

Jury decides former Calhoun County deputy innocent

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ST. MATTHEWS, S.C. — A Calhoun County jury on Friday acquitted a former sheriff's deputy accused of acting as "lookout" for a convicted drug dealer.

The verdict came at 4:30 p.m. Friday in Calhoun County General Sessions Court after two days of testimony from state's witnesses and less than two hours of testimony from witnesses for the defense.

Kirkland Cheeseboro, 49, was acquitted

on charges of trafficking in cocaine in excess of 400 grams and obstruction of justice in connection with a phone call made to the residence of a convicted drug dealer and the testimony of one witness who said she saw the dealer take money to the deputy.

Eleventh Circuit Judge Hubert Long directed a not-guilty verdict Thursday for former deputy Johnny Hunter, 40, who was being jointly tried with Cheeseboro on the same charges.

Cheeseboro took the stand in his own defense, weeping when his attorney,

Jack Swerling, questioned him about his wife, who recently suffered a stroke. Swerling called for a brief recess to allow the defendant to regain his composure.

Cheeseboro, a 15-year veteran of the Calhoun County Sheriff's Department, testified he never went onto the property of convicted drug dealer Willie Evans, 63, except in his official capacity as a process server for the county.

He claimed he never saw Evans until being required to serve him an eviction notice sometime in January 1989.

Cheeseboro said he worked high

school football games on weekends to make extra money during his off time. Apart from serving civil papers, he said, he had no contact with Evans and never accepted money from the drug dealer.

He said he had never met Douglas Murphy, a co-conspirator and friend of Evans. Murphy was also arrested in the Aug. 24 raid that netted police 12 arrests, including that of Murphy, four ounces of cocaine and six ounces of marijuana. During the raid, Calhoun County Sheriff's Deputy Capers Wannamaker testified, he pretended to be "Doug,"

when someone called the trailer and was told by a Richland County deputy that Evans couldn't come to the phone. The Richland County agent said he gave the phone to Wannamaker when the caller asked for Doug.

Wannamaker testified the caller said, "Doug, this is Cheeseboro. Let me talk to Willie."

On the day of the raid, Cheeseboro said, he went by the sheriff's office on the way to a football game. He said he "sat around a little while looking for an

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incident report on a break-in." He said he called the residence in reference to a break-in but thought he was calling Doug's residence because the number he dialed was in notes left in his mailbox and on his door and signed by someone he had never met named Doug, whose last name he didn't know.

Cheeseboro said he was seeking the incident report because of the notes he had received asking him to call "me or Doug" or "D" in reference to a tag number possibly connected to the break-in.

First Circuit Solicitor Joseph P. Mizzell said during cross examination, "Who is 'me'? Who is 'D'? Are you in the habit of running license checks on the basis of a note like that?"

Cheeseboro said he was at the sheriff's department looking for an incident report "with the last name of Doug" and never heard Calhoun County Magistrate Robert Lake mention anything about a raid at Evans's residence in the Stump Hole Landing area.

Cheeseboro said he didn't recall acting "surprised, dismayed or funny" in Lake's presence.

At 5:58 p.m., according to dispatch records, he ran a license check on the license tag in the notes, submitted as evidence by the defense.

The call from Cheeseboro to the Evans trailer came in at 6 p.m. or shortly after. "I got in the patrol car and ran a license check," Cheeseboro said. "I never

left the sheriff's office." He testified he made the call to 'Doug' or 'D' from a phone at headquarters. He denied asking for Evans or having any knowledge the number he dialed was Evans's.

Cheeseboro said he saw Wannamaker later at the game, showed him one of the notes and was told about the raid at Evans's. At that point, he said, Wannamaker informed him he had called Evans's house.

Cheeseboro said he told Wannamaker, "I called Doug," and thought no more about the matter until State Law Enforcement Division agents called in by Sheriff D.C. "Bing" Jones began to investigate a suspected information leak in the department.

In summation, Swerling said, "He called and identified himself as Cheeseboro. You'd have to be an idiot to call a known drug dealer and use your own name." Swerling said at least four raids conducted at Evans' residence between early 1989 and Aug. 24, 1990, proved fruitful, indicating nobody was tipped off.

About the phone call that prompted Jones to call in SLED, Swerling said, "So what? Doug Murphy testified his house was broken into, he got a license plate number and left a note. The phone call came in at 6 p.m., and Cheeseboro was at the sheriff's department. Would you tip someone off from a phone at the sheriff's department?"

Nor did Cheeseboro use any kind of code when he called the residence, Swerling said. He argued state's witnesses didn't tell the truth when they said they saw Cheeseboro at the residence

in a marked patrol car in the late summer 1990 because, according to Jones, Cheeseboro was driving a blue, unmarked vehicle after the sheriff took office in May.

Witnesses who testified they saw Evans take money to Cheeseboro and heard Evans speak of having Cheeseboro on his payroll were drug dealers expecting to get help from law enforcement and the state for going "along with the ride" when investigators asked questions about Cheeseboro, Swerling said.

Mizzell argued Cheeseboro called one of his own co-workers during the raid and decided to "fabricate a story." Before Aug. 24, no people at the Evans residence were ever convicted of more than simple possession after a raid, he said, because law enforcement "found the dregs" when they got there.

"The phone calls come in, Doug cleans up, Willie leaves," Mizzell told the jury. "It's curious he doesn't know anybody out there and gets a note saying, 'Call me or Doug.' He was there. He was collecting money, and he was on the take. You've heard everything from judges to scum testify. You have to decide if what you have heard has some truth in it, no truth or lies. For two-and-a-half years, Evans has frustrated the efforts of law enforcement because of this man."

When the verdict was rendered, Long told the jury, "I will not comment about this verdict. I commend the sheriff and the solicitor for what they've done in coming forward. Solicitors do their jobs. You did yours. I know you did what you thought best."