

KENNEDY|Brannon, PA

Thursday, July 21, 2016

VIA Email Only

Ms. Kathryn Walsh Gooch, Attorney
Spartanburg County DSS
630 Chesnee Highway
Spartanburg, SC 29303
Email: kathryn.gooch@dss.sc.gov

RE: Melissa Tanner / Jason Drake (Pending DSS Investigation)
Children: Gavin Drake, Elizabeth Lawson

Dear Kathryn:

I am sending this letter to you based upon your office's typical practices to assign legal cases to you where the Mother's name ends in the letter "T". At this time, this is not a legal case but is instead an on-going investigation.

I represent Melissa Tanner and Jason Drake. They are the parents of Gavin Drake (age 22 months). Ms. Tanner is the Mother of Elizabeth Lawson (age 9). DSS has recently begun an investigation into allegations of physical abuse against Mr. Drake. Elizabeth is the alleged victim. The caseworker (I believe) is Maggie White. The Supervisor is Julie Ceva.

According to law enforcement records, Ms. Theresa Jankowski (Elizabeth's aunt) contacted law enforcement on or about July 16, 2016. The child's father told law enforcement that Elizabeth disclosed that Mr. Drake pushed her head into the wall, causing her to receive a small scratch on her chin. She also alleged that Mr. Drake pushed her in the chest. DSS has now begun an investigation. There is a safety plan in place where my client agreed to keep the child with her mother, Cynthia Baldwin.

Mr. Drake is a tetrapelagic. A letter from his Doctor (Dr. Eric Faile) is attached for your office's records. Mr. Drake has (according to his doctor) "very limited use of his hands and even more restricted use of his forearms." The doctor goes further to say he does not believe that Mr. Drake is medically "capable of pushing or throwing anything."

Letter to Kathryn Gooch

Melissa Tanner

Page Two

Law enforcement has met with my clients. They have reviewed text messages from Ms. Jankowski, who now (according to police records) feels the allegations were made in error. They are also aware of Mr. Drake's medical condition. They have determined that the case should be closed.

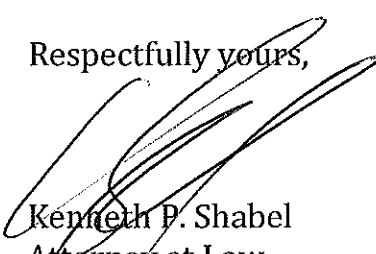
I am enclosing nine pages of the Deputy Report, including updates from July 20, 2016 where law enforcement interviewed my clients.

Based on all of this information, I believe it is now clear that DSS no longer has probable cause to believe that the children would be in danger in the care of my clients. My clients are torn between moving this investigation to an immediate conclusion based on the overwhelming evidence I have presented to you and avoiding foster care for these two children.

With all of that said, please be advised that Ms. Tanner intends to pick the children up from their Mother's home at 6:00 p.m. on Monday, July 25, 2016. If the Department is willing to file a Complaint in Family Court prior to that time, my client will agree to the children remaining in her Mother's home pending that initial hearing. Be advised, however, that once DSS files its case we will ask (either at this initial hearing or sooner) for the Court to take testimony on whether probable cause exists to remove the children from my client and for the Court to immediately allow my clients to have the children.

I hope we can avoid an unnecessary investigation, but I also understand that foster care would not be right for these children. So please discuss this letter and my attachments with your clients at the earliest possible moment and let me know the Department's position ASAP. I Thank you in advance.

Respectfully yours,



Kenneth P. Shabel
Attorney at Law

\Enclosures

cc: Client



GREENVILLE
HEALTH SYSTEM

Riverside Family Medicine
Maxwell Pointe

3909 S. Highway 14
Greenville, SC 29615
(864) 522-1320 P
(864) 522-1325 F
ghs.org

Eric J. Faile, MD
Steve J. Hamborik, MD
Michael J. Poinsette, MD
Brenda Hamborik, PA-C
Beth Douglas PA-C

Date: 7-21-16

Re: Jason Drake (1-10-79)

To whom it may concern:

Jason Drake is a patient of mine at Riverside Family Medicine. Jason has a diagnosis of tetraplegia. He has very limited use of his hands and even more restricted use of his forearms. I do not believe he is capable of pushing or throwing anything. If you have any questions, please contact my office at 864-522-1320.

