



South Carolina Law Enforcement Division

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

FOR IMMEDIATE RELEASE
April 10, 2024

Renée Wunderlich
Director of Public Information
(803) 260 – 3020
rwunderlich@sled.sc.gov

SLED CHARGES FORMER SUMMERVILLE POLICE OFFICER WITH MURDER

Today the South Carolina Law Enforcement Division (SLED) charged Anthony DeLustro with Murder.

Details can be found in the attached warrant.

On Wednesday, March 20, 2024, Anthony DeLustro, 64, a Summerville Police Department officer who was off-duty, and Michael O’Neal, 39, engaged in an altercation at a Chick-fil-A located at 1312 North Main Street in Summerville, SC. O’Neal was shot by DeLustro and died at the scene.

SLED’s investigation is active and ongoing.

DeLustro was booked at the Berkeley County Detention Center.

The case will be prosecuted by the 9th Circuit Solicitor’s Office.

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ARREST WARRANT

2024A0810200681

STATE OF SOUTH CAROLINA

County/ Municipality of

Berkeley

THE STATE

31-24-0040

against

Anthony Delustro

Address:

Summerville, SC 29483-4383

Phone: _____ SSN: _____
Sex: M Race: W Height: 6 Weight: 195

DL State: SC DL #: _____

DOB: 1/19/59 Agency ORI #: SCLED0000

Prosecuting Agency: State Law Enforcement Division

Prosecuting Officer: Ryan E. Kelly - S00565

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Anthony Delustro
on April 10, 2024

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
300 B California Avenue
PO Box 219
Moncks Corner, SC 29461

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)

County/ Municipality of)

Berkeley)

Personally appeared before me the affiant Ryan E. Kelly who

being duly sworn deposes and says that defendant Anthony Delustro

did within this county and state on or about 3/20/2024 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Berkeley)

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

See Attached.

Signature of Affiant

[Signature]

STATE OF SOUTH CAROLINA)

County/ Municipality of)

Berkeley)

Affiant's Address P. O. Box 21398

Columbia, SC 29221-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/20/2024 defendant Anthony Delustro

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Berkeley) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)

on 4/10/2024)

[Signature] (L.S.))

Signature of Issuing Judge)

Whilden V. Baggett (Magistrate))

Judge Code: 7238)

Judge's Address Post Office Box 6122

Moncks Corner, SC 29461-

Judge's Telephone (843)719-4873

Issuing Court: Magistrate Municipal Circuit

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Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

AFFIDAVIT
SLED CASE# 31-24-0040

Personally appeared before me, a Magistrate of BERKELEY County, one SENIOR SPECIAL AGENT RYAN KELLY who first being duly sworn, deposes and says that

ANTHONY DELUSTRO
DOB [REDACTED] 1959

Did within this County and State on or about MARCH 20, 2024, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
MURDER
VIOLATION OF SECTION 16-3-10

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based upon the following facts:

That on MARCH 20, 2024, while in the parking lot of Chick fil A located at 1312 North Main Street, Summerville, SC, located in the County of Berkeley, State of South Carolina, one ANTHONY DELUSTRO, did commit the offense of **MURDER**, in violation of section 16-3-10 of the South Carolina Code of Laws of 1976, as amended.

At the time ANTHONY DELUSTRO was an off-duty police officer employed by the Summerville Police Department. A confrontation occurred between ANTHONY DELUSTRO and the victim, Michael O' Neal, where ANTHONY DELUSTRO exited his vehicle and an altercation ensued between the two. Eyewitnesses described ANTHONY DELUSTRO as the primary aggressor in the altercation. According to an eyewitness, after exiting their vehicles, the victim asked ANTHONY DELUSTRO, "Do you want to do this?" several times. The eyewitness heard ANTHONY DELUSTRO respond, "Come on you fucking faggot." Punches and kicks were exchanged between ANTHONY DELUSTRO and the victim. Bystanders attempted to separate the two as they continued to exchange blows. At some point during the scuffle, ANTHONY DELUSTRO told the victim he was under arrest. ANTHONY DELUSTRO also removed his Summerville Police Department law enforcement credentials from the back pocket of his pants and briefly presented them before they fell to the ground during the struggle. During the fight, ANTHONY DELUSTRO'S Springfield Armory XD handgun fell from ANTHONY DELUSTRO's holster onto the pavement, coming to rest behind DELUSTRO's white Ford Edge.

