



**SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
OPR INVESTIGATION CLOSING FORM**

CASE FILE # PR-2108-21-0065-D **EMPLOYEE NAME:** Corporal M.R. Nix

[Signature] 10/20/2021 **OPR Investigator - Date** *[Signature]* 10-20-2021 **Reviewed by - Date**

Allegation(s) should be listed individually below. Classifications will be determined in DC hearing. Use additional pages if necessary.
1. On July 29, 2021, Corporal Nix failed to count and document money that was seized by Troopers assigned to Sumter County in accordance with SCHP procedures.

Exonerated Unfounded Not-Sustained Sustained

2. Corporal Nix inappropriately took money from a cash seizure for his personal use.

Exonerated Unfounded Not-Sustained Sustained

3.

Exonerated Unfounded Not-Sustained Sustained

Exonerated: Employee's action occurred as alleged, but was within policy and authorized by law
Unfounded: Alleged misconduct did not occur
Not Sustained: Insufficient evidence exists to either prove or disprove the allegation
Sustained: Employee's action violated Department policy, procedure or guidelines

Recommendation: *[Signature]* **Misconduct (23-23-150) Yes** **No** **N/A**

Offense(s) type for disciplinary action:
WVRRPP

[Signature] 10/21/21 **Agency Director Date** *[Signature]* 10/21/21 **Division Director Date**

[Signature] 10/25/21 MFH **OHR Director Date**

FINAL ACTIONS HAVE BEEN EXECUTED: AUTHORITY TO CLOSE CASE
[Signature] **OPR Chief** *10-25-2021* **Date case closed**



South Carolina Department of Public Safety

October 22, 2021

HAND DELIVERED

Cpl. Matthew R. Nix

Bishopville, SC 29010

Dear Cpl. Nix:

This letter is to officially inform you that you are eligible to return to employment with the South Carolina Department of Public Safety (SCDPS), effective October 22, 2021. Effective August 3, 2021, you were suspended without pay pending the outcome of the investigation. You are being issued a suspension without pay for eight (8) hours on August 4, 2021, and you will receive back pay for the remainder of your suspension from August 5, 2021 through October 21, 2021.

The suspension is imposed upon you for violation of SCDPS Policy #400.08 (Progressive Discipline Policy) for **Willful Violation of Rules, Regulations, Policies or Procedures**. Based on the findings of an investigation conducted by the Department's Office of Professional Responsibility (OPR), the SCDPS Disciplinary Committee sustained an allegation that 1) on July 29, 2021, you failed to count and document money that was seized by Troopers assigned to Sumter County in accordance with SCHP procedures.

On July 29, 2021, Corporal J. C. Welsh, Trooper Z. G. Rickard, and Trooper W. E. Baker conducted a public safety checkpoint in Sumter County, when they made contact with a driver who was suspected of driving impaired. Cpl. Welsh detected the strong odor of an alcoholic beverage and marijuana coming from the vehicle. The driver was asked to exit the vehicle, and was offered Standardized Field Sobriety Tests (SFST) by Trooper Baker. While Trooper Baker was administering SFSTs to the driver, Cpl. Welsh drove the vehicle out of the roadway. While doing so, Cpl. Welsh observed a large quantity of marijuana THC edibles in the front passenger seat, and a brown paper bag with what appeared to be a large amount of money in the back seat.

Cpl. Welsh directed Trooper Baker to conclude the SFSTs and place the driver under arrest. A probable cause search of the vehicle was conducted, which revealed a large amount of money located in a brown paper bag, in a book bag, and in the vehicle's center console. Cpl. Welsh contacted SCHP Lieutenant T. P. Alford, who subsequently contacted the Drug Enforcement Agency (DEA) to request that they adopt the case. However the DEA was not able to respond to the scene, and so you were notified about the cash seizure as the on-call Central Evidence Facility (CEF) Technician, in accordance with SCDPS policy. You directed Cpl. Welsh to collect all of the evidence from the vehicle and transport it to the SCHP Sumter County office. The undetermined amount of money and multiple individually wrapped packages of marijuana edibles were collected and secured in Cpl. Welsh's patrol vehicle, before being transported to the Sumter office.

You responded to the Sumter office and arrived at approximately 2400 hours. Once it was determined that the DEA was not able to respond, you advised that the money needed to be

counted before being transported to the CEF. You informed Cpl. Welsh, Trooper Rickard, and Trooper Baker that the proper procedure for counting the money required two individual counts that had to match; one count conducted by the Sumter Troopers and one count conducted by you. You explained that the money was initially laid out on a table in multiple stacks of varying denominations, but you and Cpl. Welsh separated the money into individual denominations before laying it out on the desk in the middle of the office.

Both you and Cpl. Welsh recalled that the one hundred, fifty, ten, five, and one dollar bills were counted first because there were significantly less bills in those denominations than there were twenty dollar bills. Cpl. Welsh and Trooper Rickard counted the one hundred, fifty, and approximately one third of the twenty dollar bills while you counted the one, five, and ten dollar bills. You explained that once you finished, you took the stack of twenty dollar bills that had already been counted and recounted them to confirm the count. You stated that you completed the count and documented the amount on a sticky note before comparing it to the number that Cpl. Welsh had documented; however, the numbers did not match. You stated that you then advised Cpl. Welsh to stop counting the twenty dollar bills until you recounted and confirmed the amounts of all other denominations. You then recounted all the other denominations and confirmed that the amount you came up with matched the amount that Cpl. Welsh and Trooper Rickard had listed on your tally sheet.

After confirming the amount of all other denominations, you and Cpl. Welsh agreed to separate the twenty dollar bills into individual stacks of 50 bills each, totaling \$1,000.00. Once all of the twenty dollar bills were stacked into what you and Cpl. Welsh believed were stacks of 50 bills each, you and Cpl. Welsh counted the total number of stacks. You and Cpl. Welsh agreed that there were a total of 86 completed stacks and one short stack, which totaled \$86,020.00 in twenty dollar bills. You explained that the total amount of money, \$110,482.00, was tallied on the tally sheet before you sealed the money into evidence bags and transported it to the CEF.

On August 3, 2021, the Asset Forfeiture Officer, Sergeant M. D. Allen transported the money to the bank. The money was counted using electronic counting machines and was determined to be \$107,342.00, which was \$3,140.00 less than what was reported by you and Cpl. Welsh on your tally sheets. The money was counted several more times using the counting machines and by hand; however, the same amount of \$107,342.00 was produced each time.

On August 3, 2021, you were advised that the seized money had been found to be \$3,140.00 short, with the discrepancy being in the twenty dollar bills. You stated that you were not sure how that had happened, and you relayed this information to Cpl. Welsh via telephone. Cpl. Welsh was also not sure how this discrepancy had occurred and the conversation ended shortly afterwards. However, Cpl. Welsh called you back 24 minutes later and advised that on August 1, 2021, he had located "a bag of money" in his patrol vehicle. Cpl. Welsh had not notified anyone that he located this money, and you advised him to contact his Sergeant immediately. Cpl. Welsh claimed that he had not reported finding the money because he "got scared."

You acknowledged that you were aware of the proper procedure for counting the seized money but you failed to follow the procedure. You admitted that while you thought you had counted and collected \$110,482.00, there was no way to know exactly how much money was collected because, other than a few "spot checks," you did not confirm that every stack of twenty dollar bills actually contained 50 bills each. You denied that any of the Troopers stole any money, and stated that the discrepancy was simply the result of a miscount.



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The Central Evidence Facility Standard Operating Procedure requires that seized assets are to be tallied by the officer who counts the currency. Following that tally, the CEF technician is to complete a second tally. You have acknowledged that the manner in which the currency was counted violated this directive.

This is a grievable action. If you wish to appeal this action, you should do so in accordance with the enclosed grievance procedure policy. Any questions regarding this matter should be directed to Major Patterson.

