observed a white vehicle approaching the checkpoint that had a defective headlight. According to



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Sergeant Alford, she was on the driver's side of the vehicle when she observed Captain Griggs speaking with the passenger, Brittany Smith. Captain Griggs had observed Ms. Smith attempting to hide a bottle that contained alcohol mixed with cranberry juice. After Captain Griggs made this discovery, the driver was instructed by Captain Griggs to pull the vehicle out of the roadway.

The driver and passenger were instructed to exit the vehicle while Captain Griggs conducted a search of the vehicle. Sergeant Alford stood with the two suspects while Captain Griggs and another officer searched the vehicle. Ms. Smith continued to look back at the officers searching the vehicle as though she had something to hide. Once Captain Griggs located the blunt, Ms. Smith was asked if the blunt was hers. After Ms. Smith confirmed that the blunt belonged to her, Captain Griggs asked Sergeant Alford to make the charges because he had not been issued a ticket book from his department. (Captain Griggs had just started working with the Bishopville Police Department two days prior to this incident.) After agreeing to make the charges, Captain Griggs pointed out the evidence to Sergeant Alford and Sergeant Alford placed the blunt in an evidence bag. (During the OPR interview, Sergeant Alford was asked repeatedly about how many items she placed in the evidence bag. Sergeant Alford stated that she only recalls seeing the one blunt; however, she vividly recalls seeing cigars in the vehicle, but she does not recall placing a cigar in the evidence bag.) Sergeant Alford placed Ms. Smith under arrest and transported her to the Lee County detention center. Ms. Smith was charged with ABC violation and Simple Possession of Marijuana.

The evidence was secured in the Post B office until Sergeant Alford transported the evidence to CEF on January 6, 2014. According to Sergeant Alford, on the original court date of January 23, 2014, Ms. Smith asked for additional time in order to get enough money to pay the fines. Sergeant Alford agreed to the continuance and rescheduled the case for February 11, 2014.

When asked about the marijuana analysis report that was emailed from CEF to Sergeant Alford on January 10, 2014, Sergeant Alford explained that she did receive the report; however, she was in the habit of saving documents on her email without opening the attachments. According to Sergeant Alford, she failed to review the report because she automatically assumed the results were positive based on her observation of the evidence. Additionally, it was noted that Sergeant Alford had listed "11-19-2013" as the incident date on the SCDPS Marijuana Analysis Request form that was submitted to CEF on January 6, 2014. According to Sergeant Alford, November 19, 2013, was the incident date for a previous case. Sergeant Alford stated that she would always save forms on her computer and simply change the data for the new cases. On the form that was submitted for Ms. Smith, Sergeant Alford failed to put the correct incident date on this form.

According to Sergeant Alford, prior to becoming a certified marijuana analyst herself, she had to take all marijuana evidence to CEF to be tested. However, since being certified as an analyst in October of 2012, Sergeant Alford did analysis for all simple possession of marijuana cases in



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Post B. Conversely, due to Sergeant Alford being the arresting officer in this case, she opted not to analyze the blunt but instead sent the evidence to CEF for testing.

During this investigation it was vitally important to find out how CEF and SLED both analyzed the evidence submitted by Sergeant Alford and came up with different results. The investigation revealed that Sergeant Alford failed to include on the SCDPS Marijuana Analysis Request form that two items were included inside of the evidence bag. During the OPR interview, Sergeant Alford was asked repeatedly about how many items she placed in the evidence bag. Sergeant Alford stated that she only recalls seeing the one blunt, and this blunt was described as marijuana being rolled up in brown wrapping paper. However, Captain Griggs clearly recalls seeing cigars near the blunt when he conducted a search of the vehicle. Captain Griggs is also heard on the video recording pointing the blunt and cigars out to Sergeant Alford.

On the description of the evidence, Sergeant Alford only lists one item and describes it as "blunt rapped (sic) in a brown paper." Sergeant Alford never describes the evidence as being a cigar; however, when Lance Corporal Odom completes the analysis work / result sheet, he describes the evidence as "brown plant material in (1) cigar/blunt." According to Lance Corporal Odom, he verified that the evidence matched the paperwork. This investigation revealed that based on the fact that Sergeant Alford wrote that there was one item in the evidence bag Lance Corporal Odom therefore assumed that the cigar that was clearly visible at the bottom of the evidence bag was the only item in the bag. Lance Corporal Odom recalled that he only saw one "greenish colored cigar" in the evidence bag. The cigar did appear to be hand rolled and approximately three to four inches long, according to Lance Corporal Odom. The evidence was then tested visually and chemically and, the results of both tests indicated that this evidence was not marijuana. Lance Corporal Odom also stated that this particular sample was obviously not marijuana just by visual observation. The contents inside of the rolling paper looked to be normal tobacco from a regular cigar.

After the OPR investigation was initiated, First Sergeant Rivers was instructed to take this evidence to SLED for analysis. Agent Maribeth McCormack, a Forensic Scientist with SLED, stated that on March 13, 2014, she received an evidence bag from SCDPS that contained two items. The first item was identified as some loose plant substance and rolling paper. This item appeared to be a cigar that had been torn apart. Within that first evidence bag was another smaller evidence bag that contained a blunt. Agent McCormack listed the blunt as the second item on the SLED laboratory report. The blunt was wrapped in brown wrapping paper and tested positive for marijuana. Agent McCormack stated that she did not measure the blunt but she was certain that it was longer than an inch in length. Agent McCormack also advised that the blunt had not been opened or tested prior to her examination.



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During Lance Corporal Odom's interview, he was shown the analysis report that SLED had completed on March 19, 2014. According to Lance Corporal Odom, he was made aware that SLED's analysis results were positive for marijuana. Lance Corporal Odom stated that it was possible that when he cut the bottom of the evidence bag in order to retrieve the cigar, the blunt must have been stuck in the top of the evidence bag. That is the only explanation Lance Corporal Odom offered for not seeing the blunt that was located by SLED.

In summary, the evidence gathered throughout this investigation did confirm that Sergeant Alford had probable cause to make the charge for simple possession of marijuana. Captain Griggs originally discovered the blunt and stated that he would have made the charge if he had a ticket book assigned to him. When Captain Griggs looked in the passenger side of the vehicle, he observed that a purse was overturned on the floorboard of the vehicle. A small marijuana blunt was observed near this purse. Captain Griggs stated that the marijuana was wrapped in brown wrapping papers and the green leaves of marijuana were visible on the end of the marijuana joint. Captain Griggs also stated that he detected the odor of marijuana coming from the vehicle.

Although Sergeant Alford had access to the analysis report that was completed by Lance Corporal Odom, she failed to review the report prior to her court date. Conversely, there is not sufficient evidence to show that Sergeant Alford intentionally withheld this report in order to manipulate the defendant or the court. Next, there is no evidence to show that Sergeant Alford perjured herself during the presentation of this case. Judge Brown confirmed that the defendant appeared before the court and requested to plead guilty to both charges that were filed against her. The judge also stated that she assumed that there was not a question about the validity of the evidence, since the defendant was offering an admission of guilt.

Lastly, there is not sufficient evidence to prove that Sergeant Alford hung up the telephone on First Sergeant Borowski when she called him after leaving the Lee County Magistrate's office. Sergeant Alford and First Sergeant Borowski both agree that Sergeant Alford called him to inquire about why he was checking on her after he had instructed her to get the case with Ms. Smith reopened. According to Sergeant Alford and Judge Brown, First Sergeant Borowski asked the judge if she wanted to ban Sergeant Alford from the Lee County court. Also, First Sergeant Borowski told the judge that he felt that Sergeant Alford had committed perjury by prosecuting this case in court. Sergeant Alford went on to tell First Sergeant Borowski that she did not appreciate this type of conversation with the judge. Sergeant Alford stated that she was upset when she talked with First Sergeant Borowski but she denied that she hung the phone up on him. When First Sergeant Borowski was asked specifically did Sergeant Alford hang up on him, First Sergeant Borowski stated that it is possible that the signal dropped but, one minute they were talking and the next minute Sergeant Alford was not on the phone. A review of the Lee County Third Judicial Circuit's Public Index on March 23, 2015, revealed that Ms. Brittany Smith was



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ultimately found guilty of simple possession of marijuana charge and fined \$620.00 or 30 days jail time.

CLASSIFICATION

- ALLEGATION(S):** Sergeant T. P. Alford made an improper charge for Simple Possession of Marijuana. **UNFOUNDED**
- ALLEGATION(S):** Sergeant T. P. Alford intentionally withheld vital information from the court in order to force a defendant to plead guilty to a drug charge. **NOT SUSTAINED**
- ALLEGATION(S):** Sergeant T. P. Alford committed perjury when she offered untruthful testimony to a Lee County Magistrate. **UNFOUNDED**
- ALLEGATION(S):** Sergeant T. P. Alford was insubordinate and disrespectful when she hung up the telephone while talking to her direct supervisor. **NOT SUSTAINED**
- ALLEGATION(S):** Sergeant T. P. Alford failed to document all evidence that was seized and placed in an evidence bag on the marijuana analysis report and she also failed to review the marijuana analysis report after receiving the report from CEF. **SUSTAINED**

