

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

Contact: Thom Berry
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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CALEA



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: [REDACTED]

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

DL State: SC DL #: [REDACTED]

DOB: 1954 Agency ORI #: SCLED0000

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

The accused

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Donnie Porth

on June 30, 2016

Signature of Constable or Enforcement Officer

RETURN WARRANT TO:

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

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ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Calhoun

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant Ryan E Kelly

who

being duly sworn deposes and says that defendant Donnie Barnett Porth

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

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Calhoun)

in the following particulars.

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 behalf 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

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:

It 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

☒ County/ ☐ Municipality 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 its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 6/29/2016

Signature of Issuing Judge

Robert Hill Lake

Judge Code: 5530

Judge's Address Post Office Box 191
St. Matthews, SC 29135

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

Calhoun

THE STATE

against

Donnie Barnett Porth

Address 67 Bayard Dr

St Matthews, SC 29135

Phone SSN [REDACTED]

Sex M Race Height 6 1 Weight 165

IL State SC DL # [REDACTED]

DOB [REDACTED] 1954 Agency ORI# SC11100000

Prosecuting Agency State Law Enforcement Division

Prosecuting Officer Ryan E Kelly M100303

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

The accused

is to be arrested and brought before me to be

dealt with according to the law

(L S)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to

defendant Donnie Porth

on June 30, 2016

Signature of Constable or Enforcement Officer

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

Calhoun

Personally appeared before me the affiant Ryan E Kelly

who

being duly sworn deposes and says that defendant Donnie Barnett Porth

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

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County ☐ Municipality of Calhoun)

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 21150061

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

Calhoun

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,

It 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

☒ County ☐ Municipality of Calhoun

(or ordinance of)

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

Signature of Issuing Judge

Robert Hill Lake

Judge Code 5530

(L S)

Judge's Address Post Office Box 191

St Matthews, SC 29135

Judge's Telephone (803)874-1112

Issuing Court

☒

Magistrate

Municipality

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]
Signature of Judge

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