Sincerely,

Robert G. Woods, IV, Director
S.C. Department of Public Safety

cc: LTC M. S. Wright
LTC J. T. Manley
Colonel C. N. Williamson
Major E. Patterson
Captain M. C. Rivers
Chief Kenneth Phelps, OPR
Tonya Chambers, HR Director

Enclosure: SCDPS Grievance Policy

My signature acknowledges that I received this document and its contents were discussed with me.

Employee Signature

Date

10/25/2021

THIS DOCUMENT WILL BECOME PART OF YOUR PERSONNEL FILE



**OFFICE
OF
PROFESSIONAL RESPONSIBILITY**

OPR File # PR-2108-21-0065-D

Investigated by: Investigator J.R. Reap

Reviewed by: Chief K. D. Phelps

Date: 10-20-2021



INVESTIGATIVE REPORT

Case Number: PR-2108-21-0065-D

SUBJECT: Corporal M.R. Nix
South Carolina Highway Patrol (SCHP)

COMPLAINANT: Lieutenant Colonel J.T. Manley
South Carolina Highway Patrol (SCHP)

INVESTIGATOR: Senior Investigator J.R. Reap
Office of Professional Responsibility (OPR)

ALLEGATION: On July 29, 2021, Corporal Nix failed to count and document money that was seized by Troopers assigned to Sumter County in accordance with SCHP procedures.

ALLEGATION: Corporal Nix inappropriately took money from a cash seizure for his personal use.

INVESTIGATIVE PREDICATE

On July 29, 2021, Corporal J.C. Welsh, Trooper Z.G. Rickard, and Trooper W.E. Baker were conducting a public safety checkpoint in Sumter County when they made contact with a driver who was suspected of driving impaired. The driver, who was identified as John Holiday, was asked to exit his vehicle and he was offered Standardized Field Sobriety Tests (SFST) by Trooper Baker. While Trooper Baker was administering SFSTs to Mr. Holiday, Corporal Welsh observed a large amount of currency in Mr. Holiday's vehicle in plain view. At that time, Corporal Welsh directed Trooper Baker to conclude the SFSTs and place Mr. Holiday under arrest. Due to the large amount of currency and some marijuana edibles that were observed in plain view, a probable cause search of Mr. Holiday's vehicle was conducted. The search revealed a large amount of money located in a brown paper bag, in a book bag and in the vehicle's center console. The undetermined amount of money, along with multiple individually wrapped packages of marijuana edibles, were collected and secured in Corporal Welsh's patrol vehicle before being transported to the Sumter County Patrol Office. In accordance with SCDPS policy, the on-call Central Evidence Facility (CEF) Technician, Corporal M.R. Nix, was notified about the cash seizure. Corporal Nix responded to the Sumter office where he, Corporal Welsh, Trooper Baker and Trooper Rickard collectively counted the money without the assistance of electronic counting machines. The amount of each denomination was listed on a SCDPS Asset



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Forfeiture Financial Tally Sheet with the total amount of currency being listed as \$110,482.00. The money was then sealed inside of three SCDPS evidence bags before being transported to the CEF by Corporal Nix. On August 3, 2021, Sergeant M.D. Allen removed the sealed evidence bags from the CEF and transported them to the Wells Fargo bank. The sealed evidence bags were opened by bank staff in the presence of Sergeant Allen and then counted using electronic counting machines. The total amount of currency counted by the electronic counting machines was \$107,342.00, which was \$3,140.00 less than what was reported by Corporal Nix and Corporal Welsh on their tally sheets. The money was counted several more times using the counting machines and by hand; however, the same amount of \$107,342.00 was produced each time. Sergeant Allen reported the discrepancy through his chain of command and on August 3, 2021, Lieutenant Colonel J.T. Manley requested that the OPR conduct a proper investigation. This case was assigned to Senior Investigator Reap on August 4, 2021; however, the information was forwarded to the South Carolina Law Enforcement Division (SLED) for their review while the administrative investigation was held in abeyance. On September 1, 2021, SLED advised the OPR that while their case had yet to be completed, the OPR was authorized to begin the administrative investigation.

INVESTIGATION

As part of this investigation, Senior Investigator Reap reviewed a copy of two Asset Forfeiture Financial Tally Sheets (**Exhibit 1**), a copy of a South Carolina Law Enforcement Division (SLED) investigation report (**Exhibit 2**), and a copy of a letter from the Third Circuit Solicitor (**Exhibit 3**).

The aforementioned documents revealed the following:

Copy of two Asset Forfeiture Financial Tally Sheets

Senior Investigator Reap reviewed a copy of two Asset Forfeiture Financial Tally Sheets, which were completed by Corporal Welsh and Corporal Nix in conjunction with a money seizure. (**Exhibit 1**). Both tally sheets contained three columns. The first column was titled "Denominations" and contained a list of all US currency denominations. The second column was titled "Total Bills," and the third column was titled "Total." The tally sheet indicated that the money seized included 17 one dollar bills, 113 five dollar bills, 203 ten dollar bills, 4301, twenty dollar bills, 93 fifty dollar bills, and 172 one hundred dollar bills, totaling \$110,482.00. The date and time shown on both tally sheets was September 30, 2021, at 0153 hours. One tally sheet was initialed by Corporal Welsh and the other was initialed by Corporal Nix.



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Copy of a South Carolina Law Enforcement Division (SLED) Investigation Report

Senior Investigator Reap reviewed a copy of a completed South Carolina Law Enforcement Division (SLED) report #33-21-0094 that was completed by Special Agent J. Gause and provided to the OPR on October 15, 2021 (**Exhibit 2**). The report was dated October 1, 2021, and indicated that an investigation was conducted concerning an allegation of “Official Misconduct” against Corporal J.C. Welsh, Corporal M.R. Nix, Trooper W.E. Baker, and Trooper First Class Z.G. Rickard. The investigation included written statements, interviews, in-car videos, and polygraph reports. The report stated that Corporal Welsh, Corporal Nix, Trooper Rickard and Trooper Baker all denied stealing any of the money that was seized on July 29, 2021, and they all believed the discrepancy in the total amount of money was the result of a miscount. The report indicated that each of the four Troopers voluntarily submitted to a polygraph examination. The polygraph examination reports were included and showed that on August 13, 2021, and again on August 31, 2021, Corporal Nix and Corporal Welsh submitted to polygraph examinations. The report showed that during the polygraph on August 13, 2021, both Corporal Welsh’s and Corporal Nix’s responses to the questions, “Did you steal any of the money reported missing?” and “Did you steal any of that money reported missing this summer?” were “indicative of attempted deception.” During their second polygraphs, Corporal Welsh’s responses to the questions, “Did you steal any part of that money seized from Mr. Holliday?” and “Did you steal any part of that money seized from Mr. Holliday that night?” showed “Deception Indicated” while Corporal Nix’s responses to the same questions were inconclusive. The report showed that during Trooper Baker’s and Trooper Rickard’s polygraph examinations, there was no deception indicated. The report indicated that the information would be submitted to the proper prosecutorial authority for review. (The complete SLED report is located in digital format at the back of this report.)

Copy of a Letter from the Third Circuit Solicitor

Senior Investigator Reap reviewed a copy of a letter from the Third Circuit Solicitor, Ernest A. Finney III, that was dated October 5, 2021 (**Exhibit 3**). In the letter to SLED Captain Glenn Wood, Solicitor Finney advised that after reviewing the completed SLED report, he declined to seek any criminal charges against Corporal Welsh or Corporal Nix due to “a lack of substantial evidence” to warrant prosecution. Solicitor Finney also stated that based on the evidence, it was clear that the Troopers “did not perform their duties in a workmanlike manner” and “several policies were not followed leading to a miscount of the seized funds.”

