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Posted on Mon, Sep. 19, 2005

Famous S.C. lawyer to defend elderly woman stunned by police

Associated Press

ROCK HILL, S.C. - One of South Carolina's most famous defense attorneys has signed on to help the defense in the case of a 75-year-old woman stunned with a Taser gun by a Rock Hill police officer.

Jack Swerling said he has been interested in the case of Margaret Kimbrell ever since reading about the incident last October.

"Hitting an elderly lady with a Taser gun, why anybody would go to those lengths, I don't know," Swerling said. "Plus, I like the lady."

Kimbrell, who has turned 76 since the incident, was charged with trespassing and resisting police after officers said she refused to leave a Rock Hill assisted living center after being asked to leave.

Officer Hattie Jean Macon said she used her stun gun after Kimbrell either swung her arm or her purse at her.

Macon received a verbal warning from her supervisor and was required to attend a Taser retraining course.

Swerling will join attorney Chris Wellborn, a former president of the South Carolina Association of Criminal Defense Lawyers.

Swerling has defended some of the state's most notorious criminals over his 30-year career like serial killers Pee Wee Gaskins and Larry Gene Bell. He is known for his aggressive cross-examinations.

Kimbrell's trial is set for November, but the case has been delayed several times because the defense and city lawyers disagree over what internal police records the city must release to Kimbrell's lawyers, Rock Hill prosecutor Chris Barton said.

One of Swerling's peers said he would only take a case like this in municipal court because it has far-reaching


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consequences

In this case, volatile and political issues about when police are justified to use a certain level of force could have implications in future criminal and civil courts, Rock Hill defense lawyer Tom McKinney said

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Renowned lawyer takes Taser case

By Andrew Dys
The Herald

Just the idea that a 75-year-old woman was stunned by a Rock Hill police officer's 50,000-volt Taser last year is enough to soon bring one of South Carolina's most famous defense lawyers to the city's municipal court where speeding tickets are more the norm.

Columbia's Jack Swerling, who has defended mass murderers and some of the state's most notorious criminals over more than 30 years, has signed on as co-counsel for Rock Hill's Margaret Kimbrell.

Kimbrell, now 76, faces trespassing and resisting police charges after police say she refused to leave a Rock Hill assisted living center after being asked to leave. During the incident last October, police say she swung either her arm or her purse at officer Hatue Macon, who used her stun gun to subdue Kimbrell.

The case is tentatively set for trial Nov. 16, court records show.

Kimbrell claimed she was hurt in the incident, and the case caused an uproar because of Kimbrell's age.

Swerling said he agreed to work on the case because Kimbrell is likable and the facts of the case interest him.

"Hitting an elderly lady with a Taser gun, why anybody would go to those lengths, I don't know," Swerling said. "Plus, I like the lady."

Lawyers of Swerling's stature rarely would take lesser cases unless the issue has far-reaching consequences, said Tom McKinney, a veteran Rock Hill defense lawyer and peer of Swerling for almost four decades. The case is a "volatile" and

"political" issue involving police actions that could have implications in future criminal and civil courts, McKinney said.

Swerling defended executed serial killers Pee Wee Gaskins and Larry Gene Bell and was the lawyer for former University of South Carolina President James Holderman when Holderman faced fraud and other charges.

Swerling has routinely attracted other lawyers and courtroom observers to watch his style, and he has served as a national television analyst on major trials.

He made national news again a couple of years ago when he was the victim of a home invasion by a former client who bound Swerling and his family.

Swerling joins another experienced and



Margaret Kimbrell



Jack Swerling

"Hitting an elderly lady with a Taser gun, why anybody would go to those lengths, I don't know. Plus, I like the lady."

Attorney Jack Swerling, on why he took Kimbrell's case

well-known defense lawyer, Rock Hill's Chris Wellborn, former president of the S.C. Association of Criminal Defense Lawyers. Wellborn, who also handles murder cases in federal and state courts, gained notoriety in the legal community last year when he won a drug case in York County involving a Hmong refugee who possessed more than half-pound of opium. Wellborn convinced a jury the man had the drugs because he was an addict.

Swerling said he only recently became involved with the Kimbrell case but, "As far as we know, it's going to trial."

The case has been continued several times because the defense and city lawyers

disagree over what internal police records the city must release to Kimbrell's lawyers, said Chris Barton, Rock Hill solicitor.

Macon, the officer who used her Taser on Kimbrell, was disciplined with an oral warning and was required to take a \$100 gun retraining course after an internal investigation, according to records the city released under the S.C. Freedom of Information Act. Macon should have used a different technique before using the Taser, Rock Hill Police Chief John Gregory has said.

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