

State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit



Scott R. Hixson
Chief Deputy Solicitor

REPLY TO

P.O. BOX 1276
CONWAY, SC 29528
843-915-5460
FAX: 843-915-6461

Alicia A. Richardson
Deputy Solicitor

REPLY TO

P.O. BOX 1688
GEORGETOWN, SC 29442
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JIMMY A. RICHARDSON, II
Solicitor

PRESS RELEASE

For more information contact: Jimmy A. Richardson, II, Solicitor
Fifteenth Circuit Solicitors Office, (843) 915-8608

FOR IMMEDIATE RELEASE

County: Horry County
Officer(s): Preciado, Daniel
Morgan, Thad
Subject: Graham, Matthew

Solicitor Richardson has received several calls regarding the SLED Report involving the above referenced parties. Because he is in an all-day meeting with the SC Prosecution Commission, he wanted you to have the letter denying prosecution. SLED maintained original reports. Please see attached findings.

* * *

The mission of the Fifteenth Circuit Solicitor's Office is to uphold the public's trust in the pursuit of justice and enforcement of the law.

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JIMMY A. RICHARDSON, II
Solicitor

December 18, 2019

Special Agent Ashley Soucy
State Law Enforcement Division
181 E. Evans Street
Suite 2, BTC-021
Florence, SC 29506

RE: File 33 19 0091
County: Horry
Officer(s): Preciado, Daniel
Morgan, Thad
Subject: Graham, Matthew

Special Agent Soucy,

I am writing in regard to the above-referenced investigation concerning the shooting death of Mr. Matthew Graham on October 12, 2019. It is my understanding that your agency was tasked as the independent investigative body that handled this matter since officers from the Myrtle Beach Police Department were involved in the incident.

I have received the investigative report you generated in the above-referenced matter. I have reviewed this report and am writing to inform you that, based on the information you uncovered in your extensive investigation, there is no evidence of criminal wrongdoing on behalf of the above named officers in this unfortunate loss of life.

The mission of the Fifteenth Circuit Solicitor's Office is to uphold the public's trust in the pursuit of justice and enforcement of the law.

Your report makes it clear that the subject, Mr. Graham, was previously identified prior to the shooting as having active arrest warrants for discharging a weapon in the city limits and was a suspect in several area burglaries. (*Attachment #25*) Officers of the Myrtle Beach Police Department (MBPD) investigated a call earlier that evening about an AR-15 style rifle having been stolen in a residential burglary. (*Attachment #36*). A white bicycle had also been reported stolen from the garage of a residence in the area as well. (*Attachment #24*).

Patrol officers for MBPD were looking for Graham and they knew he frequented the area of 65th Avenue North. Officers previously spoke to a convenience store clerk several days earlier in an attempt to locate the subject and asked the clerk to call the police if she came in contact with him. Subsequently, the clerk did see Graham and told him the police were looking for him. According to statements taken during your investigation, the subject responded by telling the clerk that "he wasn't going back to jail, that they would have to kill him." (*Attachment #13*).

The clerk called MBPD to inform them of having seen Graham around 11:00 p.m. on the evening of October 11, 2019. Patrol officers were dispatched to the area to search for him. These officers spotted the subject in the area of the Circle K store located at 6501 N. Kings Highway carrying a rifle wrapped in some clothing. MBPD began a foot pursuit which resulted in the subject running behind private homes. Backup officers were called in to help contain the armed subject once he entered into a fenced-in backyard of an innocent citizen's residence. During this time, officers positively identified Graham brandishing the weapon and tried for several hours to negotiate with him to drop the rifle, come out and surrender to police over one of the patrol car's public address system. The

car's public address system. The subject did not comply, and instead entered the home owners shed, took a ladder and climbed over the fence with the rifle. Officers continued to believe the subject was still hiding in this unlit backyard until they heard a gunshot coming from the direction of Highway 17 Bypass. (*Attachment #24*). Some of the officers then broke off from this perimeter and advanced toward the sound of the gunfire.

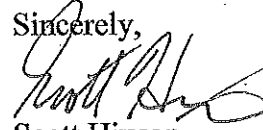
Your investigation shows that the subject was subsequently spotted riding a white bicycle towards 65th Avenue North in possession of the AR-15 style rifle. The officers got out of their patrol cars and began to pursue him again on foot. The subject crashed the bicycle on a raised curb, fell off and landed in a shallow brushy ditch beside the street. According to your investigation, Graham recovered from the fall, rolled back towards the street and grabbed the rifle, pointing the muzzle of the weapon at the officers. (*Attachment #2, #3*) The officers commanded the subject to drop the gun several times then fired on the subject. These actions are captured and corroborated through video evidence of the incident.

The is substantial evidence to show this subject had pending warrants for his arrest for unlawfully firing a weapon in the City of Myrtle Beach and was brandishing a loaded AR-15 style rifle in a manner that threatened the safety and lives of the officers and general public that night. The loaded rifle was recovered in possession of the subject at the time he was shot and the serial numbers prove it is the same rifle that had been stolen from a residence earlier that same day.

Additionally, the subject's toxicology report shows he was positive for amphetamines and cannabinoids at the time of the shooting. (*Attachment#18*).

If additional information comes to light that materially alters this position, we may revisit this decision. Thank you for your thorough and timely efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hixson", written in a cursive style.

Scott Hixson
Chief Deputy Solicitor



South Carolina
Law Enforcement Division

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor
Mark A. Keel, Chief

Tel: (803) 737-9000

file returned
to Sled
12/18/19

RECEIPT OF INVESTIGATIVE FILE

ON 12/12, 2019 A COPY OF SLED ADDENDUM # 33-19-0091
WAS RECEIVED AT THE OFFICE OF Solicitor's office BY THE
UNDERSIGNED.

Det Brend Rabon
Print Name & Title

Burk
Signature

Delivered by SLED Special Agent

[Signature]



An Accredited Law Enforcement Agency





South Carolina
Law Enforcement Division

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor
Mark A. Keel, Chief

Tel: (803) 737-9000

RECEIPT OF INVESTIGATIVE FILE

ON 12/12, 2019, A COPY OF SLED REPORT # 33-19-0091

WAS RECEIVED AT THE OFFICE OF Solicitor's office BY THE
UNDERSIGNED.

Brenda Raben
Print Name & Title

Brenda R
Signature

Delivered by SLED Special Agent

[Signature]