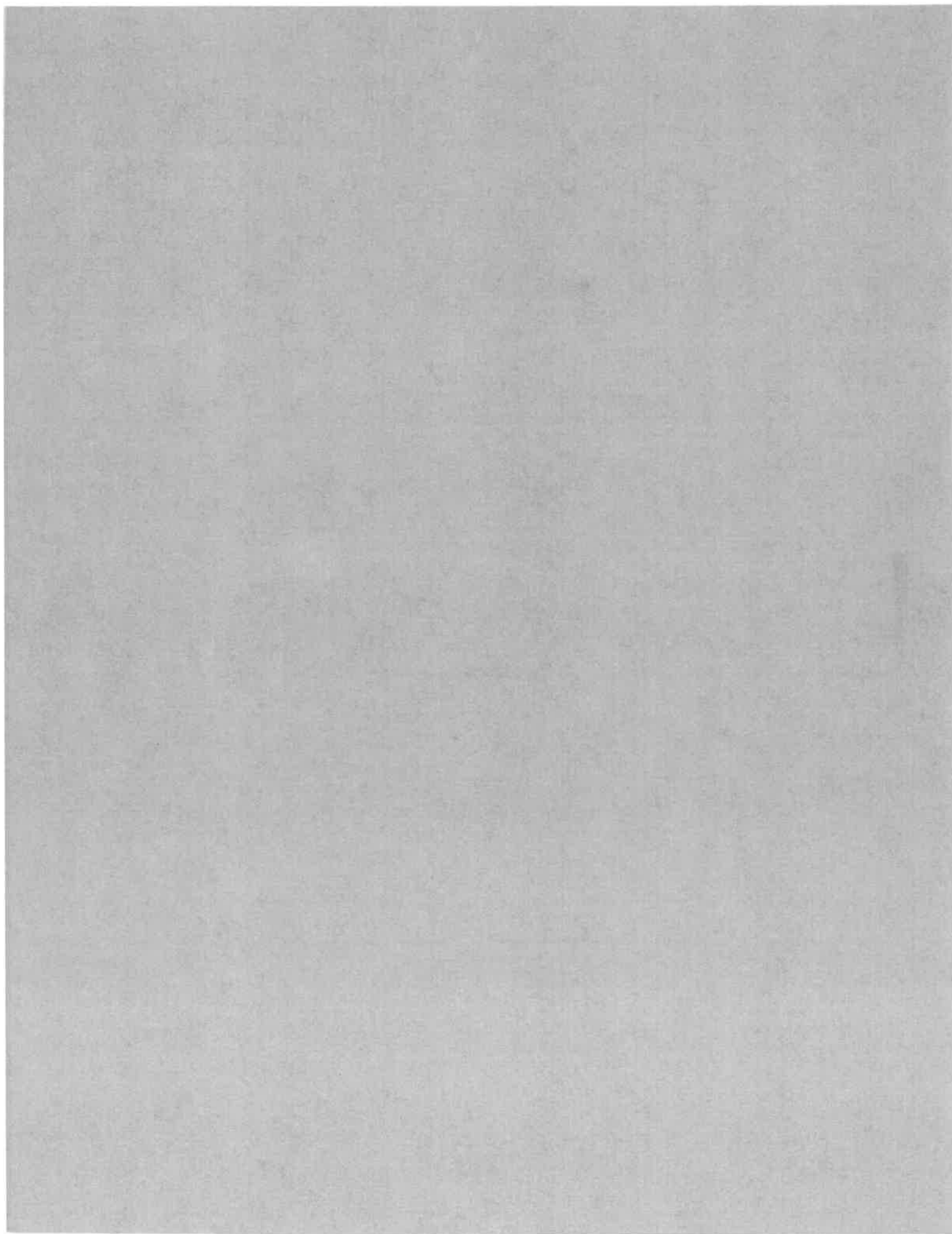
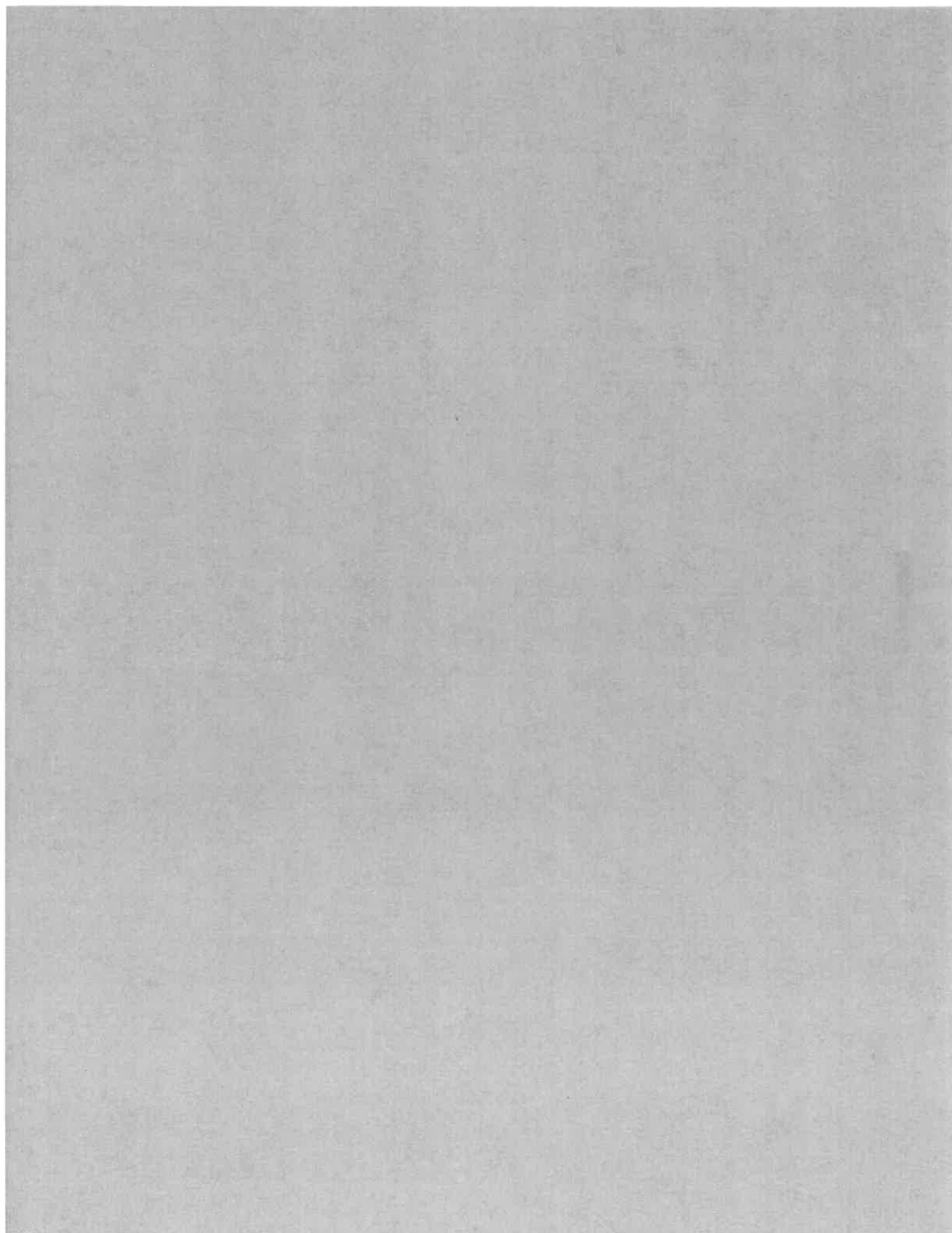


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- Exhibit 2.... Copy of 2 traffic tickets
- Exhibit 3.... Marijuana Analysis Request form submitted by Sergeant Alford
- Exhibit 4.... SCDPS Chain of Custody & Evidence Destruction forms
- Exhibit 5.... SCDPS Marijuana Analysis Report (results)
- Exhibit 6.... Sergeant Alford's field notes
- Exhibit 7.... Court Order to reopen the case for Ms. Smith
- Exhibit 8.... SLED Forensic Services Laboratory Report
- Exhibit 9.... Photographs of evidence
- Digital files.** All audio & video files are attached to rear cover page.





South Carolina Department of Public Safety
S.C. Highway Patrol

MEMORANDUM

To: Captain C.T. Stephens
From: F/Sgt. T.A. Borowski
Date: February 20, 2014
Subject: Sgt. T.P. Alford (Court Case)

On 2-18-2014, I went to Central Evidence to drop off SLED blood collection kits (3). While there, I talked with L/Cpl. D. Fouty and STP P. Odom about an e-mail that Sgt. Alford and I had received requesting that evidence be turned in before 1630 hours. It was then mentioned that there was a marijuana case that had been sent in to be analyzed that came back negative. I inquired about the case and I was advised that it was Sgt. T.P. Alford's case. The report was shown to me. I then asked L/Cpl. Fouty to check SCHP ticket tracking for the disposition and print it off for me. He did and the report showed it as Pled Guilty.

I then left Central Evidence and went to the Troop 1 office. Sgt. Alford was at Troop 1 to turn in the 800 radios we borrowed during the recent winter storm. I pulled her aside and asked her about this case. She advised me that it was marijuana and that she was positive that it was marijuana. I asked her if she had the analysis report on the case and she stated 'yes' but she had not looked at it. I asked her why not and she had no answer. I showed her the report and pointed out that the substance she had analyzed was not marijuana and that the case should have been dismissed. She again stated that it was marijuana and that she is a marijuana analyst and that she knew it was marijuana. She said she wanted SLED to retest it to prove this. I told her, "No, we are not going to do that." She continued to state that she wanted it to go to SLED to be analyzed. I continued to say, "No, we are not going to send it to SLED." Sgt. Alford also advised me that this was a case that was made on New Year's night at a checkpoint in Lee County. I told Sgt. Alford that this case needs to be ishmailed and dismissed. She agreed but was certain that it was marijuana. We then both left Troop 1 and traveled back to Post B.

On 2-19-2014, we had a supervisors meeting at Troop 1 and after the meeting I talked to Lt. G.T. Levine and told him about the discrepancies in the guilty plea and the negative results on the marijuana. I was advised that I needed to look into the case to see what happened in court. I called the Lee County Magistrate's office and talked to Rachael Fields (clerk). I asked her to pull this case and see if there was an audio recording of the bench trial.

On 2-20-2014, I went by the court house in Lee County and talked to Rachael Fields at which time she gave me the paper work on the case and told me that when I called her she went to the court room to see if anything had been recorded. She then noticed paper on the bench. She looked at it and noticed that it was

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several reports containing Sgt. Alford's name. It was the analysis report along with other reports reflecting the simple possession of marijuana case. Mrs. Fields took the reports and held them for me. I asked her how the reports got on the Judge's bench, and she did not know how they got there or how long they had been there.

I then talked to Judge Pamela Brown about this case. She advised that she was on the bench when this case was brought to her. I asked the Judge what happened in court and she advised that Sgt. Alford presented a simple possession of marijuana (G537951) and a Violation of ABC law (G429700). The judge stated that she was advised by Sgt. Alford that the defendant wanted to plea to the simple possession of marijuana if the ABC violation can be time served. The Judge agreed to that and sentenced her accordingly. I asked the Judge if any paperwork, specifically the marijuana analysis report, was given to her and she stated "no". No paper work was given to her during the bench trial. I asked the Judge if Sgt. Alford told her that the marijuana case came back negative that there was no marijuana present. The Judge told me "no" she did not. She inferred that the marijuana analysis had come back as positive because Sgt. Alford and the defendant stated it was marijuana and the defendant pled guilty to the charge. I showed the Judge the analysis report and she instantly noticed that the report was negative for marijuana, also stating that if she had been given the report, she would have found the defendant not guilty. The Judge was disappointed in the result of this case because she took the word of a trooper and because she was not given all of the evidence for this case.

On 2-20-2014, I called Lt. Levine about what was said by the Judge, and he advised that he would talk to Captain C.T. Stephens about this and would get back with me later.

I then left the court house in Lee County and at 1104 hours Sgt. Alford called me stating that she saw me on US 15 and asked what was I doing at Lee Court. I told her that I was checking on something and turning in the green magistrate copies. At 1121 hours, Sgt. Alford called me again and asked me why I was checking on her case. I told her that I needed to make sure that the simple possession case was ishmailed, because it was the right thing to do. She stated that she had told me that she would take care of it and that I did not need to check up on her. I advised her that it was my job to insure that this was taken care of. She then hung up on me. I called Lt. Levine and told him about the two phone calls I had received from Sgt. Alford.

I then called L/Cpl. Odom and asked him when he analyzed the marijuana did he send the result straight to Sgt. Alford or how did this work. He advised that when the report was completed he scanned them in and e-mailed the results to Sgt. Alford. He remembers that she sent a response of, "thank you."

The report was sent on 1/10/2014 and the original court was set for January 23, 2014 at 1000 hours, but it was continued to 2/11/2014 at which time the bench trail was conducted.

According to Judge Brown, the only people present at court were Sgt. Alford and the defendant. She advised that Cpl. Thompson had been there for only one case and had left after his case was complete.

