

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

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Office: (803) 896-7136
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FOR IMMEDIATE RELEASE
June 30, 2016

CALHOUN COUNTY CORONER CHARGED WITH POINTING A FIREARM AND MISCONDUCT IN OFFICE

Agents of the S.C. Law Enforcement Division Thursday arrested the Calhoun County Coroner in connection with a June 2015 altercation.

Donnie Barnett Porth, 61, of St. Matthews, S.C. was charged with **Public Official Misconduct in Office**, a common-law charge that carries a penalty upon conviction of up to 10 years in prison. Porth was also charged with **Pointing a firearm at a person**, a felony that carries a penalty upon conviction of a fine at the discretion of the court or up to five years in prison.

Porth was booked at the Calhoun County Sheriff's Department.

The case was investigated by SLED at the request of the Calhoun County Sheriff's Department.

The case will be prosecuted by the First Circuit Solicitor's Office.

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Warrants and Affidavit Attached.
BNR 0302

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An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

ARREST WARRANT

2016A0910100133

STATE OF SOUTH CAROLINA
 County/ Municipality of

Calhoun

THE STATE
against

Donnie Barnett Porth

Address: 67 Bozard Dr

St Matthews, SC 29135-

Phone: _____ SSN: _____

Sex: M Race: _____ Height: 6 1 Weight: 165

DL State: SC DL #: _____

DOB: 1/1954 Agency ORI #: SCLEDD0000

Prosecuting Agency: State Law Enforcement Division

Prosecuting Officer: Ryan E Kelly - M00303

Offense: Weapons / Pointing and presenting firearms at a

person

Offense Code: 0122

Code/Ordinance Sec: 16-23-0410

This warrant is CERTIFIED FOR SERVICE in the _____
 County/ Municipality of

is to be arrested and brought before me to be
dealt with according to the law. The accused

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Donnie Porth
on June 30, 2016

Donnie Porth
Signature of Constable/Clerk/Prosecution Officer

RETURN WARRANT TO:

St. Matthews Magistrate
1623 Bridge Street / P O Box 191
St. Matthews, SC 29135

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STATE OF SOUTH CAROLINA
 County/ Municipality of

Calhoun

Personally appeared before me the affiant Ryan E Kelly
being duly sworn deposes and says that defendant Donnie Barnett Porth
did within this county and state on or about 6/20/2016
State of South Carolina (or ordinance of County/ Municipality of

in the following particulars:
violate the criminal laws of the

DESCRIPTION OF OFFENSE: Weapons / Pointing and presenting firearms at a person

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

On or about above date defendant presented a firearm to several individuals in violation of law. Above is evidenced by statements
of several eyewitnesses: that defendant volunteered to address certain individuals who had caused distress to others present in
benefit of those so distressed; that defendant retrieved his Coroner's badge and his personal firearm and, dressed in bathing trunks
and a T-shirt, wearing said badge and carrying said firearm in his hand, approached the individuals to be addressed demanding to
speak with them; and that several individuals responded by tackling defendant, and engaging in a physical struggle knocking the
firearm from his hand.

Signature of Affiant

STATE OF SOUTH-CAROLINA
 County/ Municipality of

Calhoun

Ryan E Kelly

Affiant's Address: P. O. Box 21398

Columbia, SC 29221-

Affiant's Telephone: _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affidavit that there are reasonable grounds to believe that
on or about 6/20/2016 defendant Donnie Barnett Porth
did violate the criminal laws of the State of South Carolina (or ordinance of Calhoun) as set forth below.

DESCRIPTION OF OFFENSE: Weapons / Pointing and presenting firearms at a person

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me
on 6/29/2016

Signature of Issuing Judge: *Robert Hill Lalkc* (L.S.)
Judge's Address: Post Office Box 191
St. Matthews, SC 29135

Signature of Issuing Judge: Robert Hill Lalkc

Judge's Telephone: (803)874-1112

Issuing Court: Magistrate Municipal Circuit

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ARREST WARRANT

2016A0910100134

STATE OF SOUTH CAROLINA
 County/ Municipality of

Callhoun

THE STATE
against

Domnie Barnett Parth

Address: 67 Boyard Dr

St Matthews, SC 29135-

Phone

Sex M

Race

Height

Weight

165

DL State

SC

DL #

DOB

1954

Agency ORI #

SCLE-D0000

Prosecuting Agency

State Law Enforcement Division

Prosecuting Officer

Ryan E Kelly - M00303

Offense

Public Public official, misconduct in office

Offense Code

0115

Code/Ordinance Sec

08-01-0080

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

Callhoun

The accused

is to be arrested and brought before me to be

dealt with according to the law (L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to
defendant Domnie Parth
on June 20, 2016

