

Jury finds deputy not guilty

Jurors express lingering doubts about fatal shooting incident

By Jef Feeley
Record staff writer

While jurors found a Richland County deputy sheriff not guilty of murder for shooting a Gadsden man to death, they still thought the lawman may have fired too quickly, the jury forewoman said yesterday.

The jury of nine whites and three blacks deliberated only 45 minutes before ruling that Deputy Danny Johnson fired in self-defense when he shot Alex Brailsford during a Dec. 14, 1985 scuffle in the man's home.

Johnson, who is white, argued with Brailsford, who is black, when deputies came to the Brailsford home to arrest one of his sons for a probation violation.

Johnson testified that Brailsford threatened and bumped him, and then ran into a darkened bedroom. As

Johnson entered the room, he said he saw Brailsford pivoting toward him, and fired.

None of Brailsford's three sons had any comment on the jury's verdict as they left the Richland County Judicial Center courtroom.

When the verdict was read, Johnson turned to his attorneys and grinned. Defense attorney Jack Swerling later patted him on the back as the deputy accepted congratulations from more than 20 other deputies who attended the trial.

Sandy Jensen, a gymnastics coach who served as the jury's forewoman, said there was no doubt in the jury's mind that Johnson was justified in shooting Brailsford.

"There was no question it was not a murder. He had the right to be in the house, had an arrest warrant and be-

lieved his life was in danger when he shot. We only voted on the verdict once," Ms. Jensen said.

But jurors were concerned that Johnson may have acted too quickly when he entered the lower Richland home to take the younger Brailsford into custody.

"He (Johnson) testified that the whole incident only took three minutes — from the time he went in to the time he fired — that's too quick," she said.

"I think the jury felt everyone in the house showed bad judgment — the family and the officers. But I think some people wanted the officer to be more deliberate. It was all legal and right, but some of us worried about how quick he fired," Ms. Jensen said.

(See Deputy 6-A)

Columbia Record 7/11/86

Deputy

(Continued from 1-A)

During testimony in the case, Brailsford's wife said Johnson and his partner forced their way into her home the day of the shooting and were confronted by her husband.

But Idora Brailsford said she didn't hear her husband threaten deputies or see him go into the bedroom. Police later found a shotgun, pistol, two knives and a club in the room.

While prosecutors said the weapons were all out of Brailsford's reach, Johnson's attorneys later characterized the room Brailsford entered as "an armory."

Johnson, who has been on administrative duty while murder charges were pending, said he was ready to go back out on the road as a patrol deputy.

He said after the trial that if he was in the same situation again, he probably would react the same way.

"I hope I would be able to do what I had to do. I don't think I'd have any hesitation," he said.

The forewoman also said the jury felt pressure because Johnson was white and the Brailsfords are black.

"It was in our minds," the forewoman said when questioned about the racial balance in the case. "We certainly wanted to take the family's feelings into account in the verdict

political reasons.

Barron said Anders, who was in the midst of a re-election bid for the Democratic nomination as solicitor, called for a special prosecutor to handle the case so he would not offend black voters.

Anders, however, said he asked for a special prosecutor because he was present when Brailsford's son made a statement backing up Johnson's version of the shooting and because he might be called as a defense witness. Anders never was called to the witness stand.

Tenth Circuit Solicitor George Ducworth from Anderson presented the state's evidence against Johnson.

Sheriff Frank Powell, who attended most of the trial, praised the jury's

decision and said he considered the matter closed.

"The people in the lower part of the county are law-abiding and will respect this decision. This whole matter was made much worse by political rhetoric. It is over now," the sheriff said.



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Charlotte Observer, The (NC)

July 11, 1986
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 Page: 10A

Topics:
Index Terms:
 SC POLICE MURDER VERDICT

DEPUTY ACQUITTED IN KILLING
 Author: *Associated Press*

Dateline: COLUMBIA

Article Text:

A Richland County jury deliberated about 45 minutes Thursday before deciding a sheriff's deputy acted in self-defense when he shot and killed a Gadsden man last year.

"I'm glad it's all over, and I hope it never happens again," Deputy Danny Johnson said after the innocent verdict was announced. "I'm going back to work."

Johnson had been charged with murder in the Dec. 14 slaying of Alex Brailsford. Johnson had gone to Brailsford's Gadsden home to serve an arrest warrant on Brailsford's son Ricky.

The Brailsford family would not comment on the verdict.

Jury Foreman Sandy Jensen said the 12 jurors took only one vote before deciding unanimously that Johnson was innocent.

In testimony earlier Thursday, Johnson said he feared for his life and had only a split second to decide whether Brailsford was going to shoot him before he pulled his own gun and fired.

Johnson said when he went to Brailsford's home to serve the arrest warrant, he was confronted by the elder Brailsford, who demanded that he leave his home immediately.

Johnson said he told Brailsford he wasn't leaving until he arrested his

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son Brailsford then became belligerent and walked to a back room

"He told me he was going to kill me or I was going to have to kill him," Johnson testified.

"He screamed, I've got something for you! I thought he was going to shoot me," said Johnson, who then pulled out his service revolver and shot Brailsford once through the heart

A pathologist testified that Brailsford, a 45-year-old truck driver, was probably killed instantly.

Judge John Hamilton Smith ruled during the trial that Johnson and his partner, Deputy Steve White, acted legally when they entered the Brailsford home to serve the arrest warrant. The jury then had to decide whether Johnson was in fear for his life when he shot Brailsford

Smith, however, denied a request by Johnson's attorneys that he end a jury trial and find the deputy innocent

Defense attorney **Jack Swerling** said there was no evidence his client "acted with malice or forethought" when he shot and killed Brailsford

Smith denied the request, citing conflicting testimony earlier in the trial. The case has been controversial, partly because Brailsford was black and Johnson is white.

After Smith turned down the directed-verdict request, defense attorneys began presenting their case.

Investigator Gloria Gathers of the State Law Enforcement Division read a statement that Johnson gave to authorities three days after the shooting. Johnson said he shot Brailsford after being poked in the chest and threatened, Gathers said.

The statement contradicted testimony Wednesday by Alex Brailsford's widow, Idora Brailsford, who said her husband didn't physically threaten Johnson and never raised his voice

Another contested point concerned the bedroom where Alex Brailsford was shot. Idora Brailsford said the room was brightly lighted, but a rescue squad member testified that while a light may have been on, "It was rather dark in the room"

Swerling argued Johnson shot Brailsford out of self-defense. He said Brailsford and Johnson were standing in the hallway when Brailsford turned and walked into his bedroom

Idora Brailsford said her husband, wearing only his underwear, went into the bedroom to put on a pair of pants, but **Swerling** said Johnson had good reason to suspect Brailsford was reaching for a gun.

He said "a person has a right not to wait until someone has the drop on him" before taking action.

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