

Thursday

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Today's Weather



6C

50¢

Ex-deputy not guilty of assault

By KAREN DAILY
Staff writer

Former Aiken County Sheriff's Deputy Jeff Nation was found not guilty of assault and battery Wednesday in connection with a September 2008 incident in which he was seen on an in-car police video striking a teenager in the throat in New Ellenton.

The jury was unanimous in its decision.

Nation's attorney, Jack Swerling of Columbia, argued that on the afternoon of Sept. 7, 2008, when Nation struck Lorenzo Williams, it was to defend himself from the 18-year old, who had admitted that he lunged at the deputy.

Swerling said that Nation not only had the right to strike the New Ellenton man in self-defense, but could have punched him, pepper-sprayed him or even clubbed him with a baton.

"He didn't do any of those things," he said, arguing that Nation had

only seconds to respond to what he believed was an attempted assault on him.

Nation was dismissed from the Sheriff's Office the day after the incident, and Williams had all charges against him dropped. At the time of the incident, Sheriff Michael Hunt said of the deputy's dismissal, "I'm not going to tolerate bad conduct."

Sheriff's Office spokesperson Capt. Troy Elwell said the office maintained its position in the case.

"The Sheriff's office stands by its decision to terminate Jeff Nation. We accept the court's ruling in the case," he said.

The defense rested Wednesday morning without calling any witnesses or submitting evidence, and both sides began their closing arguments around 10 a.m.

Assistant Attorney General Dale Scott argued that Nation struck the teenager while his hands were on the hood of the patrol car.

The prosecutor called Nation a "hothead" "full of rage," saying

the former deputy drove into New Ellenton that day with the intent of harassing the residents living there.

He showed the jury several minutes from the video that Judge Thomas joked earlier in the week seemed all of Aiken County has already seen.

The video of the incident shows the arrest unfold as Nation calls to Williams from his patrol car loud speaker, telling the teen to pull up his pants. Rather than doing that, the teen pulled his shirt down to cover his exposed underwear and laughed. Nation can be heard saying that if he sees the teen's underwear he is going to jail for disorderly conduct. Then, he orders Williams to put his hands on the hood of the patrol car so the in-car camera will video him during the questioning.

As Williams stood with his hands on the hood of the car, Nation instructed him to look him in the eye. When the teen turned toward

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Staff photo by Karen Daily

Former Aiken County Sheriff's Office deputy Jeff Nation was found not guilty in court Wednesday.

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Nation, the deputy hit him in the throat and then proceeded to arrest him.

The jurors watched the video several times, at one point during their deliberation again requesting to watch a portion of the video – this time without sound.

Within 15 minutes of that request the jury had returned with their verdict.

Nation, who sat in a dark blue suit, appeared emotionless during the proceedings.

When the verdict was read, he didn't stir.

Nation was originally charged with misconduct in office as well as assault and battery, but the misconduct charge was dismissed Tuesday after Swerling made a motion for a directed verdict on the charge. He said misconduct in office is a charge related to a dishonest or deceitful act –

something that simple assault, under the law, is not. After a lengthy delay to study previous decisions, Cooper agreed and struck down the indictment.

"Simple assault and battery by itself is not a violation of the public trust," Cooper ruled. "He can be prosecuted but not for misconduct in office on those facts."

The indictment was limited to the physical assault.

None of the charges mentioned Nation filing charges he himself described as "chickens--t," falsely arresting and demanding identification from Williams or causing him to spend a night in jail.

The indictments were handled by the Second Circuit Solicitor's Office before the prosecution of the case was handed over to the Attorney General's Office.

Contact Karen Daily at kdaily@aikenstandard.com.

One count dismissed Nation trial to continue today



Staff photo by Mike Gellatly

Jeffrey Nation will continue in trial today after a misconduct in office charge was dropped on Tuesday, leaving only an assault and battery indictment.

By MIKE GELLATLY
Staff writer

On Tuesday, Circuit Court Judge Thomas Cooper granted a motion made by former Aiken County Sheriff's Office deputy Jeffrey Nation's defense attorney, dismissing a charge and leaving only an assault and battery indictment remaining for the jury to decide.

Nation was originally charged with misconduct in office and simple assault and battery for a September 2008 incident in which the now former deputy was seen on tape striking the suspect, Lorenzo Williams. The misconduct charge was dismissed, and a jury will continue hearing the charge of simple assault and battery today.