Domnie Parth
Signature of Constable/Judge

RETURN WARRANT TO:

St. Matthews Magistrate
1623 Bridge Street / P O Box 191
St. Matthews, SC 29135

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
 County/ Municipality of
Callhoun

AFFIDAVIT

ORIGINAL

Personally appeared before me the affiant Ryan E Kelly

being duly sworn deposes and says that defendant Domnie Barnett Parth

did within this county and state on or about 6/20/2016

State of South Carolina (or ordinance of Callhoun)
in the following particulars

DESCRIPTION OF OFFENSE: Public Public official, misconduct in office

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts
see attached affidavit marked Case Number 11150061

Signature of Affiant
STATE OF SOUTH CAROLINA
 County/ Municipality of
Callhoun

Affiant's Address
P. O. Box 21398
Columbia, SC 29221
Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affidavit that there are reasonable grounds to believe that
on or about 6/20/2016 defendant Domnie Barnett Parth
did violate the criminal laws of the State of South Carolina (or ordinance of Callhoun) as set forth below.

DESCRIPTION OF OFFENSE: Public Public official, misconduct in office

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me
on 6/29/2016

Judge's Address: Post Office Box 191
St. Matthews, SC 29135
Judge's Telephone: (803)874-1112
Judge's Name: Robert Hill Lake
Judge's Code: SS30
Issuing Court: Magistrate Municipal Circuit

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STATE OF SOUTH CAROLINA
COUNTY OF CALHOUN

Case Number 31150061

AFFIDAVIT

Personally appeared before me, a magistrate of this County, one Special Agent Ryan Kelly of SLED, who, first being duly sworn, deposes and says that

DONNIE BARNETT PORTH
(W/M, Height 601, Weight 165, DOB [REDACTED] 1954, SCDL [REDACTED])

did within this County and State on or about the 20th day of June 2015, violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE
MISCONDUCT IN OFFICE
COMMON LAW**

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on or about June 20, 2015, while in the County and State aforesaid, one **DONNIE BARNETT PORTH** did willfully and unlawfully commit the **Common Law Offense of Misconduct in Office**, in that he, charged by law with continuing duties of great concern to the public at large, did fail to properly discharge such duties imposed by law, to wit:

The defendant was present with on a sandbar located on the Congaree River within Calhoun County. There was a group of boaters racing in the area. Two boats raced by the area and came close to a group of children. Several individuals present on the sandbar began walking down to confront the boaters. Porth stopped them and volunteered to speak to the boaters himself.

In that the defendant Donnie Barnett Porth retrieved his personal firearm and his Calhoun County Coroner's badge from his boat and proceeded to confront the boaters. Porth was dressed in a swim suit and t-shirt. Porth attached his badge to the neck of his shirt and carried his firearm in his hand. Porth approached the group accompanied by his cousin Wayne Fulmer. Porth approached the racing boaters and demanded to speak to them. Upon seeing Porth approach with a firearm, several individuals tackled Porth. A struggle ensued and the firearm was knocked from Porth's hand. In an effort to break up the struggle, Wayne Fulmer fired a shot into the air.

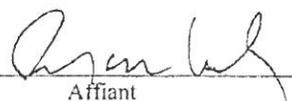
In that when confronting the boaters, the defendant Donnie Barnett Porth presented his personal firearm and Calhoun County Coroner's badge to several individuals present and represented himself to the individuals present as a Law Enforcement Officer. In that Porth's actions led to Fulmer discharging a weapon in the vicinity of multiple individuals to include children. In that the weapon is Porth's personal firearm and he carried it in his official capacity as Calhoun County Coroner. Porth does not have any documentation allowing him to carry a firearm as Calhoun County Coroner and his office has no policy or procedure for firearms. Porth does not have a concealed weapons permit.

The above facts are true and believable based on witness statements and the investigation conducted by the South Carolina Law Enforcement Division.

Sworn to and Subscribed before me
This 29 day of June, 2016



Signature of Judge



Affiant
Special Agent Ryan Kelly
104 Simmons Street
Walterboro, SC 29488
843-782-3822