INTERVIEW OF COMPLAINANT

This complaint was forwarded to the OPR by Lieutenant Colonel J.T. Manley.



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INTERVIEW OF WITNESS

Captain M.C. Rivers, SCHP

On August 4, 2021, Senior Investigator Reap obtained a sworn statement from Captain Rivers. The following is a synopsis of his statement which contains paraphrasing:

Captain Rivers explained that in regard to large money seizures by SCDPS divisions, it is the responsibility of the Central Evidence Facility (CEF) personnel to collect and secure the seized money. Captain Rivers explained that once a Trooper seizes a large quantity of money, they are required to notify the on-call CEF Technician to report the seizure. Captain Rivers advised that it was then the responsibility of the CEF Technician to inform the Trooper which forms they should complete and which steps they should take prior to the Technician's arrival. Captain Rivers explained that the CEF Technician would then respond to the Post where the money was located and meet with the seizing Trooper at an agreed upon location.

Captain Rivers explained that by the time the CEF Technician arrived at the agreed upon location, the seizing Trooper should have already counted the money and documented the amount on a SCDPS tally sheet. Captain Rivers advised that in the event that the money had not yet been counted, the CEF Technician should have the Trooper complete their count before becoming involved in handling the money themselves. Captain Rivers indicated that the responsibility of the CEF Technician, in regard to counting seized money, was to verify the amount reported by the seizing Trooper and not to complete an initial count for the Trooper. Captain Rivers explained that whenever a CEF Technician is notified of a money seizure, it is their responsibility to direct the Trooper to complete an initial count of the money and to also complete a tally sheet, chain of custody form, and an affidavit of seizure prior to the CEF Technician's arrival. Captain Rivers indicated that once they arrive at the location where the money is being held and after the Trooper had completed their count, the CEF Technician is to then count the seized money and complete a second tally sheet. Captain Rivers explained that after the CEF Technician completes their count, only then are they to review the Trooper's tally sheet to confirm that the count is correct. Captain Rivers indicated that if the count is not correct, the process should start over with the Trooper completing another count followed by a count completed by the CEF Technician.

Captain Rivers recalled that on July 29, 2021, Corporal Welsh, Trooper Baker, and Trooper Rickard were working in Sumter County when they seized a large sum of money. Captain Rivers explained that the proper procedures of handling a money seizure were not followed during that incident. While Captain Rivers did not take part in the initial money seizure or the collection of the money by the CEF, Captain Rivers explained that Corporal Nix, who was the on-call CEF Technician, had explained the events that occurred on July 29, 2021, to him. Captain Rivers



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explained that Corporal Nix responded to the Sumter County patrol office where he met with Corporal Welsh. Captain Rivers indicated that instead of Corporal Welsh counting the money prior to Corporal Nix counting it, as was proper procedure, Corporal Welsh, Corporal Nix, Trooper Baker, and Trooper Rickard all counted the money together. Captain Rivers explained that due to the large amount of twenty dollar bills, the Troopers all agreed to separate the twenty dollar bills into stacks of 50 bills each. Captain Rivers stated that the entire day room of the patrol office was utilized with stacks of money spread out on multiple counters. Captain Rivers advised that once the bills were separated into their individual stacks, each Trooper taking part in the count then counted their individual stacks and reported that number to Corporal Nix. Captain Rivers explained that Corporal Nix and Corporal Welsh each completed a tally sheet and the money was then placed into three evidence bags before being sealed.

Captain Rivers explained that Corporal Nix then took possession of the evidence bags containing the money and transported them to the CEF where they were properly secured in a safe. Captain Rivers explained that the money remained in the CEF's safe until August 3, 2021, when it was removed by Sergeant M.D. Allen and transported to the Wells Fargo bank to be deposited. Captain Rivers advised that Sergeant Allen was met at the bank by Jasmine Douglas, who is employed in the SCDPS finance department, which was proper procedure any time seized money needed to be deposited into the bank. Captain Rivers explained that once at the bank, the sealed evidence bags were opened and the bank staff utilized electronic counting machines to count the money while in the presence of Sergeant Allen and Mrs. Douglas. Captain Rivers advised that the automated counting machines count was \$107,342.00 which was \$3,140.00 less than what was documented on the SCDPS tally sheets completed by Corporal Nix and Corporal Welsh. Captain Rivers stated that at the request of Sergeant Allen, the money was counted multiple times utilizing the counting machines and again by hand, with each count ending up at \$107,342.00.

Captain Rivers explained that upon returning back to the CEF, Sergeant Allen reported the discrepancy to Captain Rivers, who then met with Corporal Nix. Captain Rivers recalled that upon informing Corporal Nix about the \$3,140.00 discrepancy, Corporal Nix advised that upon initially counting the money after it was seized, he and the other Troopers had come up with different amounts before the final count of \$110,482.00 was agreed upon. Captain Rivers stated that Corporal Nix could not recall exactly what the different amounts were that he and the other Troopers had agreed upon. Captain Rivers recalled that at 1322 hours, Corporal Nix called Corporal Welsh utilizing the speaker phone function on his cell phone, which allowed Captain Rivers to listen to the conversation. Captain Rivers advised that Corporal Nix informed Corporal Welsh about the discrepancy between the bank's count of the money and their count of the money and he asked Corporal Welsh if he could recall the different amounts they had come up with when the money was initially counted. Captain Rivers recalled that Corporal Welsh responded that he could not recall the different amounts and Corporal Nix ended the call shortly afterwards.



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Sergeant M.D. Allen, SCHP

On September 7, 2021, Senior Investigator Reap obtained a sworn statement from Sergeant Allen. The following is a synopsis of his statement which contains paraphrasing:

Sergeant Allen explained that in addition to receiving and logging evidence into the Central Evidence Facility (CEF), he is also the Asset Forfeiture Officer for the CEF. Sergeant Allen recalled that on July 29, 2021, he and Captain Rivers received a text message from Corporal Nix, who was the on-call CEF Technician, informing them that Corporal Nix had been called-out regarding a large money seizure in Sumter County. Sergeant Allen indicated that Corporal Nix responded to the Sumter County patrol office and collected the seized money before he returned to the CEF and secured the money in a safe. Sergeant Allen explained that as the Asset Forfeiture Officer, it was his responsibility to handle any money that is seized by the agency, whether it is depositing the money into the bank or turning the money over to another agency who was adopting the case from the SCHP.

Sergeant Allen explained that as for the seizure collected by Corporal Nix, the Drug Enforcement Agency (DEA) wanted to adopt the case, which required the money to be turned over to them. However, Sergeant Allen stated that the US Marshals Service, who was to receive the money for the DEA, requested that they be provided a cashier's check instead of the actual cash. Sergeant Allen advised that on August 3, 2021, he removed the money from the safe at the CEF and transported it to the Wells Fargo bank to exchange it for a cashier's check. Sergeant Allen explained that the money was sealed inside of three SCDPS evidence bags and the evidence bags were inside of a brown paper bag. Sergeant Allen indicated that in accordance with asset forfeiture procedures, he was met at the bank by Jasmine Douglas of the SCDPS finance department.

Sergeant Allen explained that the sealed evidence bags were provided to the bank teller who, while in the presence of Sergeant Allen and Mrs. Douglas, cut open the bags and removed the money. Sergeant Allen recalled that with the assistance of the bank's branch manager, the bank teller utilized electronic counting machines to count the money. Sergeant Allen advised that after the money was counted, the bank manager informed Sergeant Allen that the total amount of money was \$107,342.00. Sergeant Allen explained that \$107,342.00 was less than what was reported on Corporal Nix's tally sheet so he requested that the money be counted again. Sergeant Allen stated that the money was counted multiple times utilizing the counting machines and by hand with the same result of \$107,342.00. Sergeant Allen stated that due to the discrepancy of Corporal Nix's tally sheet reporting \$110,482.00 and the actual count being \$107,342.00, he requested the bank manager to provide the total number of bills for each denomination. Sergeant Allen explained that according to the tally sheet, there should have been a total of 4,301 twenty dollar bills but the actual number was 4,144 twenty dollar bills.