Thank you,

A handwritten signature in black ink, appearing to read 'Eric J. Faile'.

Eric J. Faile, MD



Spartanburg County Sheriff's Office

Deputy Report for Incident 16070895

Nature: Child Abuse
Location: 37

Address: 37 PINE STREET
INMAN SC 29349

Offense Codes: CHAS

Received By:

How Received:

Agency: SCSO

Responding Officers:

Responsible Officer: Bazzle L

Disposition: ACT 07/16/16

When Reported: 19:00:00 07/16/16

Occurred Between: 11:00:00 07/15/16 and 11:30:00 07/15/16

Assigned To: Kent J

Detail: SVU

Date Assigned: 07/18/16

Status: ASN

Status Date: 07/18/16

Due Date: **/**/**

Complainant: 213312

Last: JANKOWSKI

First: THERESA

Mid:

DOB: 07/11/84

Dr Lic: 102656993

Address: 145 GARRETT RD

Race: W

Sex: F

Phone: (864)316-8490

City: COWPENS, SC 29330

Offense Codes

Reported:

Observed:

Additional Offense: CHAS Child Abuse/Neglect, Simp
Aslt

Circumstances

BM88 No Bias

LT20 LOC-Residence or Home

VTR05 Victim was Child: CH

WPERS W-Personal Weapons Used

Responding Officers:

Unit :

Responsible Officer: Bazzle L

Agency: SCSO

Received By:

Last Radio Log: **.*.*.* **/**/**

How Received:

Clearance: UND Under Investigation

When Reported: 19:00:00 07/16/16

Disposition: ACT Date: 07/16/16

Judicial Status:

Occurred between: 11:00:00 07/15/16

Misc Entry: kent

and: 11:30:00 07/15/16

Modus Operandi:

Description :

Method :

Day of Week

Preferred Day of Week

Friday

Time of Day	Preferred Time of Day	Midday
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Involvements

Date	Type	Description	
07/20/16	Name	ISHAM, PAMELA	Witness
07/16/16	Name	DRAKE, JASON LEE	Suspect
07/16/16	Name	LAWSON, DAVID L	Other
07/16/16	Name	TANNER, MELISSA JANE	Other
07/16/16	Name	JANKOWSKI, THERESA	Complainant
07/16/16	Name	LAWSON, ELIZABETH J L	Victim
07/16/16	Evidence	Crime Scene Photos	Evidence Incident

Narrative

On 07/16/2016 I responded to 145 Garrett Road, located in Spartanburg County, in reference to a child abuse incident. Once on scene I met with the complainants Mr. David Lawson (dad) and Ms. Theresa Jankowski (aunt). Mr. Lawson told me that his daughter lives at home with Melissa Tanner (mom) and Jason Drake (step-dad). Today she was dropped off at her aunts house Ms. Theresa Jankowski to stay the night and once there told them that she was being abused. An investigation is now being conducted.

BWC was active.

Responsible LEO:

Approved by:

Date

Supplement Davis T

FORENSIC REPORT

Spartanburg County Sheriff's Office

Case No: 16070895

Offense Type: Child Abuse

Victim: Elizabeth Lawson

Location: 145 Garrett

Patrol Ofc: Bazzle

Forensic Ofc: Davis

I Deputy Davis did respond to this location concerning a possible abuse call. Upon my arrival, I did meet with Deputy Bazzle. Digital photographs of the victim were taken and entered into Spillman.

Supplement Bazzle L

INVESTIGATION REPORT

Spartanburg County Sheriff's Department

Case Number: 16070895

Incident Type: Child Abuse

Victim: Elizabeth J.L. Lawson

Location: 37 Pine Street Inman SC

Incident Date: 07/15/2016

Patrol Officer: L. Bazzle

Investigator:

On 07/16/2016 I responded to 145 Garrett Road, located in Spartanburg County, in reference to a child abuse incident. Once on scene I met with complainants Mr. David Lawson (dad) and Ms. Theresa Jankowski (aunt). Mr. Lawson told me that his daughter Elizabeth Lawson lives at home with Melissa Tanner (mom) and Jason Drake (step-dad). Today Elizabeth was dropped off at Ms. Jankowski's house to stay the night and once there told them that she was being abused.