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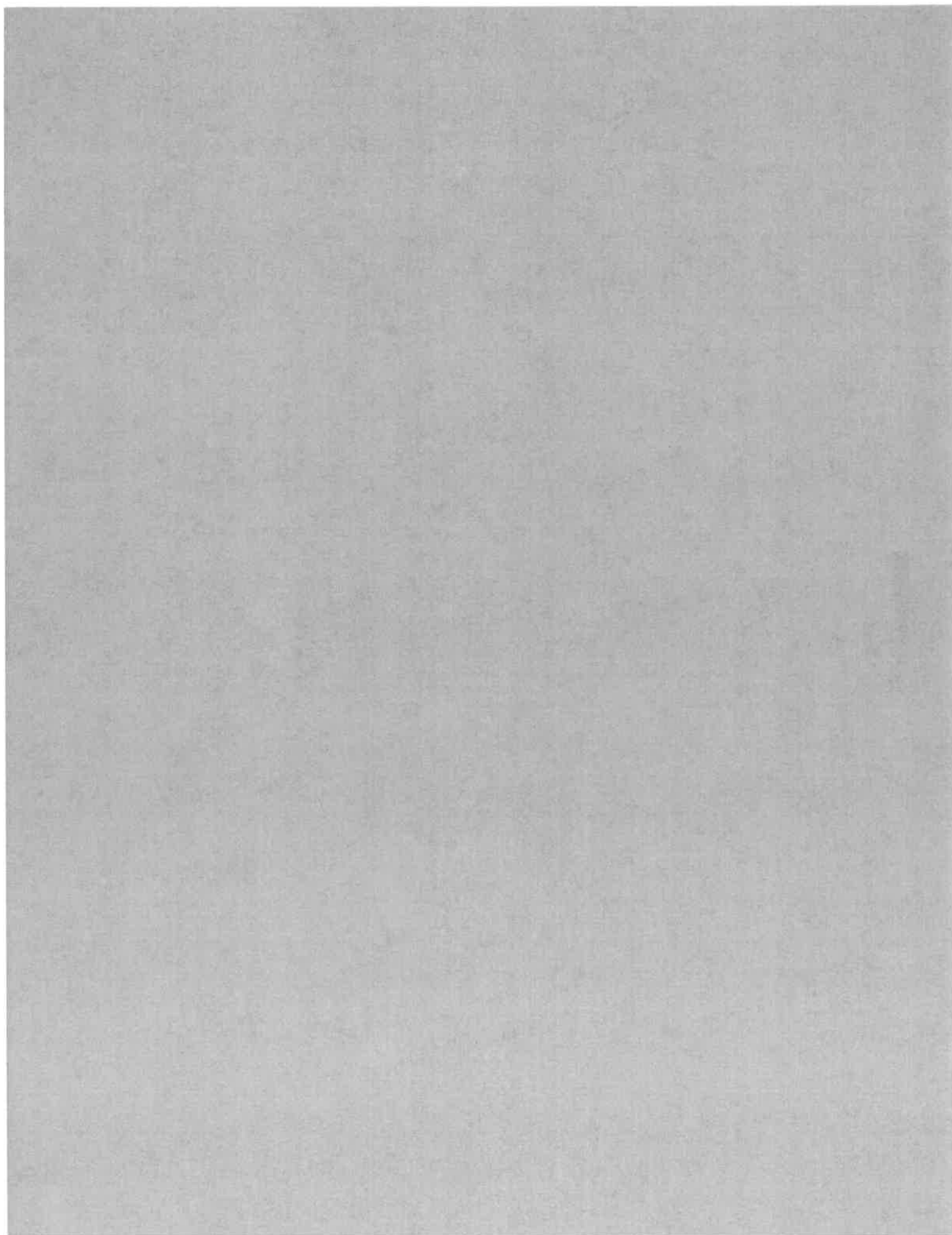
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On 2-20-2014, at 1500 hours, I called the Lee Magistrate's office to talk to the judge to see if when the case was heard did she swear in the participants, and she advised me that she did. She then told me that Sgt. Alford came by to see her about this case and stated that she needed to get rid of the case. Sgt. Alford told the Judge that the marijuana was not tested because the tip was burnt and STP Odom was unable to get a sample, but that she was certain it was marijuana. I reminded the Judge that I had shown her the report and stating that no marijuana was detected. The Judge stated she had seen it. While there, Sgt. Alford also told the Judge that, "there is a lot going on here and it is deeper than you know. It is political." Alford also stated she "just wants to get rid of the case and put it behind me."

Due to Sgt. T.P. Alford perjuring herself in court, violating policy and procedures, I request further investigation and disciplinary action be initiated if warranted.

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Form 438
Rev. 9/10

SOUTH CAROLINA
UNIFORM

DEPARTMENT OF PUBLIC SAFETY
AFFIDAVIT TICKET

STATE OF SOUTH CAROLINA VERSUS

FIRST NAME Brittany MIDDLE NAME Monique LAST NAME Smith
STREET AND NO. [REDACTED] CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED]

STATE LICENSED SC DRIVER'S LICENSE NO. [REDACTED] COLI [REDACTED] DRI. LIC. CLASS TD
VEH. LIC. NO. AMU 640 SC STATE SC MAKE OF VEH Pont YEAR 00 COMA. VEH. HAZ. MT. MOPED NO MTRCYCL. NO OTHER NO

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT LEE County STREET AND NO. 1156 Gregg St P.O. Box 2
DATE OF TRIAL 01/23/14 TIME OF TRIAL 1000hrs CITY Bishopville STATE SC ZIP CODE 29540

VIOLATION - COURT APPEARANCE REQUIRED YES NO VIOLATION SECTION NO. 401-440 ap

OWNER OF VEHICLE Scott - Kne, Eric DATE OF ARREST 01/01/14

ADDRESS OF OWNER Co. A, SC DATE OF VIOLATION 01/01/14

BAIL DEPOSITED JAIL NAME OF ARRESTING OFFICER T.P. Alford RANK Sgt

DESCRIPTION OF ACCUSED 54 BROWN MALE COUNTY LEE NUMBER 31
RACE BL SEX M BIRTH DATE 05/15/80 HT 5'4" WT 150 EYES BRN
DATE BAIL REC'D. BY [REDACTED] BADGE 7 TROOP 1

CASE BEFORE MAGISTRATE YES MUN. COURT NO CIRCUIT COURT NO FAMILY COURT NO FEDERAL COURT NO

NAME OF TRIAL COURT IF DIFFERENT FROM ABOVE DOCKET 14

DEFENDANT: DID NOT APPEAR NO APPEARED YES

NOLLE PROSSED NO DISPOSITION GUilty MILES 20 FORFEITED BOND NO PLED: NOLO CONTENDERE NO

TRIAL BY: TRIAL JUDGE NO JURY NO

VERDICT OF TRIAL IF ANY NOT GUILTY DATE OF TRIAL IF ANY 02/11/14

JAIL SUSPEND NO FINE 55.00 AMT. COLLECTED STP AMT. SUSPENDED NO

COMMITTED TO: [REDACTED] Vehicle Searched YES Arrest as Result of Collision NO OFFENSE CODE 94 B.A. LEVEL 1

Signature Redacted

TRIAL COURT COPY

CONTINUE
NEXT CT
DATE 2-11-14

G 429700

Form 438
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SOUTH CAROLINA
UNIFORM

DEPARTMENT OF PUBLIC SAFETY
AFFIDAVIT TICKET

STATE OF SOUTH CAROLINA VERSUS

FIRST NAME Brittany MIDDLE NAME Monique LAST NAME Smith
STREET AND NO. [REDACTED] CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED]

STATE LICENSED SC DRIVER'S LICENSE NO. [REDACTED] COLI [REDACTED] DRI. LIC. CLASS TD
VEH. LIC. NO. AMU 640 SC STATE SC MAKE OF VEH Pont YEAR 00 COMA. VEH. HAZ. MT. MOPED NO MTRCYCL. NO OTHER NO

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT LEE County STREET AND NO. 1156 Gregg St P.O. Box 2
DATE OF TRIAL 01/23/14 TIME OF TRIAL 1000hrs CITY Bishopville STATE SC ZIP CODE 29540

VIOLATION - COURT APPEARANCE REQUIRED YES NO VIOLATION SECTION NO. 44-53-370

OWNER OF VEHICLE Scott - Kne, Eric DATE OF ARREST 01/01/14

ADDRESS OF OWNER Co. A, SC DATE OF VIOLATION 01/01/14

BAIL DEPOSITED JAIL NAME OF ARRESTING OFFICER T.P. Alford RANK Sgt

DESCRIPTION OF ACCUSED 54 BROWN MALE COUNTY LEE NUMBER 31
RACE BL SEX M BIRTH DATE 05/15/80 HT 5'4" WT 150 EYES BRN
DATE BAIL REC'D. BY [REDACTED] BADGE 7 TROOP 1