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Trooper First Class Z.G. Rickard, SCHP

On September 8, 2021, Senior Investigator Reap obtained a sworn statement from Trooper Rickard. The following is a synopsis of his statement which contains paraphrasing:

Trooper Rickard recalled that on July 29, 2021, he was conducting a public safety checkpoint at Old Stone Road and Pearson Road in Sumter County with Corporal Welsh and Trooper Baker. Trooper Rickard indicated that a vehicle approached the checkpoint but stopped in a suspicious manner before making it to the intersection. Trooper Rickard recalled that Corporal Welsh was working that particular part of the intersection and Corporal Welsh subsequently made contact with the driver of the vehicle. Trooper Rickard explained that he continued to check vehicles which were approaching the other side of the intersection while Trooper Baker and Corporal Welsh were dealing with the driver of the suspicious vehicle, who was later identified as John Holiday. Trooper Rickard explained that Trooper Baker began administering Standardized Field Sobriety Tests (SFST) to Mr. Holiday but before completing the SFSTs, Corporal Welsh directed Trooper Baker to place Mr. Holiday under arrest.

Trooper Rickard stated that after Mr. Holiday was placed under arrest, Trooper Rickard walked over to Corporal Welsh because he was curious about “what suddenly changed” to cause Corporal Welsh to direct Trooper Baker to arrest Mr. Holiday without completing SFSTs. Trooper Rickard stated that when he got to Mr. Holiday’s vehicle where Corporal Welsh was located, he observed a large bag full of money and a bag of marijuana edibles on the trunk of the vehicle. Trooper Rickard explained that Corporal Welsh then contacted the Sumter County Sheriff’s Office’s (SCSO) narcotics unit and requested that they respond to the scene to take over the case. Trooper Rickard recalled that the SCSO deputies arrived at the scene but declined to take over the case. Trooper Rickard advised that the deputies left the scene without ever having access to the money or the drug evidence.

Trooper Rickard explained that when the SCSO declined to take over the case, Corporal Welsh continued to process the evidence by taking photographs and completing a search of Mr. Holiday’s vehicle. Trooper Rickard stated that Trooper Baker transported Mr. Holiday to the jail while he and Corporal Welsh remained at the scene. Trooper Rickard advised that Corporal Welsh then placed all of the money into his patrol vehicle before leaving the scene and transporting the money to the Sumter County patrol office. Trooper Rickard explained that he remained at the scene and waited for the wrecker service to arrive and pick up Mr. Holiday’s vehicle. Trooper Rickard advised that after the vehicle was picked up by the wrecker service, he traveled to the patrol office where Corporal Welsh, Corporal Nix, and Trooper Baker were already located.

Trooper Rickard explained that when he entered the office, Corporal Welsh was already separating the money in order to get a “rough count” of how much was there. Trooper Rickard



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stated that Corporal Welsh then informed him that they needed to complete an actual count of all the money. Trooper Rickard stated that he began to assist Corporal Welsh with counting the money while Trooper Baker began to work on paperwork. Trooper Rickard recalled that he recorded the amount of money on a sticky note while Corporal Welsh counted. Trooper Rickard explained that Corporal Welsh started counting the money in order of denomination, one hundred dollar bills down through the one dollar bills. Trooper Rickard stated that after a while, Corporal Welsh and Trooper Baker switched roles to allow Corporal Welsh to work on paperwork and Trooper Baker took over counting money. Trooper Rickard stated that counting the hundred, fifty, ten, five, and one dollar bills was not a problem; however, there was an “astronomical amount” of twenty dollar bills. Trooper Rickard stated the he and Trooper Baker continued to count the money but it began to feel like they “were not getting nowhere with it.”

Trooper Rickard advised that after Corporal Welsh completed his paperwork, Trooper Rickard, Corporal Welsh, and Trooper Baker began to count the money together instead of having one person count and someone else keep a tally. Trooper Rickard stated that they all stood side-by-side at the desk in the center of the office while counting the money and each Trooper utilized a sticky note to keep a tally of the amount of bills they counted. Trooper Rickard explained that the twenty dollar bills were separated into stacks of 50 bills, with each stack totaling \$1,000.00. Trooper Rickard explained that once he, Corporal Welsh, and Trooper Baker would complete a count, Corporal Nix would then recount the money to confirm the count was correct. However, Trooper Rickard explained that a short while later, Corporal Nix stopped counting the money and advised the other Troopers, “I’mma [*sic*] take your word for it” regarding the total amount of money. Trooper Rickard explained that prior to counting any of the money, Corporal Nix explained the proper procedure that had to be followed, which was that two completely separate counts of the money had to take place. Trooper Rickard stated that Corporal Nix explained that the proper procedure was for Corporal Nix to count the money only after Corporal Welsh, Trooper Rickard, and Trooper Baker had counted it. Trooper Rickard acknowledged that the proper procedure as explained by Corporal Nix was not followed because Corporal Nix did not complete a total count to confirm the amount reported. Trooper Rickard indicated that he believed Corporal Nix was tired and was falling asleep while counting the money, which was why Corporal Nix did not recount everything that was already counted by Corporal Welsh, Trooper Rickard, and Trooper Baker.

Trooper Rickard explained that the total amount of money was agreed upon after Corporal Welsh, Trooper Rickard, and Trooper Baker added up the numbers they had written down on their individual sticky notes. Trooper Rickard advised that the total number agreed upon was \$110,482.00; however, Trooper Rickard was asked why the bank’s count of the money only equaled \$107,342. Trooper Rickard explained that due to Corporal Welsh, Trooper Baker, and himself being within close proximity of each other when they counted the money, he believed that someone accidentally recounted stacks of twenty dollar bills that had already been tallied. Trooper Rickard vehemently denied that he or any of the other Troopers had stolen any money to



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cause the count to be short and he indicated that the discrepancy must simply be due to a miscount.

Trooper W.E. Baker, SCHP

On September 8, 2021, Senior Investigator Reap obtained a sworn statement from Trooper Baker. The following is a synopsis of his statement which contains paraphrasing:

Trooper Baker stated that on July 29, 2021, at approximately 2200 hours, he was participating in a safety checkpoint along with Corporal Welsh and Trooper Rickard at Pearson Road and Old Stone Road in Sumter County. Trooper Baker advised that he was concluding contact with the driver of a vehicle when Corporal Welsh motioned toward him with his flashlight to walk over to his location. Trooper Baker advised that Corporal Welsh had a subject, later determined to be John Holiday, out of his vehicle and he advised that Mr. Holiday had been consuming alcohol. Trooper Baker stated that he walked Mr. Holiday to the front of his patrol vehicle so that he could administer Standardized Field Sobriety Tests (SFST). Trooper Baker advised that he began SFSTs by administering the Horizontal Gaze Nystagmus (HGN) test and he observed all six indicators of impairment. Trooper Baker stated that he then proceeded to explain the Walk and Turn (WAT) test, at which time Corporal Welsh advised him through radio transmission to detain Mr. Holiday. Trooper Baker stated that he handcuffed Mr. Holiday and placed Mr. Holiday into the front seat of his patrol vehicle with his in-car camera activated. Trooper Baker stated that Corporal Welsh had moved Mr. Holiday's vehicle onto the dirt portion of Old Stone Road so that traffic could pass and, upon walking to Corporal Welsh's location, Corporal Welsh directed him to advise Mr. Holiday that he was under arrest. Trooper Baker stated that Corporal Welsh had removed two bags from Mr. Holiday's vehicle; one that resembled a large take out bag from a restaurant and one that was a child's book bag with a Mario print on it. (Trooper Baker stated that Corporal Welsh later told him that the large restaurant bag was in plain view on the back seat of Mr. Holiday's vehicle and he was able to see that the bag contained a large amount of money.)