After the Attorney General's Office had concluded its case, Nation's attorney, Jack Swerling of Columbia, made a motion for a directed verdict on the charge contending that misconduct in office is a charge related to a dishonest or deceitful act — something that simple assault, under the law, is not. After a lengthy delay to study previous decisions, Cooper agreed and struck down the indictment.

"Simple assault and battery by itself is not a violation of the public trust," Cooper ruled. "He can be prosecuted but not for misconduct in office on those facts."

The indictment was limited to the physical assault as misconduct in office.

None of the charges mentioned Nation filing charges he himself described as "chickens---t," falsely arresting and demanding identification from Williams or causing him to spend a night in jail.

The indictments were handled by the Second Circuit Solicitor's Office before the prosecution of the case was handed over to the Attorney



Staff photo by Mike Gellatly

Jack Swerling backed 20-year-old Lorenzo Williams into contradicting previous statements twice, then had him state that it was the truth that he lunged at Nation.

General's Office.

The specific focus of the charges on the assault dominated the legal wrangling of the day.

Swerling asked for the majority of the videotape that recorded the incident not be shown to the jury, which he was granted.

However, in cross-examination of Williams, Swerling repeatedly made him read from a transcript of the tape, pointing out the foul language an angry Williams used when being escorted to jail by Nation.

Earlier in the day, Assistant Attorney General Dale Scott had asked for the whole tape to be admitted and suggested the indictment could be altered to include Nation's dishonest conduct — a request that was denied.

Cooper joked during the early discussions that he was the only person in the courtroom, probably in Aiken County, who has not seen the tape.

On the stand, Williams was examined and cross-examined for almost two hours about the incident.

Scott painted the victim as a high school graduate with an adult

arrest record who was frightened by his experience of being hit and then unlawfully detained overnight at the Aiken County detention center.

Scott highlighted Nation calling Williams a "thug," illegally detaining him and demanding identification.

During the trial, Swerling badgered Williams with questions, picking at every detail of his story, previous statements.

"You have to agree you got right up in his face," the attorney nicknamed 'Mr. Murder' asked. "You clearly agree that you were leading with your head?"

Swerling suggested that incidents of resisting authority figures when a juvenile and in high school showed Williams as aggressive towards individuals in positions of authority.

"Do you have a problem with authority? People telling you what to do?" Swerling asked. Williams denied the inference.

Honing in on previous statements

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made in his civil case, Swerling backed Williams into contradicting previous statements twice, then having the 20-year-old state that it was the truth that he lunged at Nation.

"Your own testimony was that you lunged at him — then that's the truth," Swerling told Williams. "Your own admission is that you lunged at him."

"Correct," Williams meekly responded.

Williams to that point had testified that he had kept his hands on the hood of the patrol car until he was struck in the throat by Nation.

The trial is expected to conclude with any witnesses the defense may have today.

Tuesday

August 10, 2010

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Full forecast | 6C

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Former deputy on trial for assault

By MIKE GELLATLY

Staff writer

A former Aiken County Sheriff's Office deputy went on trial Monday for charges related to striking and allegedly falsely arresting a man.

Jeffrey Nation began trial facing charges

of assault and misconduct in office following a 2008 incident where he struck a teen before jailing him on what the deputy said were trumped-up charges.

Defended by Columbia attorney Jack Swerling, Nation's trial will continue today, with his alleged victim possibly set to make a lengthy appearance



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on the stand. The jury may also get to see the video of the incident recorded by Nation's dashboard camera in his patrol car.

The video, released by the Aiken County Sheriff's Office soon after the incident, seemingly shows Nation stopping several young men while on patrol in the New Ellenton area of Aiken County. After berating the teenagers and demanding identification from them, Nation got into an argument with one of the men before

seemingly striking him in the throat.

While transporting his alleged victim to the Aiken County Detention Center, Nation found that Williams had no outstanding warrants and had no significant criminal history. He then proceeded to tell the victim that "it's going to be a chicken s--t charge. I hate it for you."

Within hours of the incident, Nation was fired, all charges against Nation's alleged victim were dropped, and Sheriff Michael Hunt had apologized to his family.

Judge Thomas Cooper of Manning is presiding over the trial.