CASE BEFORE MAGISTRATE YES MUN. COURT NO CIRCUIT COURT NO FAMILY COURT NO FEDERAL COURT NO

NAME OF TRIAL COURT IF DIFFERENT FROM ABOVE DOCKET 14

DEFENDANT: DID NOT APPEAR NO APPEARED YES

NOLLE PROSSED NO DISPOSITION GUilty MILES 20 FORFEITED BOND NO PLED: NOLO CONTENDERE NO

TRIAL BY: TRIAL JUDGE NO JURY NO

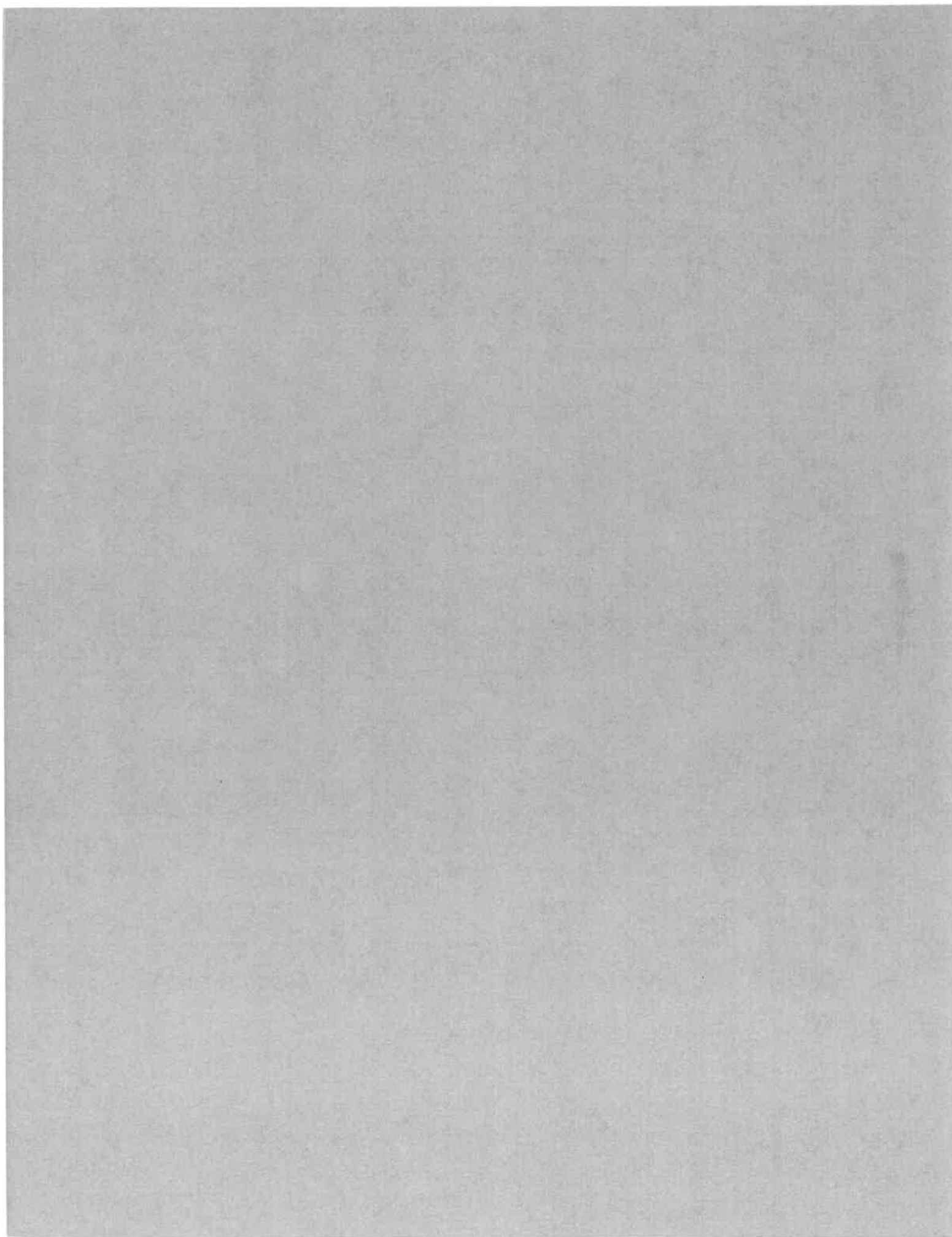
VERDICT OF TRIAL IF ANY NOT GUILTY DATE OF TRIAL IF ANY 02/11/14

JAIL SUSPEND NO FINE 620 AMT. COLLECTED STP AMT. SUSPENDED NO

COMMITTED TO: [REDACTED] Vehicle Searched YES Arrest as Result of Collision NO OFFENSE CODE 94 B.A. LEVEL 1

Signature Redacted

G 537951





LEE Court
01-83-14

**SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
MARIJUANA ANALYSIS REQUEST**

T.P. Alford

11-19-2013

Requesting Officer

Incident Date

14BW000040HP31

Lee

Case Number

County

Subject:

Sex: M ☐ F ☒

D.L./S.S.# 103065928

Smith

Brittany

Monique

Race: Cau ☒ Blk ☐ Other

Last Name

First Name

Middle Name

D.O.B

Subject:

Sex: M ☐ F ☐

D.L./S.S.#

Last Name

First Name

Middle Name

Race: Cau ☐ Blk ☐ Other

D.O.B

Subject:

Sex: M ☐ F ☐

D.L./S.S.#

Last Name

First Name

Middle Name

Race: Cau ☐ Blk ☐ Other

D.O.B

ITEM #	DESCRIPTION OF EVIDENCE
1	blunt rapped in a brown paper

Delivered by: Signature Redacted

Received by:

1-1 -2014

Date

Signature

Print

Date

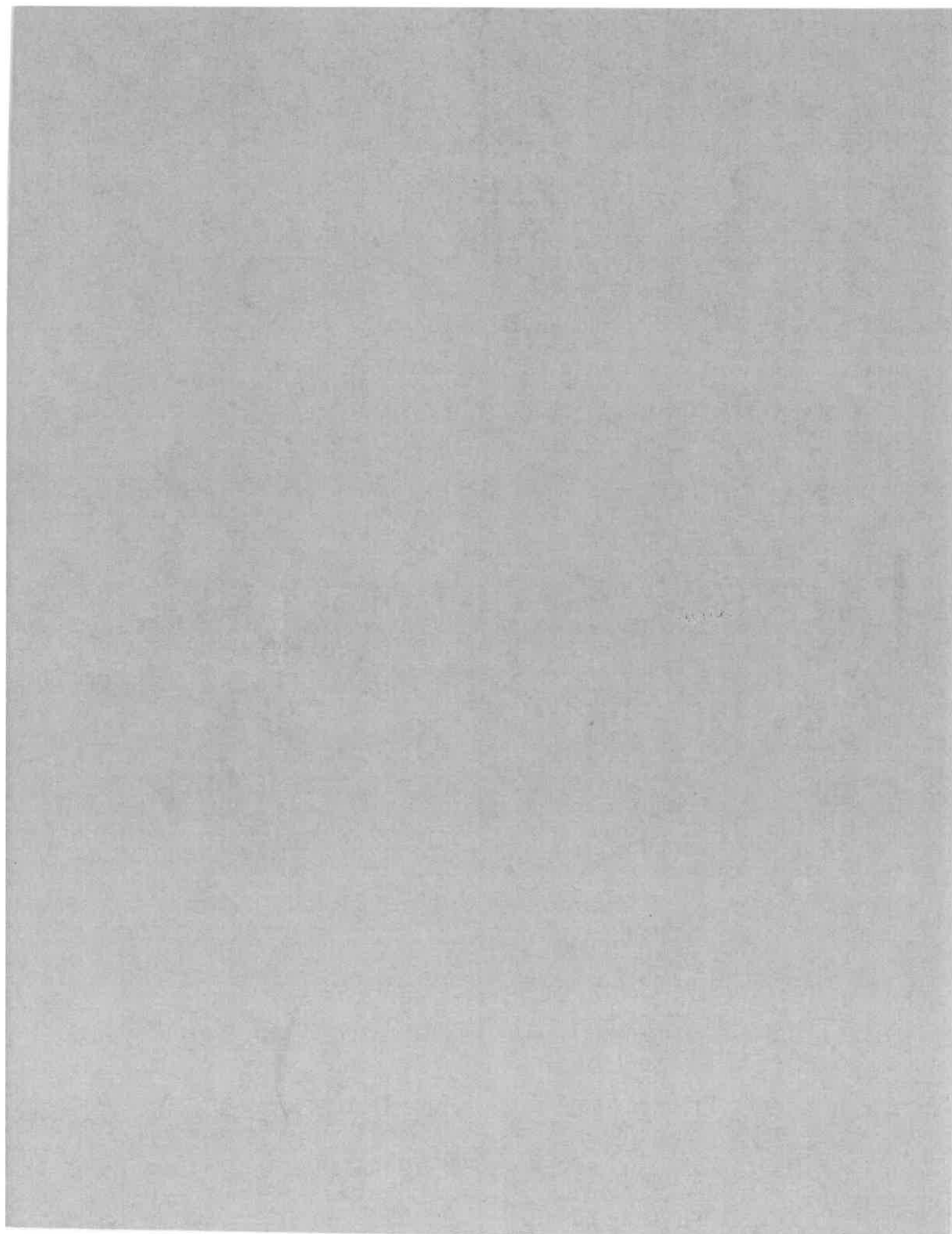
Signature Redacted

Print

WHITE - EVIDENCE
DPS-LE- 021
4/2003

YELLOW - REQUESTING OFFICER

PINK - ANALYST



South Carolina Department of Public Safety Chain Of Custody & Evidence Destruction

Case Number
14BW000040HP31

Evidence Type Drugs

Date Impounded 1-1-14

☒ Highway Patrol

☐ Transport Police

☐ Bureau of Protective Service

☐ Other

Status Check One Only

☐ General Session Evidence

☒ Magistrate Evidence

☐ Found

☐ Recovered

☐ Safe Keeping

☐ Other

I hereby acknowledge that the listed items represent monies/ property taken from my possession and that I have received a copy of this report. Signature

Court Date: 1-23-2014

Summons /Warrant Number: G537951

Officer: T.P. Alford

Subject / Violator's Name: Brittany Monique Smith

Date of Incident: 1-1-2014

Time of Incident: 0027

Phone Number : ()

Violator's Address: [REDACTED] SC [REDACTED]

License Number (Tag /State) JMU640

Item #	Quantity	Description (include make, Model and serial Numbers if applicable)	Field weight	NCIC	
1	1	one blunt		Yes	No

DISPOSITION OF ITEM (S) ABOVE: (The item(s) above have been received in substantially the same condition as when seized.)

From	To	Location	Reason for Movement	Date
T.P. Alford	R.D. McKay	Camden Office	Temp storage	1-1-2014
R.D. McKay	Drug Locker #9	Camden Office	Temp storage	1-1-2014
Drug Locker #9	T.P. Alford	11	MOVE to Refrig	1-1-2014
T.P. Alford	Refrig #7	11	Temp Storage	1-1-2014
Refrig #7	T.P. Alford	11	Transport of	1-6-2014
T.P. Alford	DK 7014	CAF	STORAGE	1-6-14
DK 7014	SAFE	CAF	STORAGE	1-6-14

We have further inspected such conveyance as to condition and contents, including glove compartment, trunk, or any other applicable storage areas and do certify that all contents and condition of such conveyance present and correct in his/her file.

If any have been satisfactorily accounted for to me/us with this file, except: (If no exceptions, have recipient write "None" in ink.

It is my our full unde Public Safety because admission that its seized from:

Signature (Individual)

Signature (Individual)

Witness:

Disposition of the above cases was disposed of in General Sessions/ Magistrate's court on:

DESTRUCTION OF EVIDENCE

This is to certify that I, _____ destroyed / relinquished the above described evidence on _____

(Person destroying/relinquish evidence)

(Date)

at _____

(Where destroyed)

(Witness)

Person destroying evidence

South Carolina Department of Public Safety Chain Of Custody & Evidence Destruction

Case Number 14BW000040HP31	Evidence Type Drugs	Date Impounded 1-1-14
<input checked="" type="checkbox"/> Highway Patrol	<input type="checkbox"/> Transport Police	<input type="checkbox"/> Bureau of Protective Service
Status Check One Only <input type="checkbox"/> General Session Evidence <input checked="" type="checkbox"/> Magistrate Evidence <input type="checkbox"/> Found <input type="checkbox"/> Recovered <input type="checkbox"/> Safe Keeping <input type="checkbox"/> Other		

I hereby acknowledge that the listed items represent monies/ property taken from my possession and that I have received a copy of this report. Signature _____

Court Date: 1-23-2014	Summons /Warrant Number: G537951
Officer: T.P. Alford	Date of Incident: 1-1-2014 Time of Incident: 0027
Subject / Violator's Name: Brittany Monique Smith	Phone Number : () _____
Violator's Address: [REDACTED] SC	License Number (Tag /State) JMU640

Item #	Quantity	Description (include make, Model and serial Numbers if applicable)	Field weight	NCIC	
				Yes	No
1	1	one blunt			

DISPOSITION OF ITEM (S) ABOVE: (The item(s) above have been received in substantially the same condition as when seized.)