Ms. Tanner (mom) currently has custody of Elizabeth and Mr. Lawson (dad) receives supervised visitation with his brother present every other weekend. This was not Mr. Lawson's weekend to have his daughter Ms. Jankowski was just letting her niece stay over for a few days to visit. Today she mentioned that she is being abused by her step dad Mr. Jason Drake.

Elisabeth resides with her mom and step dad at 37 Pine Street which is located in Inman SC, county of Spartanburg. She stated that yesterday her step dad became upset and pushed her head into a wall causing her to receive a small scratch on the bottom of her chin. She stated that he has also pushed her in the chest in the past. I have been told that Mr. Drake is confined to a wheelchair but does have some limited use of his hands. Elisabeth told me that she just wants her step dad to stop pushing her around.

I then called and spoke with on call Department of Social Services worker Ms. Maggie White (580-0169). I provided her with the information that I had and she made the determination that Elisabeth could stay with Ms. Jankowski until they investigated further tomorrow. Ms. Jankowski approved of Elisabeth staying with her because she was supposed to be staying a few days regardless. I also notified K. Parnell with investigations and made her aware of the incident.

Deputy Davis with the ID section responded and photographed the scratch on Elizabeth's chin.

I then called Ms. Tanner to advise her of the situation and that Elisabeth would be staying with Ms. Jankowski until DSS could investigate further. Ms. Tanner was upset but stated she understood. Since Ms. Jankowski and Mr. Lawson were both present when Elisabeth told them what had taken place, Mr. Lawson provided me with the written statement which will be scanned into this report. Nothing else follows.

BWC was active.

Supplement Kent J

INVESTIGATION REPORT

Spartanburg County Sheriff's Department

Case Number: 16070895

Incident Type: Child Abuse

Victim: Elizabeth Lawson

Location: 37 Pine Street, Inman, S.C. 29349

Incident Date: Between 07/15/2015 and 07/15/2016

Investigator: J. Kent #385

On 07/19/2016, I was assigned the above case for a follow-up investigation. After a case review, I made contact with the complainant, Ms. Theresa Jankowski. Ms. Jankowski is the aunt of the victim child. Ms. Jankowski stated she has never witnessed any physical abuse occurring to the child but her niece told her on 07/15/2016 that her mother's boyfriend, Jason Drake (suspect) is emotionally and physically abusive towards her.

I then contacted the child's father, David Lawson. Mr. Lawson stated he also has never witnessed physical abuse but was aware that his daughter told a school counselor at Inman Elementary last school year that her step-father was "mean and abusive" towards her. Mr. Lawson believes the counselor spoke with the child's mother, Ms. Melissa Tanner about the incident.

I attempted to contact the child's mother, Ms. Melissa Tanner at (864) 201-5984. I received no answer and left a voice mail message requesting she contact me.

I contacted D.S.S. and learned the investigator assigned to this case is Maggie White. DSS has already referred the child to the Children's Advocacy Center for a forensic evaluation.

Later in the morning, Ms. Tanner came to the Sheriff's Office and met with me. Ms. Tanner stated she was shocked by the allegations made by her daughter. Ms. Tanner stated her husband, Mr. Drake was the victim of a motorcycle accident in 2014 that left him a quadriplegic. Ms. Tanner also provided medical records indicating that Mr. Drake is indeed a quadriplegic and requires around the clock care and assistance as he is unable to move his arms over the level of his nipples and his hands are clasped inward at the knuckles and without braces on his arms cannot support weight in his hands.

Ms. Tanner also explained the child's father, David Lawson, has not been regularly involved in his daughters life for several years. Ms. Tanner also explained that Mr. Lawson recently had his tax return confiscated by the family courts as payment for a \$9,000 backed child support bill. Ms. Tanner stated on July 22nd, there is another hearing scheduled in child support court. Ms. Tanner feels these allegations are a direct result of the previous findings against Mr. Lawson as well as the upcoming hearings. Ms. Tanner denied ever having been contacted by the school regarding this issue.

Ms. Tanner stated her daughter will "play" Mr. Drake and her father against each other in order to get her way and often displays behavioral issues. Ms. Tanner stated the child has been diagnosed with ADHD and is medicated with foculin and clonidine. Ms. Tanner also stated her daughter is known to be a "attention seeker" due to her fathers abandonment of her years previously.

