

State of South Carolina



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SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

NEWS RELEASE

For Immediate Release
June 15, 2021

Contact: Naomi Nation
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Charleston, S.C. -- Solicitor Scarlett A. Wilson announced that the State would not pursue charges against the Charleston Police Department (CPD) officer involved in the March 15, 2021 Critical Incident that severely injured George Sanner (See Attachment). In conjunction with the South Carolina Law Enforcement Agency (SLED), acting as the independent investigative agency, the Solicitor's Office reviewed witness statements and video from law enforcement. Solicitor Wilson stated, "We reviewed the evidence presented to me by SLED and it is clear they were under fire from Mr. Sanner who remained armed and dangerous."

This incident began when neighbors of Sanner called 911 to report his erratic and disturbing behavior. They reported he was outside their apartment door carrying a rifle. He was continually knocking on their door, attempted to turn the door handle, and asking them to come out to talk to him. As officers arrived at the scene, they heard a gunshot come from his apartment. Additional units responded and as part of their response a perimeter was established around the apartment building, including positioning officers in the wooded area behind his apartment. Approximately an hour after the first gunshot, an officer stationed in the woods saw him walk out onto his apartment's balcony with his rifle, then raise the rifle and fire a shot toward the officer's location. The officer returned fire and struck Sanner, causing him to drop the rifle and fall to floor of his balcony. CPD officers were able to enter the apartment and take Sanner into custody without further incident.

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ATTACHMENT

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SCARLETT A. WILSON

Solicitor, Ninth Judicial Circuit

June 15, 2021

Chief Luther Reynolds
Charleston Police Department
180 Lockwood Blvd.
Charleston, South Carolina 29403

RE: Officer Involved Critical Incident of March 10, 2021
Senior Patrol Officer (CPO) Christopher Malinowski

Dear Chief Reynolds:

I am writing in regards to the March 10, 2021, officer involved critical incident (as defined by our Officer Involved Critical Incident Guidelines) which occurred at Colonial Grand at Cypress Grove Apartments, 3590 Mary Ader Avenue, Charleston. SLED has provided my office with their completed investigative report, which includes forensic reports, police reports, witness statements, and body worn camera footage from officers at the incident location.

Your agency was initially dispatched to the incident location after a resident of the apartments called 911 to report their neighbor, George Sanner, was brandishing a rifle and harassing them. The caller reported he was continuously knocking on their door and attempted to turn their door handle. They would not answer, but looked through their peephole and saw that he was carrying a rifle, and at some point said, "Come out...I won't shoot you...I just want to talk." They were able to see from one of their bedrooms that Sanner had walked back to his apartment and was on his balcony. They also heard a single shot prior to the police arriving. Your officers that had arrived at scene also heard a single shot come from his the rear area of his apartment, which backs up to a wooded area.

Additional units and SWAT responded to the scene and set up a perimeter around the building. SPO Christopher Malinowski, SPO Brandon Parker, and SPO Kyle Bogumil, were part of that perimeter and positioned themselves in the wooded area directly behind Sanner's apartment. All three were positioned in the woods and spaced far enough apart to have cross

Chief Luther Reynolds

Page 2

June 15, 2021

coverage of the rear of Sanner's apartment and balcony. SPOs Malinowski and Parker are both designated SWAT snipers. From his position, SPO Malinowski saw Sanner walk onto his balcony and raise his rifle barrel before firing one round, which SPOs Malinowski and Bogumil both heard hit in the area to the right of Malinowski's location. SPO Malinowski then returned fire twice with his department issued sniper rifle, striking Sanner and causing him to fall to the floor of the balcony. SPO Bogumil did not see the actual shots; however, after hearing the shots, he was able to see Sanner laying on floor near balcony door. He maintained that position until SWAT was able to make entry to take Sanner into custody. While none of the officers' body worn cameras (BWC) on scene visually capture any of the gunshots fired that day, all the shots fired can be heard on the BWCs. As heard on the BWC audio, Sanner's shot toward Malinowski in woods and Malinowski's returned shots, all occur in a just a three (3) second span.

When SWAT made entry into Sanner's apartment to take him into custody, he was lying injured on floor partially in doorway between balcony and interior of apartment with apparent gunshot wounds to his left arm. When SWAT attempted to make entry into the apartment to take him into custody, Sanner was not responsive to the officers' commands to show them his hands. A K9 was sent into the apartment with a rope attached to its harness and was used to drag him closer to the front door so they could see his hands before entering. He was handcuffed and your officers provided initial medical care until EMS arrived and took over his medical treatment. BWC footage of the SWAT members shows Sanner's initial location in the doorway between balcony and living area of apartment, as well as his eventual position where he was moved to prior to being arrested. The BWC footage also shows Sanner's .22 caliber rifle laying on the balcony floor, directly next to doorway where he was laying when SWAT arrived. There were also two (2) fired rifle cartridges found on the balcony floor near the rifle by SLED's crime scene investigators.

As a result of the information and evidence outlined above, the relevant evidence does not support proof beyond a reasonable doubt that the involved officer committed any crimes. The investigating agents agree with my decision. Based on the available evidence, it is apparent SPO Malinowski reasonably believed he and others were in imminent and actual danger of great bodily injury or death when the suspect fired at him, at which time Malinowski immediately returned fire with his department issued rifle twice, striking Sanner and causing him to drop his rifle and fall to floor. Sanner had been acting erratically while brandishing a rifle and harassing his neighbors prior to officers receiving and responding to the 911 call. He had fired his rifle from his apartment as officers were initially arriving at the scene, and then approximately an hour after that first shot, he fired the additional shot directly toward the area where SPO Malinowski and other officers were positioned. SPO Malinowski observed Sanner raise his rifle barrel and fire toward him before he appropriately returned fire. No other officers at the scene fired their weapons. In addition, one of the nurses who treated Sanner in hospital two days after the shooting provided a statement to SLED describing how she had asked Sanner what happened and he told her he had fired his gun into the woods before being shot.

Although SPO Malinowski did not provide SLED with a formal statement regarding the incident, he did provide an initial public safety statement and his version of events is corroborated by the evidence and statements of others collected by SLED during their investigation. It is readily

Chief Luther Reynolds
Page 3
June 15, 2021

apparent that SPO Malinowski's use of force was reasonable in light of the actual and imminent danger of great bodily harm or death that he and other officers were placed in by the actions of George Sanner.

If you have any concerns, please contact me.

Sincerely yours,



Bryan Alfaro
Chief Deputy Solicitor
Ninth Judicial Circuit

cc: Senior Special Agent David Owen, SLED
Captain Ryan Neill, SLED