From	To	Location	Reason for Movement	Date
T.P. Alford	R.D. McKay	amden Office	Temp storage	1-1-2014
R.D. McKay	Drug Locker	amden Office	Temp storage	1-1-2014
Drug Locker #9	T.P. Alford	11	move to Refrig	1-1-2014
T.P. Alford	Refrig #7	11	Temp Storage	1-1-2014
Refrig #7	T.P. Alford	11	Transport QoF	1-6-2014
T.P. Alford	DK Toub	CSF	Storage	1-6-14
DK Toub	Safel	CSF	Storage	1-6-14

We have further inspected such conveyance as to condition and contents, including glove compartment, trunk, or any other applicable storage areas and if any have been satisfactorily accounted for to me/us with this conveyance, or that it is not, except: (If no exceptions, have recipient write "None" in ink, in his/her ha: _____)

It is my our full unde Public Safety because admission that its seb from: _____

Signature (Individual) _____

Signature (Individual) _____

Witness: _____

Disposition of the above cases was disposed of in General Sessions/ Magistrate's court on: _____

DESTRUCTION OF EVIDENCE

This is to certify that I, _____ destroyed / relinquished the above described evidence on _____ at _____ (Date)

(Where destroye

L14-03351

Sub# 1 Received (3/13/2014)
S.C. Highway Patrol Troop #1
Agency Case #: 14BW000040HP31

(Witness)

Person destroying evidence

Chain of Custody & Evidence Destruction Supplemental Form

[illegible]



SLED LABORATORY FORENSIC SERVICES REQUEST

SLED LAB No. L14-03351
Submission: 1 3/13/2014 11:24:33AM

Name of Investigating officer: <u>T.P. Alford</u>		ORI No: <u>SCSHP0100</u>
Agency: <u>S.C. Highway Patrol Troop #1</u>	Phone No: <u>803-737-8340</u>	Agency Case No: <u>14BW000040HP3</u>
Fax No: _____	Email: _____	Offense: <u>DRUG EVIDENCE</u>
Mailing Address: <u>1626 Shop Road</u>		County: <u>Lee</u>
City / State / Zip: <u>Columbia, SC 29201</u>		Offense Date: <u>01/01/2014</u>
CC: _____		Officer Involved Shooting <input type="checkbox"/> Yes
		Rush: <input type="checkbox"/> Yes

Is this evidence related to another lab number?
☐ Yes ☒ No
 If yes, Lab Number: _____

SLED ITEM No. LAB ONLY	Agency Item No.	Description of Evidence	Analysis Requested
1	001	Drug Evidence -	DRUG ANALYSIS

Subject(s)	Sex	Race	DOB	SSN
Brittany Monique Smith	F	W	[REDACTED]	

Comments
 Case Comments: INTERNAL INVESTIGATION: Analysis report is to be emailed to mcrivers@scdps.gov ONLY. Please do not send to officer listed above.

Submission Comments: Please test for marijuana or any other potential narcotic consistent w/appearance.

All sealed evidence packages accepted by the laboratory are assumed to contain what they are "said to contain" by the submitter. The laboratory does not conduct a detailed inventory of evidence package contents during the evidence intake process.

This Space Reserved For Lab Receipt Barcode



SLED LABORATORY FORENSIC SERVICES REQUEST

SLED LAB No. L14-03351

Submission: 1 3/13/2014 11:24:33AM

Submitted By :

Received By :

Signature
Redacted

Signature Redacted

Mendel Rivers

Amy Stephens
Forensic Technician

Laboratory Analysis Electronic Packing Slip

Case Information

Sent electronically to Lab: (03/13/2014 @ 09:16)

SLED Forensic Services



Department Case: 14BW000040HP31 Submission # 1

- Department: *PRELOG FOR* S.C. Highway Patrol Troop #1 [SCSHP0100] / User Name: SCHP Central Evidence
- Department Case: 14BW000040HP31
- Submission Number: 1
- Case Officer Pick: T.P. Alford
- Officer Name: T.P. Alford
- Officer Phone: 803-896-9621
- Offense Date: 01/01/2014
- Offense Location: Lee County
- County: Lee
- Case Type: DRUG EVIDENCE
- Case Comments: INTERNAL INVESTIGATION: Analysis report is to be emailed to mcrivers@scdps.gov ONLY. Please do not send to officer listed above.

L14-03351

Sub# 1 Received (3/13/2014)
S.C. Highway Patrol Troop #1
Agency Case #: 14BW000040HP31

Submission Information

- Crime Scene Number:
- Crime Scene Location: Lee County
- Delivery Type: Hand Delivered
- Comments: Please test for marijuana or any other potential narcotic consistent w/appearance.
- Date Sent: 03/13/2014

Name Information

Name Type	Full Name	Date Of Birth	Sex	Race
Suspect	Smith, Brittany Monique		Female	White/Caucasian

Analysis Request Information

Item Number	Package	Item Type Code	Item Description	Serial Number	Exam Requests	Date Collected
001	plastic bag	[159]Drug Evidence			DC-Drug Analysis	01/01/2014 00:27

Tox Questions

Death:

- ☐ Yes ,if yes: ☐ Traffic Fatality ☐ Child Fatality ☐ Accident ☐ Natural ☐ Unexplained
☒ No

Traffic Fatality:

- ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Motorcyclist ☐ Bicyclist ☐ Boating ☐ Other

Other Causes:

- ☐ Gunshot ☐ Stabbing ☐ Beating ☐ Strangulation/Suffocation ☐ Drug/Poison/Alcohol ☐ Fire ☐ Disease
☐ Carbon Monoxide ☐ Hanging ☐ Electrocution ☐ Heart Related ☐ Drowning ☐ Other

DUI:

Felony

- ☐ Yes
☒ No

Resulting in
Death

- ☐ Yes
☒ No

(if yes, victim required)

Breath Test
Given

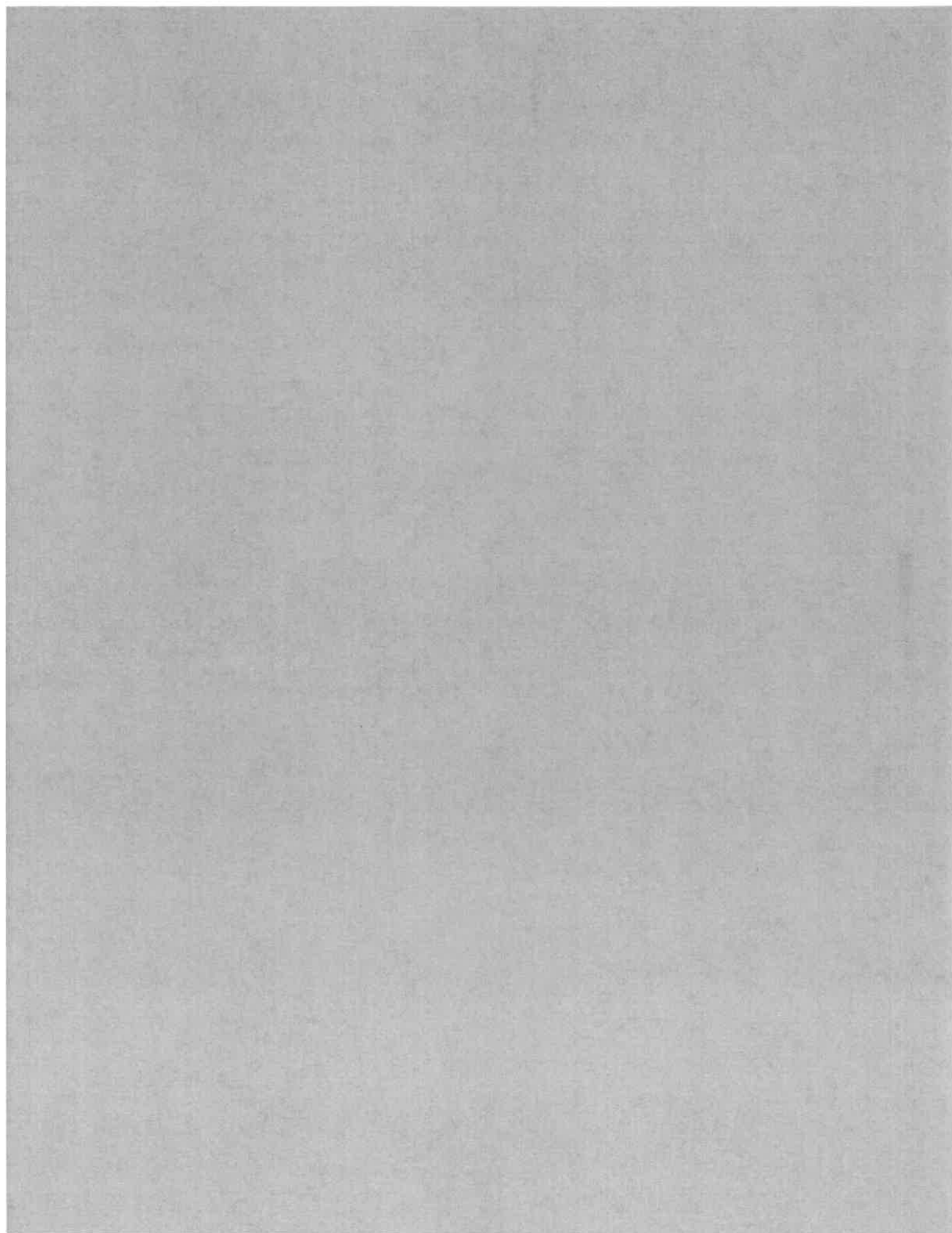
- ☐ Yes
☒ No

if yes, reading:

Drugs

Suspected

- ☒ Yes if yes, list drugs: unknown, marijuana
☐ No





Subject **Brittany M. Smith**

Analyst L/Cpl P.M. Odom

[illegible]

Comments/Notes: Sealed evidence bag containing: (1) cigar/blunt with a brown plant material. A small amount of plant material was removed and tested, labeled as item 1.1. Sample tested negative in the microscopic test for Cystolithic (bear claws), Uni-Cellular (simple) and Multi-Cellular (glandular) hairs. The Duquenois-Levine test also proved negative. This was a negative test. These test were performed in accordance to S.L.E.D. procedures. My certification # R13-012, expires 12/31/2016.



**SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
MARIJUANA ANALYSIS REPORT**

T.P. Alford		Smith		SUBJECT(S):		Brittany		Monique		1/1/2014	
Requesting Officer		Last Name		First		Middle		Incident Date			
		Last Name		First		Middle					
14BW000040HP31										Lee	
Case Number		Last Name		First		Middle		County			
				Date		01/10/2014					

EVIDENCE SUBMITTED

Item # 1 : Small sealed evidence bag, containing: (1) cigar / blunt with a brown plant material inside.

*** (A small amount of plant material was removed and tested, labeled as items 1.1).***

RESULTS OF EXAMINATION

Item # 1 : No Marijuana Detected

I am employed by the South Carolina Department of Public Safety and I have been trained and certified by the State Law Enforcement Division in the microscopic and chemical analysis and identification of marijuana.

