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## **Lawsuit: North Charleston man sat in jail for 2 years despite evidence that would set him free**

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Eugene Wright. Provided

For two years, North Charleston resident Eugene Wright sat in jail, saddled with the accusation that he killed his own 1-year-old daughter.

He insisted that he would never pick up the girl and throw her to the floor, as police alleged. At one point, though, they nearly convinced him that he had.

With Wright unable to pay bail, 25 months went by before authorities fetched records from his cellphone that proved his alibi, his attorney said.

He was freed. His daughter's baby sitter was arrested.

The lawyer, Alan Toporek of Charleston, said the police should have collected the evidence that cleared his name much sooner.

“He kept saying, ‘I would never hurt my daughter. I love my daughter,’” Toporek said. “They had a snap to judgment, thinking they can charge this guy, close the case and not do any more work on it.”

Wright, now 49, has filed a lawsuit in state court against North Charleston, along with four of its police officers, alleging that their shoddy investigation brought him public ridicule and damaged his reputation. Wright has struggled with drug use and paying child support, but he had only one past criminal conviction: for marijuana possession nearly 30 years ago.

The police declined to comment.

But Sandy Senn of West Ashley, the city's attorney for the suit, said she plans to vigorously defend police investigators' handling of the case. Senn, who is also a member of the state Senate, said improvements in technology over Wright's time in jail allowed investigators to eventually get the satellite coordinates from his phone.

The arrest had been based on doctors' examinations and eyewitness accounts implicating Wright, she said.

"The arrest was not made based on the phone," she said, "and I am committed to not letting this child die in vain."

It was the latest of several local cases of deadly child abuse that have fallen apart. Of the 31 charges of homicide by child abuse that have been resolved since 2001 in the greater Charleston area, 12 have been dropped or dismissed, according to The Post and Courier's homicide database. Authorities, citing struggles with getting the evidence they need, have said the cases are some of the most difficult to prosecute.

Payton Elizabeth Williams was 17 months old in April 2014, when she was hospitalized with severe head trauma. Two days later, Wright was arrested. The day after that, the girl died.

Officers wrote in an arrest affidavit that Wright had, in "an angry rage," raised Payton over his head and threw her to the kitchen floor before leaving the Dorchester Road apartment. The girl's mother wasn't there, the police said.

In an interview, police detectives told Wright that they needed evidence before they put people in handcuffs, his attorney said.

“We have quite a bit,” a detective told him, according to his attorney.

They talked about how the GPS data from his phone would put him at the crime scene, but Wright insisted that it should, instead, show him elsewhere. They told him that he probably just couldn’t remember because he was high on drugs, his attorney said.

More than a month passed before the police got a warrant for those records, Wright’s lawsuit stated. But they never got the evidence it sought until April 2016, two years after his arrest, the suit alleged.

The evidence showed that he could not have committed the crime, his attorney and prosecutors said.

“It was terrible,” Toporek said. “There was no excuse for waiting that long.”

But Senn, the city attorney for North Charleston, said experts never could pin down when Payton was injured “so the GPS data does not exonerate Wright.”

Wright’s lawyer at the time, a public defender, also would have had access to the same evidence that prompted Wright’s release, Senn noted.

She defended the arrest as legally sound.

Wright was freed in May 2016. His charge was formally dropped in December. Ninth Circuit Solicitor Scarlett Wilson said the evidence “necessitated the dismissal” and prompted her to forward the new case to the Attorney General’s Office for prosecution.

The baby sitter, Clara Jean Ellis, now 57, faces the same charge. She remains in jail.

Wright, meanwhile, continues to struggle with being labeled a “liar” and a “child killer,” Toporek said.

“It’s had a devastating effect,” he said. “He was forbidden to go to his own child’s funeral.”

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