

Lawsuit: Man wrongfully arrested, charged with marijuana possession by Myrtle Beach police

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Myrtle Beach police arrested a man and charged him with marijuana possession even though he didn't possess or use the drug, a new lawsuit contends.

Trevor Denis McGuire filed the suit against the city of Myrtle Beach last week in the 15th Judicial Circuit's Court of Common Pleas.

The filing said that McGuire is a Canadian businessman who founded a startup company that provides an online social network for karaoke singers. The Ottawa, Ontario, resident regularly travels across Canada and the United States.

On Aug. 23, 2018, he was in Myrtle Beach to attend a gathering with some of his customers held at a local karaoke venue.

That evening, some of his customers who smoke cigars began smoking near him. McGuire doesn't smoke, but the cigar smoke would have lingered on his clothes, the filing stated.

He later returned to his hotel on Ocean Boulevard. After having difficulty sleeping, he walked about four blocks to a convenience store to get some drinks and snacks.

While heading back to his hotel, McGuire encountered Myrtle Beach police officer Brandon George, according to court records.

Initially, he did not see the policeman, but heard a command to stop and complied.

"Officer George, who was patrolling on his bicycle, apparently observed an odor of what he believed to be marijuana and without any other cause or justification, immediately seized the Plaintiff," the suit said.

George allegedly struck McGuire twice — supposedly knocking a water bottle from his mouth and hitting his forearms, which is said to have knocked two bags from his hands.

The officer is accused of jamming his fingers into McGuire's mouth, apparently in order to remove what he described as a "white rolled cigarette."

But, the complaint said, no such cigarette or similar item was ever found. McGuire maintains he never had such an item in his mouth.

He and his bags were searched, and no illegal substances were discovered, the complaint said.

George continued his detainment in spite of this and called for other officers to assist. Police interrogated McGuire "regarding the use of and/or possession of marijuana which they were convinced had occurred" despite the fact there

was no evidence to support this, the lawsuit argued. He continued to say he had not possessed or consumed anything illegal.

The lawsuit said that in response officers became “hostile, aggressive, and unprofessional,” and that police told McGuire to “just have some integrity and admit it.” They said he would be subject to a thorough search if he didn’t admit to having had marijuana.

“This amounted to a threat of an arbitrary and punitive cavity search,” the complaint said.

At no time was McGuire ever asked to submit to a blood, urine or hair follicle test, according to court records.

He was taken into police custody and charged with resisting arrest and simple possession of marijuana. McGuire spent a night in jail and posted a \$1,079 bond, requesting a jury trial upon his release.

On March 27, 2019, the charges were dropped without a trial or hearing, court records show.

The lawsuit said that because of the “false arrest/imprisonment,” McGuire suffered injuries and incurred legal expenses. He is seeking damages.

City of Myrtle Beach spokesman Mark Kruea said he was unfamiliar with the case and was not sure if the city had been served with the lawsuit yet. He said city officials typically do not comment on pending litigation.