Sworn to me this 10th day of

January, 20 14

Signature Redacted

Notary Public

Analyst

Signature:

Signature Redacted

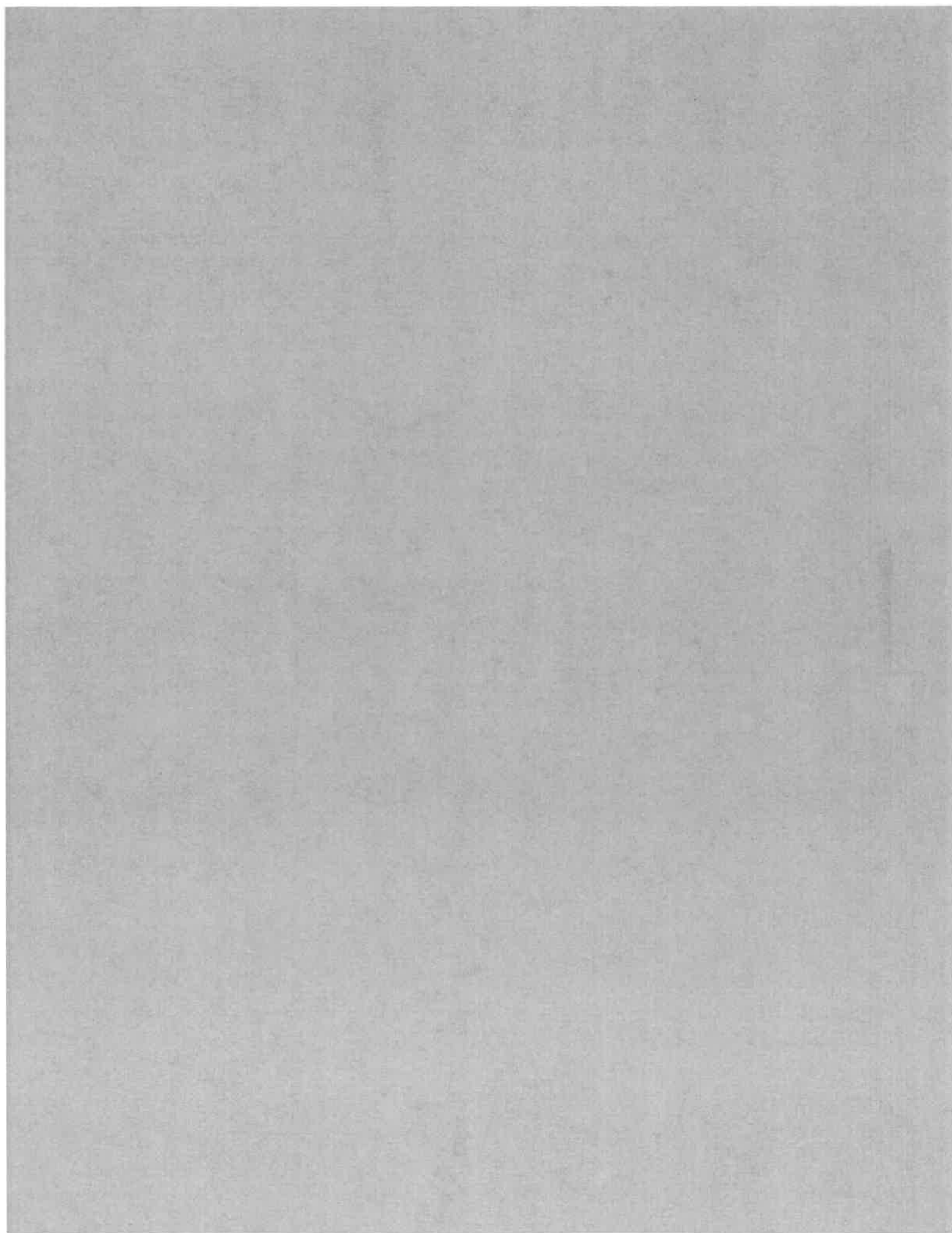
Date:

01/10/2014

Location:

Central Evidence Facility

Exp 1-29-17



1-1-14

Cpt. Corigas Bishopville PD

Car came thru Road check

DN SC 341 / SC DOT SHED

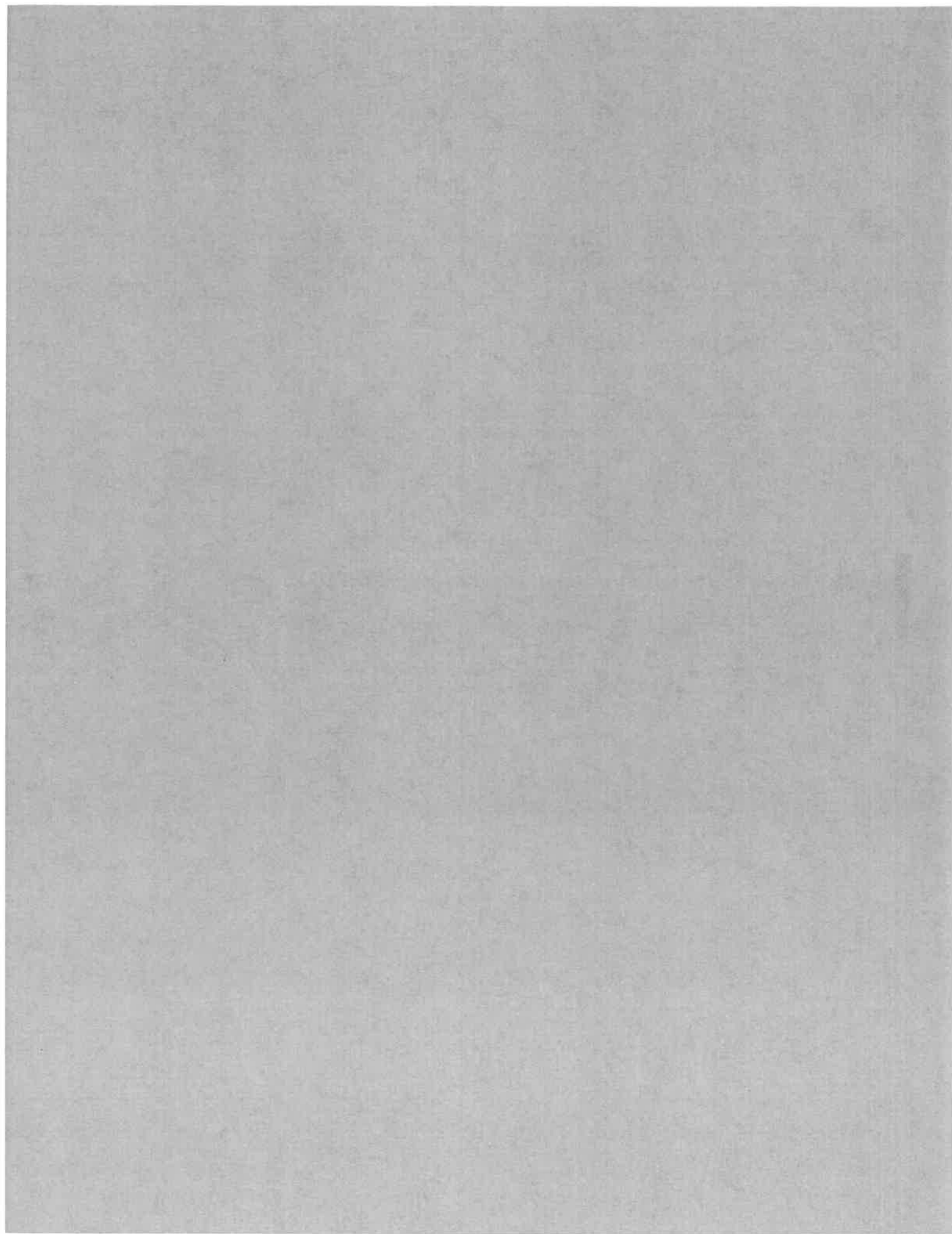
Driver was stopped for a head
light violation

The Passenger - was seen
try to conceal a Bottle

^{Liquor bottle was hidden}
Dt Caranberry Juice w/ liquor
inside of it and ~~the~~ ~~the~~

VIEW WAS ~~Blocked~~ so

After pulling Both occupants
out the car. Due the vehicle
Smelling like marijuana.



STATE OF SOUTH CAROLINA

COUNTY/CITY OF LEE

STATE OF SOUTH CAROLINA

vs

Brittany Monique Smith

Defendant

G537951
CRIMINAL CASE NUMBER
IN THE SUMMARY COURT

ORDER
Recalling Ticket

DRIVER'S LICENSE NUMBER:

DRIVER'S LICENSE STATE:

CASE NUMBER(S):

CHARGES(S):

SC

G537951

Drugs / Possession of 28g (1 oz) or less of marijuana or 10g
or less of hash - 1st offense

It appears that the above described case should be reopened and returned to the Lee County/City Lee
County Magistrate based upon the following information:

- 1-This case was initially disposed of on February 11, 2014
- 2-The defendant received notice of the disposition of this case on February 20, 2014
- 3-A request to reopen the case was made on February 20, 2014 and said request was made timely.
- 4-The case should be reopened for the following reason(s): Ticket signed off in error, Information
received was inconclusive.
- 5-The prosecuting authority was notified of the Order as indicated by the signature.

AND IT IS SO ORDERED:

February 20, 2014

Signature Redacted

Palmella S Andrews-Brown (Magistrate)
JUDGE

I HAVE BEEN NOTIFIED

Signature Redacted

T Alford, S C Highway Patrol

RETURN TO:

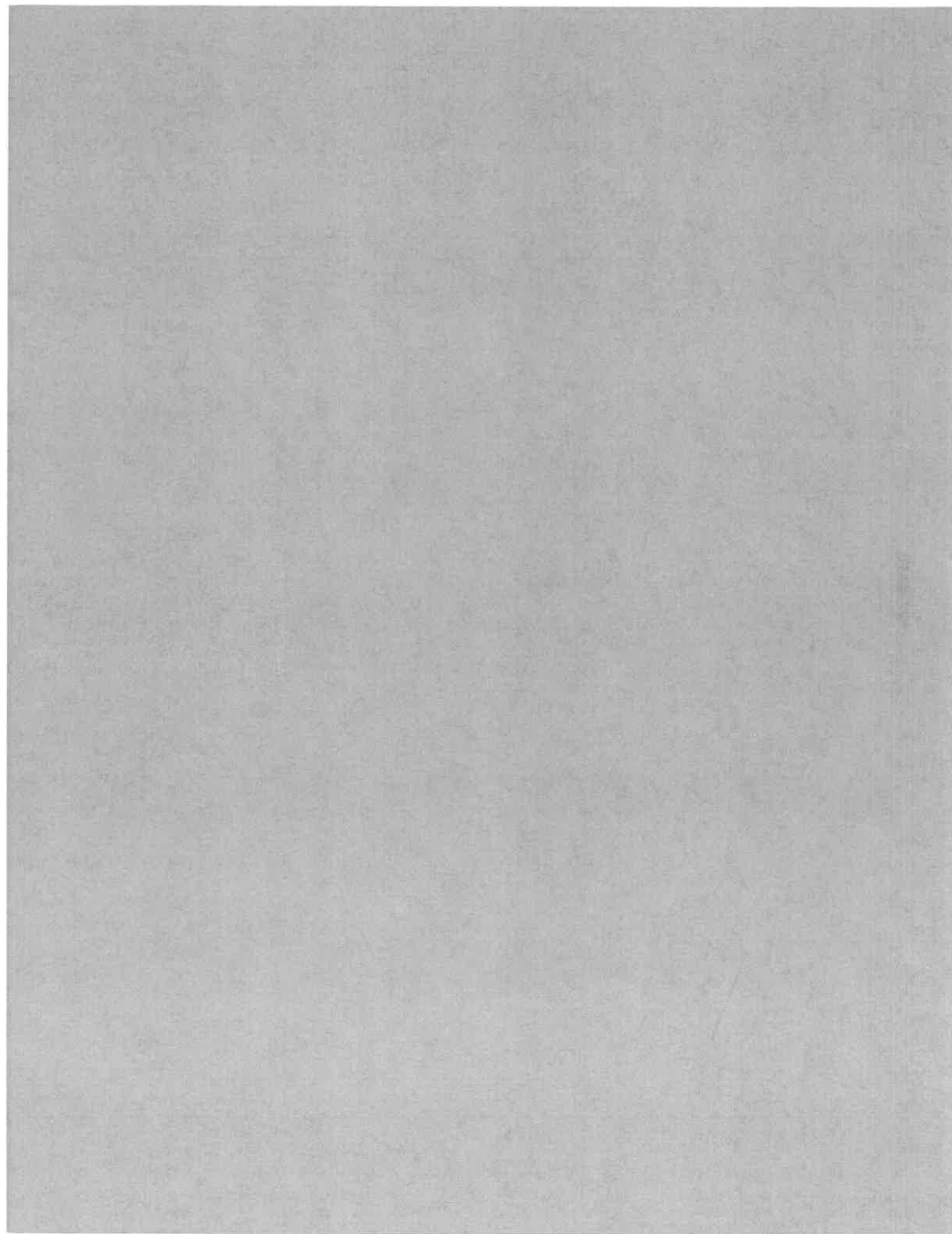
Lee County/City

Lee County Magistrate

115 Gregg Street / P.O. Box 2

Bishopville, SC 290100002

Phone: (803) 484-6463 Fax: (803) 484-5163



SOUTH CAROLINA LAW ENFORCEMENT DIVISION
FORENSIC SERVICES LABORATORY



FACSIMILE

TO: Mandel Rivers DATE: 3/19/14
PHONE: _____ FAX: 803-737-6322 PAGE 1 OF 4 PAGES
FROM: Drug Analysis PHONE: 803-896-7385 FAX: 803-896-7542

MESSAGE:

Drug Report

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
PO BOX 21398
COLUMBIA, SC 29221-1398
(803) 737-9000
Laboratory-(803) 896-7300

LABORATORY FAX NUMBERS

Administration, Evidence Control, Implied Consent, Polygraph.....(803) 896-7351
Firearms, Questioned Documents, Latent Prints/Crime Scene, Photography, DNA Database.....(803) 896-7525
Trace, DNA Casework.....(803) 896-7541
Toxicology, Drug Analysis.....(803) 896-7542

CONFIDENTIALITY NOTICE

THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION WHICH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, DISTRIBUTION, OR COPYING OF THIS INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY CALLING THE ABOVE TELEPHONE NUMBER. THANK YOU FOR YOUR ASSISTANCE AND COOPERATION.

FORM A
REPORT OF ANALYSIS FOR
CONTROLLED DANGEROUS SUBSTANCES
(Substance Found)

I, Maribeth C. McCormack, am a Forensic Scientist employed by the South Carolina State Law Enforcement Division (SLED), certified by SLED as a Forensic Scientist qualified to perform testing and analysis for controlled and/or dangerous substances prohibited by law in this State by Title 44, Chapter 53 of the Code of Laws and Rule 61-4 of the Department of Health and Environmental Control.

I have 6 years and 0 months experience as a Forensic Scientist. During that period, I have been qualified as an expert witness and testified in court no less than 17 times. I have received the following training as a Forensic Scientist.

BS Chemistry, University of South Carolina, Columbia, SC 2003
MT Secondary Science Education, University of South Carolina, Columbia, SC 2004
Marijuana Analyst Certification, South Carolina Law Enforcement Division, 2008
South Carolina Law and Legal Training, South Carolina Criminal Justice Academy, 2008
Training in Forensic Drug Analysis, South Carolina Law Enforcement Division, 2008
Drug Enforcement Administration, Forensic Chemist Seminar, 2009

Sub # 1 On March 13, 2014, items were received from Mendel Rivers of the S. C. Department of Public Safety.

I tested the above item(s) using the following legally reliable forensic laboratory procedures approved by SLED:

☒ Chemical Test
☒ Microscopic Exam
☐ Infrared Spectroscopy
☐ Visual Examination

☒ Gas Chromatography
☒ Mass Spectroscopy
☐ Physical Test
☐ Published Literature

See Drug Analysis Report L14-03351 for Results.

Forensic Scientist

Signature Redacted

Maribeth C. McCormack

Date: March 19, 2014



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

Issuing Authority: Quality Manager



SLED Forensics Form # EDA 020, November 2013
Page 1 of 1

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

Mendel Rivers
S. C. Department of Public Safety
1620 Shop Rd
Columbia, SC 29201

DRUG ANALYSIS
March 19, 2014
SLED LAB: L14-03351
Your Case No: 14BW000040HP31
Incident Date: 1/1/2014
[S] Brittany Smith

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

- Sub # 1 On March 13, 2014, items were received from Mendel Rivers of the S. C. Department of Public Safety.
- Item: 1.1 Evidence bag containing...
- Item: 1.1.1 Pieces of rolling paper and plant substance
RESULTS:
No controlled substance(s) detected in the sample tested; 1 tested.
- Item: 1.1.2 Evidence bag containing blunt containing plant substance
RESULTS:
Marijuana (C-I) found in the sample tested; 1 tested. Net weight: less than 0.10 grams.



March 19, 2014
L14-03351

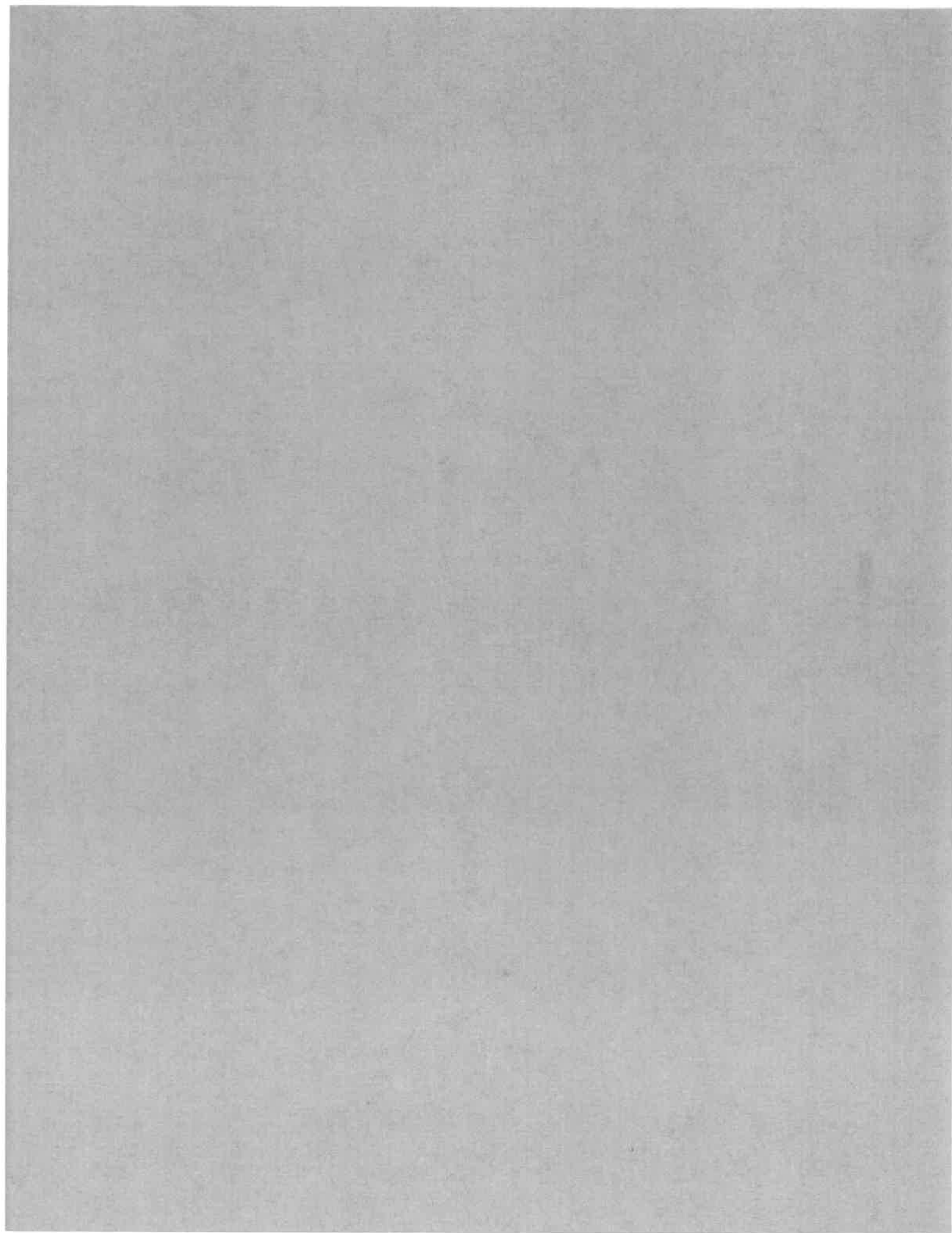
Page 2

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Signature Redacted

Maribeth C. McCormack
Forensic Scientist











SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
OPR INVESTIGATION CLOSING FORM

CASE FILE #PR-2101-14-0017-D

NAME: Sergeant T. P. Alford

Signature Redacted

Kenneth D. Phelps
Chief

RECEIVED

3-20-2015

Date

Signature Redacted

APR 13 2015

Office of Human Resources
Dept. of Public Safety

03/23/15

Date

Leroy Smith
Director

Signature Redacted

3/30/15

Date

Deputy Director/ Department Head

☒ Sustained-Employee's action violated Department Policy, procedures or guidelines.

The above does not require justifications since disciplinary action should result.

REVIEWER: CHECK CONCLUSION & SUBMIT WRITTEN JUSTIFICATION FOR CLOSURE

☐ Not Sustained-Insufficient evidence exists to either prove or disprove allegation.

☐ Unfounded-Alleged misconduct did not occur.

☐ Exonerated-Employee's action occurred as alleged, but was within policy and authorized by law.

Comments: Sustained on Failure to properly document
all evidence only.

Comments: Conar 4/13/15. Sergeant Therese P. Alford received a Level I
Reprimand for Negligence in Following Policy, Regulations, Rules or
Procedures June 1, 2015.