Trooper Baker stated that Corporal Welsh advised that the bags contained a large amount of money and that there was another grocery bag that contained what was believed to be edibles that contained Tetrahydrocannabinol (THC). Trooper Baker stated that the Sumter County Sheriff's Office (SCSO) was requested to respond in reference to taking over the seizure of the money and narcotics, which resulted in three SCSO narcotic units responding to the scene. Trooper Baker stated that the narcotic units looked at the money and spoke to Mr. Holiday; however, the narcotic unit's supervisor advised that they could not take over the seized money from a state agency. Trooper Baker stated that at that point, he transported Mr. Holiday to the detention center where upon arrival, he placed Mr. Holiday in front of his patrol vehicle and retrieved a large sum of money from Mr. Holiday's pants pockets. Trooper Baker stated that he sealed the money, which Mr. Holiday identified as a couple thousand dollars, in a SCHP



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evidence bag and placed it inside of his patrol vehicle. Trooper Baker advised that he then walked Mr. Holiday into the detention center where he offered Mr. Holiday a breath test; however, Mr. Holiday refused the test. Trooper Baker advised that Mr. Holiday was booked into the detention center for Driving Under the Influence (DUI) and Trooper Baker then traveled to the Sumter patrol office.

Trooper Baker stated that he arrived at the Sumter patrol office, where he took in the sealed evidence bag containing the money from Mr. Holiday's pockets. Trooper Baker stated that Corporal Welsh was already at the office and had already begun removing the money from the bags in preparation to determine the amount. Trooper Baker stated that he observed several stacks of money approximately six to seven inches in height on the table inside of the office. Trooper Baker stated that Corporal Nix, who arrived approximately two to three minutes after him, advised what SCDPS forms were needed and explained to the Troopers the procedure for counting the money. Trooper Baker recalled that Corporal Nix advised that it was the responsibility of the Troopers to count the money first and then Corporal Nix would count the money afterwards to see if the numbers matched. Trooper Baker stated that Corporal Nix then began to complete his portion of paperwork. Trooper Baker stated that Trooper Rickard arrived a short time later and Trooper Rickard and Corporal Welsh began counting the money. Trooper Baker stated that initially, he worked on "paperwork" for the money transfer so that Corporal Nix could "get out of there quicker" since both Corporal Nix and Corporal Welsh were "well into their day" and had not been to sleep. Trooper Baker advised that he then completed his DUI report on Mr. Holiday before switching places with Corporal Welsh, who began working on the report to document the discovery of the money and drugs while Trooper Baker began counting the money. Trooper Baker stated that when Corporal Welsh finished his report, he rejoined Trooper Rickard and Trooper Baker and began counting money once again. (Trooper Baker stated that no one left from inside of the office until all of the money was sealed and transferred to Corporal Nix's patrol vehicle for transport to the CEF.)

Trooper Baker stated that the money, most of which was wrapped in rubber bands and in quantities of 50 bills, was taken out of the rubber bands and counted on the island inside of the patrol office. Trooper Baker advised that there was also a large portion of loose money inside of the book bag and Corporal Welsh counted that money as well as the bundles of fifty and one hundred dollar bills without assistance. However, Trooper Baker stated that they all counted the stacks of twenty, ten, five and one dollar bills. Trooper Baker stated that after he, Corporal Welsh, and Trooper Rickard counted the stacks of money and tallied it on sticky notes, they placed the completed stacks on the opposite side of the island. Trooper Baker stated that there was a large amount of stacks of twenty dollar bills and Trooper Baker acknowledged that the total amount of money recorded that night was \$110,482.00, which took them two to three hours to count. According to Trooper Baker, Corporal Nix counted a portion of the money but he did not conduct a complete count of all of the money that was seized. Trooper Baker stated that Corporal Nix indicated that he was tired and Corporal Nix advised that if the Troopers were sure



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in their count, he would trust them and record that amount as well. Trooper Baker stated that after all of the money had been counted and the proper forms were completed, Corporal Nix carried out the money in the brown take out bag and placed the bag inside of his patrol vehicle for transport to the CEF. Trooper Baker stated that he assumed that all of the money was inside of evidence bags but he was not sure. Trooper Baker stated that Corporal Nix and Corporal Welsh, whose shifts were over, left the office while Trooper Baker stayed to complete additional administrative duties. Trooper Baker stated that he later became aware that there was a discrepancy in the amount of money recorded that night and the amount of money that was verified upon being transferred to the bank. However, Trooper Baker stated that he did not take any of the money and he was not aware of anyone else taking any of the money. Trooper Baker stated that he believed that the money was miscounted due to only being counted one time.

Corporal J.C. Welsh, SCHP

On September 15, 2021, Senior Investigator Reap and Senior Investigator H.M. Morrell obtained a sworn statement from Corporal Welsh. The following is a synopsis of his statement which contains paraphrasing:

Corporal Welsh recalled that on July 29, 2021, he was the supervisor on-duty in Sumter County. Corporal Welsh explained that Trooper Rickard and Trooper Baker, who were also on-duty, requested that Corporal Welsh hold a public safety checkpoint before he secured for the night (Corporal Welsh was scheduled to end his tour of duty at 2400 hours). Corporal Welsh stated that he agreed to conduct a checkpoint at the intersection of Pearson Road and Old Stone Road. Corporal Welsh explained that the third vehicle to approach the intersection was driven by John Holiday and upon making contact, Corporal Welsh detected the strong odor of an alcoholic beverage and marijuana coming from the vehicle. Corporal Welsh advised that he turned Mr. Holiday over to Trooper Baker so that Trooper Baker could offer Mr. Holiday Standardized Field Sobriety Tests (SFST). Corporal Welsh explained that he then drove Mr. Holiday's vehicle out of the roadway and while doing so, he observed a large quantity of marijuana THC edibles in the front passenger seat.

Corporal Welsh stated that upon exiting Mr. Holiday's vehicle, he looked into the back seat and observed a brown paper bag with what appeared to be a large amount of money in plain view. Corporal Welsh advised that he then contacted Trooper Baker via his hand-held radio and directed him to place Mr. Holiday under arrest. Corporal Welsh explained that after Mr. Holiday was secured, he conducted a search of Mr. Holiday's vehicle and confirmed that there was a large amount of money inside of the brown paper bag as well as a small book bag. Corporal Welsh stated that he contacted the Sumter County Sheriff's Office (SCSO) narcotic unit and requested that they respond to the scene. Corporal Welsh recalled that the narcotic unit responded to the scene but subsequently refused to adopt the case and take possession of the drugs and money. Corporal Welsh explained that he then contacted Lieutenant T.P. Alford, who



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subsequently contacted the Drug Enforcement Agency (DEA) to request that they adopt the case. Corporal Welsh explained that the DEA was not able to respond to the scene so Corporal Nix, who was the on-call CEF Technician, was notified.

Corporal Welsh explained that Corporal Nix directed him to collect all of the evidence from Mr. Holiday's vehicle and transport it to the Sumter office and Corporal Nix would meet him there. Corporal Welsh stated that he placed the brown bag and the book bag containing the large amount of money into the back seat of his patrol vehicle on the driver's side. Corporal Welsh explained that he also removed an undetermined amount of loose cash from the center console of Mr. Holiday's vehicle and sealed it inside of a Clarendon County Sheriff's Office (CCSO) evidence bag. Corporal Welsh stated that he utilized the CCSO bag, which he had previously obtained from a CCSO deputy, because he did not have any SCDPS evidence bags in his patrol vehicle (Corporal Welsh indicated that he had numerous CCSO evidence bags in his patrol vehicle that he utilized). Corporal Welsh advised the he "tossed" the evidence bag containing the money from the center console onto his back seat with the rest of the money before he cleared the scene and transported the money to the Sumter office.