Ms. Tanner stated she has never witnessed physical abuse towards her child at the hands of Mr. Drake and stated her daughter gets upset with Mr. Drake because

he requires her to clean her room, do her homework and other daily chores and when she does not obey, she is punished by removal of her privileges of a computer tablet and cell phone.

I conducted a interview with Ms. Pamela Isham. Ms. Isham is the neighbor of Mr. Drake and Ms. Tanner and is also a daily caretaker of Mr. Drake. Ms. Isham stated she is in the home for several hours per day and at no time has she witnessed Mr. Drake being physically abusive towards Elizabeth. Ms. Isham also expressed her opinion that Mr. Drake would not be physically capable of striking or pushing a normally developed 9 year old.

On 07/20/2016, I traveled to the home of Jason Drake and spoke with him at length regarding these accusations. The residence was extremely clean and orderly. There was sufficient bedroom and sleeping space for the number of persons living in the home. There were ample food stocks, both refrigerated and dried.

Mr. Drake allegorically denied the allegations and stated he felt the child's biological father coached her into making the allegations in a effort to cause the courts to rule in his favor on Friday regarding the upcoming child support hearing.

Mr. Drake is power wheel chair bound. He has no use of his body from the upper chest downward. He is unable to lift his arms above the chest level and has no muscle strength due to atrophied muscles in both triceps, biceps and forearms. Both hands are curled in a pugilistic fashion and can be straightened only with assistance. He is unable to grasp, lift or throw any object of any weight. He would not be able to push forward with his arms with enough force to cause any form of injury. He requires around the clock care and is not left alone at any point as home health care nurses visit regularly and an aide is at the home when his wife is at work.

There is no physical evidence to substantiate the allegations levied by Ms. Jankowski or Mr. Lawson. The child had spent the entire morning and afternoon with her grandmother on the 15th and made no disclosures or allegations to her. The child is often around various family members on a regular basis and has not made any allegations or disclosures of this nature or any nature.

On 07/20/2016, Ms. Tanner received a text message from Theresa Jankowski, the initial complainant. The test message contained the following: " I miss yaw. I know words can't heal the pain of having your babies taking away from you for lying ass bullshit but girl u will get them back and when u do u can tell David and DSS to suck ur ass."

This message shows Ms. Jankowski now feels the initial allegations of abuse were made in error.

Based on the statements obtained during the investigation and the complete lack of physical evidence the child is being physically abused, this case is unfounded and closed.

Supplement Kent J

SUPPLEMENTAL REPORT:

Based on the statements obtained during the investigation and the complete lack of physical evidence the child is being physically abused, this case is unfounded and closed.

Name Involvements:

Victim : 310623

Last: LAWSON

DOB: 04/05/07

Race: W Sex: F

First: ELIZABETH

Dr Lic:

Phone: (864)201-5984

Mid: J L

Address: 37 PINE STREET

City: INMAN, SC 29349

Other : 53435

Last: TANNER

DOB: 07/28/78

Race: W Sex: F

First: MELISSA

Dr Lic: 007858380

Phone: (864)201-5984

Mid: JANE

Address: 37 PINE ST

City: INMAN, SC 29349

Suspect : 6271

Last: DRAKE

DOB: 01/10/79

Race: W Sex: M

First: JASON

Dr Lic: 007616509

Phone: (864)877-3697

Mid: LEE

Address: 37 PINE ST

City: INMAN, SC 29349

Other : 16942

Last: LAWSON

DOB: 07/25/83

Race: W Sex: M

First: DAVID

Dr Lic:

Phone: (864)515-8609

Mid: L

Address: 716 FAIRFIELD STREET

City: CHESNEE, SC 29301

Complainant : 213312

Last: JANKOWSKI

DOB: 07/11/84

Race: W Sex: F

First: THERESA

Dr Lic: 102656993

Phone: (864)316-8490

Mid:

Address: 145 GARRETT RD

City: COWPENS, SC 29330

Witness : 55349

Last: ISHAM

DOB: 11/24/70

Race: W Sex: F

First: PAMELA

Dr Lic:

Phone: (864)472-2464

Mid:

Address: 39 PINE ST

City: INMAN, SC 29349