As the fight continued, the victim disengaged, and an eyewitness heard the victim say he wanted to leave. Evidence showed that the victim then disengaged and retreated from the physical altercation with ANTHONY DELUSTRO and returned to his vehicle, a Hyundai Genesis, in an attempt to leave. An eyewitness, while restraining ANTHONY DELUSTRO, heard DELUSTRO tell the victim he (DELUSTRO) would shoot the victim if he left. ANTHONY DELUSTRO broke free from the bystander(s) holding him, ran to the rear of his vehicle, and picked up his Springfield Armory XD handgun from the pavement. ANTHONY DELUSTRO then reengaged the victim by approaching the Hyundai Genesis armed with his handgun. ANTHONY DELUSTRO's wife attempted to physically restrain the victim during the altercation, and later when the victim attempted to get in his vehicle to leave.

ANTHONY DELUSTRO then opened the passenger side door of the Hyundai Genesis and entered the vehicle while armed with his handgun. The victim, Michael O'Neal, shouted for ANTHONY DELUSTRO to "get out of my car."

As the victim began to drive away, ANTHONY DELUSTRO, while still partially seated in the passenger seat of the victim's vehicle, fired a single shot from his handgun. The victim, Michael O'Neal, was shot and killed at the scene.

WB

In an interview with law enforcement, ANTHONY DELUSTRO acknowledged that he knew the victim was attempting to leave the area and it was DELUSTRO'S intent to stop him. ANTHONY DELUSTRO acknowledged that he never saw the victim with a firearm or any other weapon, and that the victim never threatened the use of any sort of weapon. ANTHONY DELUSTRO claimed to law enforcement that after the physical altercation between ANTHONY DELUSTRO and the victim had ended, he (DELUSTRO) approached the victim's vehicle with his handgun and entered the victim's vehicle in an attempt to prevent the victim from leaving.

Eyewitness accounts, video evidence and ANTHONY DELUSTRO's statement to law enforcement show that the victim, Michael O'Neal, retreated from the altercation before ANTHONY DELUSTRO confronted him with a firearm. A reasonable person could not have reasonably believed that the victim posed a threat of imminent danger of death or serious bodily injury to others because the victim was unarmed, walked away from the altercation and attempted to leave in his vehicle.

Eyewitness accounts and video evidence show that ANTHONY DELUSTRO reengaged the victim when he approached the victim's vehicle after the initial altercation had ended. Eyewitness accounts, video evidence and ANTHONY DELUSTRO's statement to law enforcement show ANTHONY DELUSTRO recklessly put himself in danger when he entered the victim's vehicle armed with a handgun. While ANTHONY DELUSTRO's claims do not meet the elements of self-defense, the eyewitness testimony, the statement of ANTHONY DELUSTRO and the video evidence show that victim Michael O'Neal did have a right to act in self-defense.

ANTHONY DELUSTRO claimed he used deadly force as the victim drove away because the victim refused to stop his vehicle and ANTHONY DELUSTRO believed he could not get his legs out from beneath moving the vehicle. Eyewitness accounts and video evidence do not corroborate the claims that ANTHONY DELUSTRO made after the incident that he was in fear for the community's safety and for his wife's safety.


In that the defendant ANTHONY DELUSTRO was in possession of a firearm and did kill the victim with malice aforethought, in that ANTHONY DELUSTRO shot and murdered the victim, Michael O'Neal.

The above information is true and accurate and was obtained through witness statements, videos and the investigation of the South Carolina Law Enforcement Division.

Sworn to and subscribed before me

This 10 day of April
2024.


SIGNATURE OF JUDGE


(AFFIANT)
SS/A RYAN KELLY
104 Simmons Street
Walterboro, SC 29488