Corporal Welsh explained that upon arriving at the office, he took the bags inside and waited on Corporal Nix to arrive before he started to count the money. Corporal Welsh indicated that he wanted to wait for Corporal Nix because he needed Corporal Nix to explain the proper procedure for handling such a large amount of money. Corporal Welsh explained that Corporal Nix, Trooper Baker, and Trooper Rickard all arrived at the office within a few minutes of each other. Corporal Welsh recalled that prior to counting the money, Corporal Nix explained that the procedure for counting and verifying the amount of money required Corporal Welsh to complete a count of all the money and Corporal Nix would then complete a second count to verify Corporal Welsh's count. Corporal Welsh recalled that all of the money was then laid out on the table and separated by denomination. Corporal Welsh stated that the one hundred, fifty, ten, five, and one dollar bills were counted first because there was significantly less bills in those denominations than there were twenty dollar bills. Corporal Welsh advised that after he counted those specific denominations, Corporal Nix recounted them to confirm the amount.

Corporal Welsh explained that while Corporal Nix counted the one hundred, fifty, ten, five, and one dollar bills, Corporal Welsh, Trooper Rickard, and Trooper Baker began to count the twenty dollar bills. Corporal Welsh stated that due to the large number of twenty dollar bills, they decided to count them by separating the bills into stacks of 50. Corporal Welsh explained that he, Trooper Rickard, and Trooper Baker stood on one side of the table and counted out the stacks and once they reached 50 bills in a stack, the completed stack would be tallied on a sticky note and then placed on the opposite side of the table. Corporal Welsh advised that they continued to count the twenty dollar bills in that manner until all the bills were separated into stacks. Corporal Welsh indicated the he and Corporal Nix then went around to the other side of the table and counted the total number of stacks, ultimately coming up with a total of 86 complete stacks and



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one short stack, for a total of \$86,020.00. However, Corporal Welsh admitted that while he and Corporal Nix both counted the total number of twenty dollar bill stacks, a second count was never conducted of each individual stack to confirm that each stack actually contained 50 twenty dollar bills.

Corporal Welsh explained that after he and Corporal Nix agreed on the amount of money that was seized, they both completed a tally sheet which showed a total of \$110,482.00. Corporal Welsh stated that Corporal Nix then sealed the money into evidence bags before he left the office to transport the money to the Central Evidence Facility (CEF). Corporal Welsh recalled that the next time he communicated with Corporal Nix regarding the seized money was on August 3, 2021, when Corporal Nix called him to report that the money “came up short” when it was counted by the bank. Corporal Welsh explained that he then learned that although they had reported \$110,482.00 on the tally sheets, the actual amount of money delivered to the bank was only \$107,342.00. Corporal Welsh stated that in his opinion, the only reason that the amount of money was different when counted by the bank was because he and the other Troopers must have miscounted it. Corporal Welsh admitted that the proper procedure as laid out by Corporal Nix was not followed, which likely led to the miscount. Corporal Welsh was asked specifically if he or any of the other Troopers had stolen any of the money and Corporal Welsh responded “Absolutely not.” Corporal Welsh stated, “I had my eyes on everybody” and he was certain that no one mishandled or stole any money.

INTERVIEW OF SUBJECT

Corporal M.R. Nix, SCHP

On September 13, 2021, Senior Investigator Reap and Senior Investigator J.G. Knox obtained a sworn statement from Corporal Nix. The following is a synopsis of his statement which contains paraphrasing:

Corporal Nix explained that he is an Evidence Technician assigned to the Central Evidence Facility (CEF). Corporal Nix stated that his responsibility as a CEF Technician is to collect and log evidence into the CEF for storage and to remove and destroy evidence when applicable. Corporal Nix recalled the on July 29, 2021, he was the on-call CEF Technician and at approximately 2200 hours, he was notified about a large money seizure that had occurred in Sumter County. Corporal Nix explained that he contacted Corporal Welsh, who was the supervisor on-duty in Sumter County, directly and advised that he would meet him at the Sumter office instead of requiring Corporal Welsh to transport the money to the CEF in Columbia. Corporal Nix advised that he responded to the Sumter office where he arrived sometime around midnight. Corporal Nix stated that when he arrived at the office, Corporal Nix and Trooper Baker were already there.



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Corporal Nix explained that at that time, Trooper Baker was working on paperwork and Corporal Welsh was making contact with the Drug Enforcement Agency (DEA) to request their assistance by adopting the case. Corporal Nix stated that the DEA was not able to respond; therefore, the money needed to be counted before being transported to the CEF. Corporal Nix explained that the money was laid out on a table in multiple stacks of varying denominations. Corporal Nix indicated that in accordance with SChP procedures, the money had to be counted and tallied on a tally sheet by each individual denomination; therefore, he and Corporal Welsh separated all of the money and laid it out on the desk in the middle of the office by denomination in order from one hundred dollar bills down to one dollar bills. Corporal Nix stated that he informed Corporal Welsh that the proper procedure for counting the money required two individual counts, one conducted by the Sumter Troopers and one by Corporal Nix and both counts had to match.

Corporal Nix explained that Corporal Welsh and Trooper Rickard started counting the one hundred dollar bills while working their way down and Corporal Nix started counting the one dollar bills while working his way up in denomination. Corporal Nix stated that Corporal Welsh and Trooper Baker had counted the one hundred, fifty, and about one third of the twenty dollar bills by the time Corporal Nix finished counting the one, five, and ten dollar bills. Corporal Nix explained that he took the stack of twenty dollar bills that had already been counted and recounted them to confirm the count. Corporal Nix stated that he completed the count and documented the amount on a sticky note before comparing it to the number that Corporal Welsh had documented but the numbers did not match. Corporal Nix stated that he then advised Corporal Welsh to stop counting the twenty dollar bills until Corporal Nix recounted and confirmed the amount of all other denominations. Corporal Nix stated that he counted all the other denominations and confirmed that the amount he came up with matched the amount that Corporal Welsh and Trooper Rickard had listed on their tally sheet.

Corporal Nix explained that after confirming the amount of all other denominations, he began to try and figure out a better way to count the twenty dollar bills. Corporal Nix advised that he decided to have all of the twenty dollar bills separated into individual stacks of 50 bills each, totaling \$1,000.00, to make it easier to count all of the twenty dollar bills. Corporal Nix explained that he, Corporal Welsh, Trooper Rickard, and Trooper Baker took larger piles of twenty dollar bills and began to separate the large piles into smaller individual stacks containing 50 bills each. Corporal Nix stated that after all of the twenty dollar bills were separated into the individual stacks, he "spot checked" a couple of the stacks that were counted by the other Troopers to confirm that the stacks contained 50 twenty dollar bills each. Corporal Nix stated that one stack that was "spot checked" only contained 49 bills so he took one twenty dollar bill from another short stack and added it to the other stack which, according to Corporal Nix, made all the stacks except for one have a total of 50 twenty dollar bills.

Corporal Nix stated that once he and Corporal Welsh were confident that all of the stacks contained 50 bills each, they went around the room and counted a total of 86 complete stacks and



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one short stack, which totaled \$86,020.00 in twenty dollar bills. Corporal Nix explained that the total was tallied on the tally sheet and he then began to seal all of the money into evidence bags. Corporal Nix stated that the twenty dollar bills were placed into two large evidence bags while the one hundred, fifty, ten, five, and one dollar bills were placed all together into one evidence bag. Corporal Nix recalled that the chain of custody forms were completed and all of the money was officially turned over to him in the Smart Evidence system before he placed the money into his patrol vehicle. Corporal Nix stated that he transported the money directly to the CEF where he placed it into the secure safe, which was the last time he handled the money.

