

State of South Carolina



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SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

October 12, 2021

Sheriff Kristin Graziano
Charleston County Sheriff's Office
3691 Leeds Avenue
North Charleston, SC 29405

RE: Officer Involved Critical Incident of September 18, 2021
Deputy Nicholas Vecchione (CCSO)

Dear Sheriff Graziano:

I am writing regarding the September 18, 2021, officer involved critical incident (as defined by our Officer Involved Critical Incident Guidelines) which occurred at 2567 Mona Avenue, Charleston. While SLED has not compiled its final report, the investigating agents have briefed me on the matter and provided us with reports, 911 recordings, a home surveillance video, and body worn camera (BWC) videos from the incident. I understand from SLED that Deputy Vecchione cooperated fully with the investigation and provided a voluntary statement detailing the incident with the advice of his attorney. As you know, cooperation by involved deputies or officers is extremely important for a thorough investigation, and I commend Deputy Vecchione for providing a statement to SLED. The SLED agents and I agree that nothing outstanding or pending in their investigation would foreseeably impact my charging decision in this matter. Should material information inconsistent with my findings arise, I may revisit my decision.

Based upon my review of what SLED provided us, it appears that on September 18, 2021, at approximately 7:30 a.m., multiple callers reported to Charleston County Consolidated Dispatch that suspect Jason Husted was outside his residence at 2567 Mona Avenue, armed with a handgun and firing multiple gunshots at neighboring houses. Callers reported some of Husted's fired bullets entered their homes. One caller saw Husted in the back yard of 2567 Mona Avenue physically holding his wife (Genny) hostage. The witness saw him firing toward the responding officers as they arrived in area.

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Multiple Charleston County Sheriff's Office deputies, including Deputy Vecchione, responded to the area, along with officers from Charleston City Police Department. Upon arriving in the area and hearing gunshots, Deputy Vecchione armed himself with his department issued Colt Firearms patrol rifle, which was loaded with Winchester .223 REM cartridges. Deputy Vecchione initially took cover in the street behind his vehicle. He and other officers then moved to another position of cover behind a truck in the front yard of 2616 Mona Avenue, approximately five houses down the street from Husted's residence. Deputy Vecchione was able to see Husted walking in his front yard while still armed with the handgun. Husted fired his weapon toward Deputy Vecchione's location, at which time Vecchione returned fire. This initial shot did not strike Husted. Husted's wife was also seen walking from the yard into the street with Husted following behind her still brandishing his weapon.

After Husted fired his weapon again, Deputy Vecchione fired two additional shots at Husted, one of which struck Husted and caused him to fall to the ground. After seeing Husted fall to the ground, Deputy Vecchione and other officers approached 2567 Mona Avenue to take Husted into custody. When they made contact with Husted, he was lying on his back in the front yard. He was not responsive to the officers' commands but was still holding a Beretta 9mm pistol in his right hand. BWC footage shows CCSO Lieutenant Ali removing the pistol from Husted's hand and placing it on ground before other officers moved to handcuff Husted. After being handcuffed, deputies cut and removed Husted's shirt, revealing that he had been shot once in his upper torso. In addition to the pistol that deputies removed from Husted's right hand, deputies found two pistol magazines in his front pants pocket. Deputies attempted to provide medical assistance to Husted until EMS arrived and began treating him. Husted did not survive his injuries.

While multiple deputies and officers at the scene, including Deputy Vecchione, wore functioning body cameras throughout the entirety of incident, none of the provided footage shows Husted firing his weapon because the deputies had to take cover as Husted fired upon them. The audio of the BWC footage, however, does capture multiple audible gunshots. Deputy Vecchione was the only law enforcement officer on scene who fired a weapon and he only fired three times. All the other audible gunshots heard in the footage were fired by Husted. This is substantiated by the multiple 911 callers who witnessed Husted firing his weapon in the front and back yards of 2567 Mona Avenue before and after officers arrived at the scene.

SLED Crime Scene Investigators subsequently recovered numerous fired 9mm cartridge casings from the front driveway and back yard of 2567 Mona Avenue. No cartridge casings of any other caliber were recovered from that location. The three Winchester .223 REM caliber cartridges fired by Deputy Vecchione were recovered from the yard of 2616 Mona Avenue. In addition, as stated earlier, the BWC footage clearly shows that Husted was still holding his Beretta 9mm pistol after being shot and falling to the ground.

After review of the evidence provided to me, it is abundantly clear that Deputy Vecchione, all the other law enforcement officers on scene, Husted's wife, and neighbors were in actual and imminent danger of death and or great bodily harm from Husted's behavior. Deputy Vecchione reasonably and lawfully exercised deadly force toward Husted in this Officer Involved Critical

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Incident. It is apparent that Husted fired multiple shots at and into occupied homes and fired multiple times at responding officers before Deputy Vecchione returned fire. The use of deadly force by Deputy Vecchione was reasonable, appropriate, and lawful in response to the unlawful actions of Jason Husted.

If you have any concerns, please contact me.

Sincerely yours,



Scarlett A. Wilson
Ninth Circuit Solicitor

c: Special Agent Rebecca Gregg
Captain Ryan Neil, SLED
Andrew Savage