Signature Redacted

6/19/15

Date

Administrator: Office of Human Resources

FINAL ACTION: AUTHORITY TO CLOSE CASE

Signature Redacted

6-24-2015

Date

Kenneth D. Phelps
Chief

Signature Redacted

06/25/15

Date

Leroy Smith
Director

ACTION MEMORANDUM



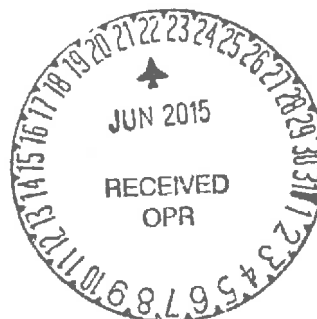
SUBJECT: Review & Close-out of OPR Investigation # PR-2101-14-0017-D Sergeant Therese P. Alford Highway Patrol – Troop One		DATE: June 19, 2015
TO: Leroy Smith Director	THROUGH: Kenneth Phelps Chief, Office of Professional Responsibility	FROM: Tosha L. Autry Initials Redacted Director, Office of Human Resources
ACTION REQUIRED: Review and Approve Close-out of Investigation # PR-2101-14-0017-D		
FINAL ACTION BY: Director: XXX		DUE DATE: At your convenience.
<p>SUMMARY: An investigation conducted by the SCDPS Office of Professional Responsibility ("OPR") revealed that on January 1, 2014, Sergeant Alford was conducting a safety checkpoint on SC-341 at the South Carolina Department of Transportation section shed. Sergeant Alford arrested Ms. Brittany Monique Smith for simple possession of marijuana and subsequently allowed Ms. Smith to plead guilty to this crime, after the SCDPS marijuana analysis reported that the evidence tested negative for marijuana.</p> <p>When asked about the marijuana analysis report that was emailed from the Central Evidence Facility (CEF) to her on January 10, 2014, Sergeant Alford explained that she did receive the report; however, she was in the habit of saving documents on her email without opening the attachments. According to Sergeant Alford, she failed to review the report because she automatically assumed the results were positive based on her observation of the evidence from the January 1, 2014 traffic stop.</p> <p>Sergeant Alford failed to include on the SCDPS Marijuana Analysis Request form that two items were included inside of the evidence bag. She also listed the incident date incorrectly, as "11-19-2013," on the SCDPS Marijuana Analysis Request form that was submitted to CEF on January 6, 2014. On the description of evidence, Sergeant Alford only listed one item and described it as "blunt rapped (sic) in a brown paper." Sergeant Alford never described the evidence as being a cigar; however, when Lance Corporal Odom completed the analysis work/result sheet, he described the evidence as "brown plant material in (1) cigar/blunt." According to Lance Corporal Odom, he verified that the evidence matched the paperwork. This investigation revealed that based on the fact that Sergeant Alford wrote that there was one item in the evidence bag Lance Corporal Odom therefore assumed that the cigar that was clearly visible at the bottom of the evidence bag was the only item in the bag.</p> <p>The evidence was further analyzed by SLED. On March 13, 2014, Agent Maribeth McCormack, Forensic Scientist with SLED, received an evidence bag from SCDPS that contained two items. The first item was identified as some loose plant substance and rolling paper. This item appeared to be a cigar that had been torn apart. Within that first evidence bag was another smaller evidence bag that contained a blunt. Agent McCormack listed the blunt as the second item on the SLED laboratory report. The blunt was wrapped in brown wrapping paper and tested positive for marijuana. Agent McCormack advised that the blunt had not been opened or tested prior to her examination.</p> <p>Lance Corporal Odom was made aware that SLED's analysis results were positive for marijuana. He stated that it was possible that when he cut the bottom of the evidence bag in order to retrieve the cigar, the blunt must have been stuck in the top of the evidence bag. That is the only explanation Lance Corporal Odom offered for not seeing the blunt that was located by SLED.</p> <p>The evidence gathered throughout the investigation did confirm that Sergeant Alford had probable cause to</p>		

make the charge for simple possession of marijuana. Although Sergeant Alford had access to the analysis report that was completed by Lance Corporal Odom, she failed to review the report prior to her court date.

After a review of the incident, Sergeant Alford received a **Level I Reprimand** for violation of SCDPS Policy #400.08 (*Disciplinary Action*) and #400.08G (*Guidelines for Progressive Discipline*) for **Negligence in Following Rules, Regulations, Policies and Procedures**. A copy of the letter of discipline is attached. It is recommended that the OPR (district) investigation be closed at this time. If you concur, please initial this action memorandum.

	AD	BPS	C J A	FAC	H P	OHR	IT	MV	OCS	O F M	OGC	OPR	OSG	PO	RMO	STP
Initials						MTM						Initials Redacted				
Date						6/19/15						6-24-15				

A:\CLOSEFIL.MEM





SOUTH CAROLINA HIGHWAY PATROL
ACTION MEMORANDUM

47478

SUBJECT: Corrective Action Return - Level I Reprimand				DATE: June 1, 2015															
TO: Colonel M. R. Oliver				THROUGH: Major M. S. Wright				FROM: Capt. C. T. Stephens											
ACTION REQUIRED: Review and proper handling								PRIORITY <input type="checkbox"/> Low <input checked="" type="checkbox"/> Normal <input type="checkbox"/> High RESPONSE BY:											
SUMMARY: Sgt. T. P. Alford																			
CONCURRENCES: (ENFORCEMENT OPERATIONS)																			
Req. Signoff (X)	LTC	MAJ-R1	MAJ-R2	T-1	T-2	T-3	T-4	T-5	T-6	T-7	T-8	T-10							
Initials	CPT	MAJ		MAJ															
Date	6/10/15	6-1																	
CONCURRENCES: (SUPPORT OPERATIONS)																			
Req. Signoff (X)	MAJ SO	MAJ Admin	T-9	TRN	SS	PS-CRO	INT/COM	SP	EM	BUDGET	R&D	SO	IT						
Initials																			
Date																			
COMMENTS:																			

☒ Approved

☐ Not Approved

Signature Redacted

Colonel Signature and Date

6/10/15

COMMENTS:	RECEIVED	Lt. Colonel's Office
	JUN 10 2015	JUN 05 2015
	Human Resources Office D.P.S.	SC Highway Patrol

☐ Approved

☐ Not Approved

Director Signature and Date



South Carolina Department of Public Safety
S.C. Highway Patrol

To: Major M. S. Wright
Field Operations/Region I

From: Captain C. T. Stephens, [REDACTED] Initials Redacted
Troop One Commander

Date: June 1, 2015

Subject: Returned Corrective Action – Level I Reprimand
Sgt. T. P. Alford

The attached corrective action was given to Sgt. T. P. Alford on June 1, 2015. It is being returned to you for review and proper handling.

Attachment

Courtesy - Efficiency - Service

POST OFFICE BOX 1993, 10311 WILSON BLVD., BLYTHEWOOD, SOUTH CAROLINA 29016



000047478c

South Carolina Department of Public Safety
S.C. Highway Patrol

MEMORANDUM

TO: M. S. Wright
Major

FROM: M. R. Oliver
Colonel

DATE: May 21, 2015

RE: Sergeant Therese P. Alford – T1 Headquarters – Level I Reprimand

Enclosed is a disciplinary action in the form of a Level I Reprimand for the above trooper.

Please conduct the disciplinary action and forward the original signed documentation to this office for further processing.

As always, your immediate attention to this request is appreciated.

MRO/djg

Attachment

Cc: Lt. Colonel C. N. Williamson

Courtesy - Efficiency - Service

POST OFFICE BOX 1993, 10311 WILSON BLVD., BLYTHEWOOD, SOUTH CAROLINA 29015



South Carolina Department of Public Safety
Office of Human Resources

0000 4747 80

MEMORANDUM

TO: Sergeant Therese P. Alford
Highway Patrol, Troop One

FROM: Colonel Michael R. Oliver [Initials Redacted]
Highway Patrol, Headquarters

DATE: May 20, 2015

SUBJECT: Level I Reprimand

You are being issued a **Level I Reprimand** for violation of SCDPS Policy #400.08 (*Disciplinary Action*) and #400.08G (*Guidelines for Progressive Discipline*) for **Negligence in Following Rules, Regulations, Policies or Procedures.**

An investigation conducted by the SCDPS Office of Professional Responsibility ("OPR") revealed that on January 1, 2014 while conducting a safety checkpoint on SC-341 at the South Carolina Department of Transportation section shed, you arrested Ms. Brittany Monique Smith for simple possession of marijuana and subsequently allowed Ms. Smith to plead guilty to this crime after the SCDPS marijuana analysis reported that the evidence tested negative for marijuana.

When asked about the marijuana analysis report that was emailed from the Central Evidence Facility (CEF) to you on January 10, 2014, you explained that you did receive the report; however, you were in the habit of saving documents on your email without opening the attachments. You stated that you failed to review the report because you automatically assumed the results were positive based on your observation of the evidence from the January 1, 2014 traffic stop.

You failed to include on the SCDPS Marijuana Analysis Request form that two items were included inside of the evidence bag. You also listed the incident date incorrectly, as "11-19-2013," on the SCDPS Marijuana Analysis Request form that was submitted to CEF on January 6, 2014. On the description of evidence, you only listed one item and described it as "blunt rapped (sic) in a brown paper." You never described the evidence as being a cigar; however, when Lance Corporal Odom completed the analysis work/result sheet, he described the evidence as "brown plant material in (1) cigar/blunt." According to Lance Corporal Odom, he verified that the evidence matched the paperwork. This investigation revealed that based on the fact that you wrote that there was one item in the evidence bag, Lance Corporal Odom therefore assumed that the cigar that was clearly visible at the bottom of the evidence bag was the only item in the bag.

The evidence was further analyzed by SLED. On March 13, 2014, Agent Maribeth McCormack, Forensic Scientist with SLED, received an evidence bag from SCDPS that contained two items. The first item was identified as some loose plant substance and rolling paper. This item appeared to be a cigar that had been torn apart. Within that first evidence bag was another smaller evidence bag that contained a blunt. Agent McCormack listed the blunt as the second item on the SLED laboratory report. The blunt was

10311 Wilson Boulevard, Blythewood, South Carolina 29016
Post Office Box 1993, Blythewood, South Carolina 29016

Therese P. Alford
Level I Reprimand
May 20, 2015

wrapped in brown wrapping paper and tested positive for marijuana. Agent McCormack advised that the blunt had not been opened or tested prior to her examination.

Lance Corporal Odom was made aware that SLED's analysis results were positive for marijuana. He stated that it was possible that when he cut the bottom of the evidence bag in order to retrieve the cigar, the blunt must have been stuck in the top of the evidence bag. That is the only explanation Lance Corporal Odom offered for not seeing the blunt that was located by SLED.

The evidence gathered throughout the investigation did confirm that you had probable cause to make the charge for simple possession of marijuana. Although you had access to the analysis report that was completed by Lance Corporal Odom, you failed to review the report prior to the court date.

You should be aware that any further infractions will result in additional disciplinary action up to and including termination. Any questions regarding this matter should be directed to Major Marc S. Wright.

cc: Lt. Colonel Christopher N. Williamson
Major Marc S. Wright

My signature acknowledges that I received this document and the contents were discussed with me.

Employee Signature Signature Redacted Date 7-1-15

THIS DOCUMENT WILL BECOME PART OF YOUR PERSONNEL FILE