Corporal Nix recalled that on August 3, 2021, he was called into Captain Rivers's office and advised that the seized money had been transported to the bank where it was found to be \$3,140.00 short. Corporal Nix acknowledged that he reported the total amount of money as being \$110,482.00 but the actual amount was \$107,342.00, with the discrepancy being found in the twenty dollar bills. Corporal Nix admitted that while he thought he had counted and collected \$110,482.00, there was no way to know exactly how much money was collected because, other than a few "spot checks," he did not confirm that every stack of twenty dollar bills actually contained 50 bills each. Corporal Nix explained that due to the amount of twenty dollar bills and the time it was taking to count them, he had made the "executive decisions" to separate the bills into stacks of 50 and complete two counts of the total number of stacks instead of two counts of every single bill. Corporal Nix stated that there came a time that night when he was falling asleep while counting, which caused him to recount money over and over again. Corporal Nix admitted that while he had explained the proper procedure for counting the money to the other Troopers, the proper procedure was not followed. Corporal Nix stated that in his opinion, "it would be almost impossible" to come up with two identical counts of the twenty dollar bills without the assistance of an electronic money counter. Corporal Nix maintained that the evidence bags containing the money were sealed prior to him leaving the office and they remained sealed until they were taken to the bank on August 3, 2021. Corporal Nix vehemently denied that he or any of the other Troopers had stolen any money to cause the count to be short and he indicated that the discrepancy must simply be due to a miscount.

CONCLUSION

On July 29, 2021, Corporal Welsh, Trooper Rickard, and Trooper Baker conducted a public safety checkpoint in Sumter County when they made contact with a driver who was suspected of driving impaired. The driver, who was identified as John Holiday, was asked to exit his vehicle and he was offered Standardized Field Sobriety Tests (SFST) by Trooper Baker. While Trooper Baker was administering SFSTs to Mr. Holiday, Corporal Welsh observed a large amount of currency and some marijuana edibles in Mr. Holiday's vehicle that were in plain view. At that time, Corporal Welsh directed Trooper Baker to conclude the SFSTs and place Mr. Holiday under arrest. A probable cause search of Mr. Holiday's vehicle was conducted, which revealed a



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large amount of money located in a brown paper bag, in a book bag, and in the vehicle's center console. The undetermined amount of money, along with multiple individually wrapped packages of marijuana edibles, was collected and secured in Corporal Welsh's patrol vehicle before being transported to the Sumter County patrol office. In accordance with SCDPS policy, the on-call Central Evidence Facility (CEF) Technician, Corporal Nix, was notified about the cash seizure. Corporal Nix responded to the Sumter office where he, Corporal Welsh, Trooper Baker, and Trooper Rickard collectively counted the money. The amount of each denomination was listed on a SCDPS Asset Forfeiture Financial Tally Sheet with the total amount of currency being listed as \$110,482.00. The money was then sealed inside of three SCDPS evidence bags before being transported to the CEF by Corporal Nix. On August 3, 2021, the Asset Forfeiture Officer, Sergeant Allen, transported the money to the Wells Fargo bank. The money was counted using electronic counting machines and was determined to be \$107,342.00, which was \$3,140.00 less than what was reported by Corporal Nix and Corporal Welsh on their tally sheets. The money was counted several more times using the counting machines and by hand; however, the same amount of \$107,342.00 was produced each time. The information was ultimately forwarded to the South Carolina Law Enforcement Division (SLED) for investigation and they provided their completed report to the OPR on October 15, 2021. The Third Circuit Solicitor's Office also declined to seek any criminal charges against Corporal Welsh or Corporal Nix due to "a lack of substantial evidence" although the Troopers "did not perform their duties in a workmanlike manner" and "several policies were not followed leading to a miscount of the seized funds."

During his interview with the OPR, Captain Rivers of the CEF explained that when a Trooper seizes a large quantity of money, they are required to notify the on-call CEF Technician to report the seizure. Captain Rivers advised that it was then the responsibility of the CEF Technician to inform the Trooper which forms they should complete (tally sheet, chain of custody form, and an affidavit of seizure) and which steps they should take prior to the Technician's arrival. Captain Rivers explained that the CEF Technician would then respond to the Post where the money was located and meet with the seizing Trooper, at which time the seizing Trooper should have already counted the money and documented the amount on a SCDPS tally sheet. Captain Rivers advised that in the event that the money had not yet been counted, the CEF Technician should have the Trooper complete their count before becoming involved in handling the money themselves. Captain Rivers indicated that the responsibility of the CEF Technician, in regard to counting seized money, was to verify the amount reported by the seizing Trooper and not to complete an initial count for the Trooper. Captain Rivers indicated that once they arrive at the location where the money is being held and after the Trooper had completed their count, the CEF Technician is to then count the seized money and complete a second tally sheet. Captain Rivers explained that after the CEF Technician completes their count, only then are they to review the Trooper's tally sheet to confirm that the count is correct. Captain Rivers indicated that if the count is not correct, the process should start over with the Trooper completing another count followed by a count completed by the CEF Technician.



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Corporal Welsh advised the OPR that during the checkpoint, he had detected the strong odor of an alcoholic beverage and marijuana coming from Mr. Holiday's vehicle and he turned Mr. Holiday over to Trooper Baker to administer SFSTs. Corporal Welsh then drove Mr. Holiday's vehicle out of the roadway and while doing so, he observed a large quantity of marijuana THC edibles in the front passenger seat. Corporal Welsh stated that upon exiting Mr. Holiday's vehicle, he looked into the back seat and observed a brown paper bag with what appeared to be a large amount of money in plain view. Corporal Welsh advised that he then directed Trooper Baker to place Mr. Holiday under arrest. Corporal Welsh explained that after Mr. Holiday was secured, he conducted a search of Mr. Holiday's vehicle and confirmed that there was a large amount of money inside of the brown paper bag as well as a small book bag. Corporal Welsh contacted the Sumter County Sheriff's Office (SCSO) narcotic unit and requested that they respond to the scene and, although they responded as requested, the SCSO refused to adopt the case and take possession of the drugs and money. Corporal Welsh then contacted Lieutenant Alford, who subsequently contacted the Drug Enforcement Agency (DEA) to request that they adopt the case. However, the DEA was not able to respond to the scene so Corporal Nix, who was the on-call CEF Technician, was notified.

Corporal Nix directed Corporal Welsh to collect all of the evidence from Mr. Holiday's vehicle and transport it to the Sumter office and Corporal Nix would meet him there. Corporal Welsh placed the brown bag and the book bag containing the large amount of money into the back seat of his patrol vehicle on the driver's side. Corporal Welsh also removed an undetermined amount of loose cash from the center console of Mr. Holiday's vehicle and sealed it inside of a Clarendon County Sheriff's Office (CCSO) evidence bag. Corporal Welsh stated that he utilized the CCSO bag, which he had previously obtained from a CCSO deputy, because he did not have any SCDPS evidence bags in his patrol vehicle (Corporal Welsh indicated that he had numerous CCSO evidence bags in his patrol vehicle that he utilized). Corporal Welsh advised the he "tossed" the evidence bag containing the money from the center console onto his back seat with the rest of the money before he cleared the scene and transported the money to the Sumter office.

Corporal Nix recalled that he had been in contact with Corporal Welsh that night and that he subsequently responded to the Sumter office, arriving sometime around midnight. Corporal Nix stated that when he arrived at the office, Corporal Welsh and Trooper Baker were already there. Corporal Nix explained that at that time, Trooper Baker was working on paperwork and Corporal Welsh was making contact with the DEA to request their assistance. Corporal Nix stated that once it was determined that the DEA was not able to respond, the money needed to be counted before being transported to the CEF. Trooper Rickard arrived at the office a short while later and Corporal Nix informed Corporal Welsh, Trooper Rickard, and Trooper Baker that the proper procedure for counting the money required two individual counts that had to match; one count conducted by the Sumter Troopers and one count conducted by Corporal Nix. Corporal Nix explained that the money was initially laid out on a table in multiple stacks of varying



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denominations but Corporal Nix and Corporal Welsh separated the money into individual denominations before laying it out on the desk in the middle of the office.

