



State of North Carolina
General Court of Justice
Twenty-Sixth Prosecutorial District
MECKLENBURG COUNTY

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August 22, 2013

Chief Rodney D. Monroe
Charlotte Mecklenburg Police Department
601 East Trade Street, 3rd floor
Charlotte, NC 28202

Re: Lemuel Rufus Furr III, Death Investigation

Dear Chief Monroe,

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the death of Lemuel Rufus Furr, III, under complaint number 20130706011508. The purpose of this review was to examine whether Officer O. Lester's conduct on July 6, 2013 was unlawful. Based on the information presented to the District Attorney's Office, we agree there is no evidence that Officer Lester acted unlawfully. This letter specifically does not address issues relating to whether Lester or any officer followed correct police procedures or CMPD Directives.

The facts, as observed, and ascertained through reviewing the file, are as follows: On July 6, 2013, officers received a 911 call in reference to an individual being shot at 2530 Penninger Circle. From the onset of the call, it was apparent that an occupant of the house at 2530 Penninger Circle, was armed, agitated and intoxicated.

CMPD patrol officers and SWAT officers responded to the 911 call, but for officer safety, they did not immediately approach the house. Instead, the officers stayed away from the house and gathered information from witnesses who were in the house during the earlier shooting. One of those witnesses was Mr. Furr's son, the victim of the shooting that was the basis for the original 911 call. In addition, officers established contact with the remaining occupant of the home, Lemuel Rufus Furr, III. During telephone contact with Furr, officers learned that Furr was suicidal and unstable. Furr repeatedly stated that he wanted the police to kill him and that he planned to kill police officers. Specifically, Furr told the police that he would come out shooting and "go down in a blaze of glory."

Among themselves, officers discussed the possibility of an involuntary commitment for Furr since he was stating an intention to harm officers and himself. Officers also learned that Furr was armed with what Furr's son described as "an arsenal of weapons."

Officer Chickoree spoke to Furr on the telephone to try to negotiate a peaceful resolution to the situation. Furr told Chickoree that he wanted a Bud Light beer and told Chickoree that if he brought the Bud Light "I won't shoot you....[but] I can't promise anything for your officer friends, they're gonna have to do what they need to do."


Officer Lester, a member of CMPD's SWAT, was positioned approximately 200 yards from the front of the house, above and behind the patrol officers, who were positioned on the street at the front edge of Furr's front yard. Lester stated that he picked this position so that he could use his rifle to provide cover for the patrol officers. The use of the rifle, with a scope, allowed Officer Lester to clearly see anyone exit the house and see whether they were armed and posed a threat to the patrol officers. Given the lighting on Furr's house and the distance, patrol officers were at a disadvantage and could have taken fire before realizing that Furr was armed.

Officer Lester observed Furr come from the house with a gun in each hand. When Officer Lester observed Furr come outside and then begin walking in the direction of the patrol officers, with a gun still in each hand, he fired one shot. That shot struck and killed Furr. It is noteworthy that Furr not only had a gun in each hand as he walked toward police, but it was soon discovered that he also had two more handguns in his front pants pockets.

The information possessed by Officer Lester at the time he fired his weapon was that Furr intended to fire at police officers so that they would have no choice but to return fire and kill him. Given what Officer Lester knew at that time, it was reasonable both objectively and subjectively that deadly force was required. Consequently, this Office will not pursue criminal charges against the officer involved in this matter.

If you have any questions, please contact me directly.

Sincerely,



R. Andrew Murray
District Attorney