

Greenwood County
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PO Box 516
Greenwood SC 29648



Laurens County
100 Hillcrest Square, Laurens, SC
PO Box 516
Greenwood SC 29648

Newberry County
1226 College Street
PO Drawer 10
Newberry SC 29108

Abbeville County
102 Court Square, Abbeville, SC
PO Box 516
Greenwood SC 29648

David M. Stumbo
Solicitor

August 1, 2017

RE: SLED Case No. 34-17-0050
John Marano (Officer)
Jose Hernandez (Decedent)

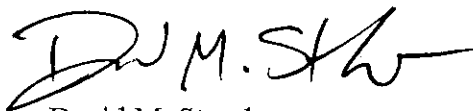
Thank you for the thorough investigation that you conducted in this recent officer-involved shooting in Pendleton. After a complete review of your entire case file, it is the opinion of this office that there is no evidence of criminal intent on the part of Officer Marano. The events immediately preceding the shooting are critical to this analysis: When Mr. Hernandez approached Officer Marano's vehicle, Officer Marano backed away to create distance and to avoid a physical confrontation. Officer Marano then gave clear verbal commands, ordering Mr. Hernandez to get on the ground. When Mr. Hernandez disobeyed these commands, Officer Marano deployed his Taser in an attempt to prevent Mr. Hernandez from gaining control of the marked patrol vehicle. This attempt was unsuccessful and Hernandez entered the driver seat of the patrol vehicle. When Hernandez attempted to access the semi-automatic rifle on the rack in the vehicle and drive away, Officer Marano fired his service weapon into the vehicle to defuse a lethal threat to both himself and the public. At the point that he deployed his service weapon, Hernandez was in control of two deadly weapons: the rifle and the patrol vehicle.

Your examination of the rifle rack in the vehicle showed that the rifle could be released simply by depressing a button within reach of the person in the driver's seat. Officer Marano's assertion that Mr. Hernandez reached for the rifle was corroborated by the presence of Mr. Hernandez's DNA on the rifle's magazine and trigger.

Special Agent Slizewski
August 1, 2017
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Under these unique circumstances, it is our conclusion that Officer Marano's actions were not unreasonable. This case therefore lacks prosecutorial merit in a criminal court of law, and we are closing our review of the matter. If you have additional questions or concerns, please do not hesitate to contact Deputy Solicitor Demetri Andrews or myself.

Sincerely,

A handwritten signature in black ink, appearing to read "D.M. Stumbo", with a long horizontal flourish extending to the right.

David M. Stumbo
Solicitor