Both Corporal Welsh and Corporal Nix recalled that the one hundred, fifty, ten, five, and one dollar bills were counted first because there were significantly less bills in those denominations than there were twenty dollar bills. Corporal Welsh and Trooper Rickard counted the one hundred, fifty, and approximately one third of the twenty dollar bills while Corporal Nix counted the one, five, and ten dollar bills. Corporal Nix explained that once he finished counting the one, five, and ten dollar bills, he took the stack of twenty dollar bills that had already been counted and recounted them to confirm the count. Corporal Nix stated that he completed the count and documented the amount on a sticky note before comparing it to the number that Corporal Welsh had documented; however, the numbers did not match. Corporal Nix stated that he then advised Corporal Welsh to stop counting the twenty dollar bills until Corporal Nix recounted and confirmed the amount of all other denominations. Corporal Nix explained that he then recounted all the other denominations and confirmed that the amount he came up with matched the amount that Corporal Welsh and Trooper Rickard had listed on their tally sheet.

After confirming the amount of all other denominations, Corporal Nix and Corporal Welsh agreed to separate the twenty dollar bills into individual stacks of 50 bills each, totaling \$1,000.00, to make it easier to count them. Corporal Nix, Corporal Welsh, Trooper Rickard, and Trooper Baker then separated the large piles of twenty dollar bills into smaller individual stacks containing 50 bills each. Corporal Nix advised that after all of the twenty dollar bills were separated into the individual stacks, he “spot checked” a couple of the stacks that were counted by the other Troopers to confirm that the stacks contained 50 twenty dollar bills each. Corporal Nix recalled that one stack that he “spot checked” only contained 49 bills so he added a twenty dollar bill from another stack which, according to Corporal Nix, made all the stacks except for one have a total of 50 twenty dollar bills each. Once all of the twenty dollar bills were stacked into what Corporal Nix and Corporal Welsh believed were stacks of 50 bills each, Corporal Nix and Corporal Welsh counted the total number of stacks. Corporal Nix and Corporal Welsh agreed that there was a total of 86 complete stacks and one short stack, which totaled \$86,020.00 in twenty dollar bills. Corporal Nix explained that the total amount of money, \$110,482.00 was tallied on the tally sheet before Corporal Nix sealed the money into evidence bags and transported it to the CEF.

On August 3, 2021, Corporal Nix was called into Captain Rivers’s office and advised that the seized money had been transported to the bank where it was found to be \$3,140.00 short, with the discrepancy being in the twenty dollar bills. Corporal Nix responded to Captain Rivers that he was not sure how that had happened and he relayed this information to Corporal Welsh via telephone. Corporal Welsh was also unsure how this discrepancy had occurred and the conversation ended shortly afterwards. However, Corporal Welsh called Corporal Nix back 24 minutes later and advised that on August 1, 2021, he had located “a bag of money” in his patrol



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vehicle. Corporal Welsh advised Corporal Nix that he had not notified anyone that he located this money and Corporal Nix advised Corporal Welsh to contact his Sergeant immediately. Corporal Nix advised the OPR that Corporal Welsh claimed he had not reported finding the money because he “got scared.”

Corporal Nix and Corporal Welsh both acknowledged to the OPR that they were aware of the proper procedure for counting the seized money but they failed to follow the procedure. Corporal Nix admitted that while he thought he had counted and collected \$110,482.00, there was no way to know exactly how much money was collected because, other than a few “spot checks,” he did not confirm that every stack of twenty dollar bills actually contained 50 bills each. Corporal Welsh admitted that while he and Corporal Nix both counted the total number of twenty dollar bill stacks, a second count was never conducted of each individual stack to confirm that each stack actually contained 50 twenty dollar bills. Corporal Nix, Corporal Welsh, Trooper Rickard, and Trooper Baker all denied that any of the Troopers stole any money and they all stated that the discrepancy was simply the result of a miscount.

On October 15, 2021, SLED provided their completed report to the OPR, which included written statements, interviews, in-car videos, and polygraph reports. The report stated that Corporal Welsh, Corporal Nix, Trooper Rickard and Trooper Baker all denied stealing any of the money that was seized and they all believed the discrepancy in the total amount of money was the result of a miscount. The report indicated that each of the four Troopers voluntarily submitted to a polygraph examination. The polygraph examination reports were included and showed that on August 13, 2021, and again on August 31, 2021, Corporal Nix submitted to polygraph examinations. The report showed that during the polygraph on August 13, 2021, Corporal Nix’s responses to the questions, “Did you steal any of the money reported missing?” and “Did you steal any of that money reported missing this summer?” were “indicative of attempted deception.” During the second polygraph, Corporal Nix’s responses to the questions, “Did you steal any part of that money seized from Mr. Holliday?” and “Did you steal any part of that money seized from Mr. Holliday that night?” were inconclusive. However, the Third Circuit Solicitor’s Office ultimately declined to seek any criminal charges against any of the Troopers involved.

CLASSIFICATION

ALLEGATION: On July 29, 2021, Corporal Nix failed to count and document money that was seized by Troopers assigned to Sumter County in accordance with SCHP procedures.

ALLEGATION: Corporal Nix inappropriately took money from a cash seizure for his personal use.

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OPR FILE # PR-2108-21-0065-D

- Exhibit 1.... Copy of two Asset Forfeiture Financial Tally Sheets
- Exhibit 2.... Copy of a South Carolina Law Enforcement Division (SLED) Investigation Report
- Exhibit 3.... Copy of a Letter from the Third Circuit Solicitor

***Digital Files Attached in Rear of Folder (Audio Interviews and Complete SLED Report)**



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Asset Forfeiture Financial Tally Sheet

Denominations	Total Bills	Total
One Dollar Bills	17	17
Two Dollar Bills		
Five Dollar Bills	113	565
Ten Dollar Bills	203	2030
Twenty Dollar Bills	4301	86,020
Fifty Dollar Bills	93	4650
One Hundred Dollar Bills	172	17,200
Five Hundred Dollar Bills		
One Thousand Dollar Bills		
Pennies		
Nickels		
Dimes		
Quarters		
Half dollars		
Dollars		
Total	4,899	110,482
Date: 7/30/2021	Time: 0153	
Subject Name: John Rodrigo Holliday		
Address: [REDACTED] PineWood SC 29125		
Case Number: BLTC 21 CAD 114321 HP43		
Seizing Trooper / Officer: TPR. W.E. Baker		
Agency: SCHP TI/PA		



South Carolina Department of Public Safety

Asset Forfeiture Financial Tally Sheet

Denominations	Total Bills	Total
One Dollar Bills	17	\$17
Two Dollar Bills		
Five Dollar Bills	113	\$565
Ten Dollar Bills	203	\$2,030
Twenty Dollar Bills	4301	\$86,020
Fifty Dollar Bills	93	\$4,650
One Hundred Dollar Bills	172	\$17,200
Five Hundred Dollar Bills		
One Thousand Dollar Bills		
Pennies		
Nickels		
Dimes		
Quarters		
Half dollars		
Dollars		
Total	4,899	\$110,482
	MR ML	MR ML
Date: 07.30.2021	Time: 0153	
Subject Name:	Holliday, John Rodrigo	
Address:	[REDACTED] Pinewood SC 29125	
Case Number:	BTC21CAD114321HP43	
Seizing Trooper / Officer:	W. E. Baker	
Agency:	SCHA - Troop 1 Post A (Sumter)	