



State of North Carolina

General Court of Justice

Twenty-Sixth Prosecutorial District

MECKLENBURG COUNTY

**R. ANDREW MURRAY
DISTRICT ATTORNEY**

**MECKLENBURG COUNTY
DISTRICT ATTORNEY'S OFFICE
700 EAST TRADE ST.
CHARLOTTE, NC 28202
TELEPHONE: 704-686-0700
FAX: 704-686-0712
OR 704-686-0718**

April 15, 2016

Chief Kerr Putney
Charlotte-Mecklenburg Police Department
601 East Trade Street, 3rd Floor
Charlotte, NC 28202

Re: Carlton Murphy Death Investigation

Dear Chief Putney,

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the death of Carlton Murphy under complaint number 20160105053100. The purpose of this review was to examine whether the conduct of Officer J.L. Meadors on January 5, 2016, was unlawful. Based on the information presented to the District Attorney's Office, we agree with the decision not to charge Officer Meadors with a violation of North Carolina law. This letter specifically does not address issues relating to whether the officer followed correct police procedures or CMPD directives.

I personally responded to the scene of this incident and watched the interviews of the pertinent witnesses. I also reviewed the investigative file as provided by CMPD. This case was presented to the entire Homicide Prosecution Team, which is comprised of the District Attorney's Office's most experienced prosecutors.

The Role of the District Attorney under North Carolina Law

The District Attorney (DA) for the 26th Prosecutorial District is a state official and as such is independent of City or County governments within the prosecutorial district. The DA is the chief law enforcement official of the 26th Judicial District, the boundaries of which are the same as the County of Mecklenburg. The DA has no administrative authority or control over the personnel

of the CMPD or other police agencies within the jurisdiction. That authority and control resides with each City or County government.

Pursuant to North Carolina statute, the DA's obligation is to advise law enforcement agencies within the prosecutorial district. The DA does not arrest people or charge people with crimes. When the police charge a person with a crime, the DA decides whether or not to prosecute the charged crime. Generally, the DA does not review police decisions not to charge an individual with a crime. However, in officer-involved shooting cases, the DA reviews the complete investigative file of the investigating agency. The DA then decides whether he agrees with the decision of the police or disagrees with the police charging decision. If the DA concludes that uncharged conduct should be prosecuted, the case will be submitted to a Grand Jury.

Legal Standards

The same standard that is used in all criminal cases in Mecklenburg County is applied to the review of officer-involved shootings. The analysis involves reviewing the totality of the facts developed in the criminal investigation and applying the pertinent law to those facts.

For criminal charges to be pursued, the District Attorney must find that there is a reasonable likelihood that all elements of the crime charged can be proven beyond a reasonable doubt to 12 unanimous jurors at trial after considering reasonable defenses. If this standard is met, criminal charges will be pursued.

Criminal liability is established only if it is proven beyond a reasonable doubt that someone has committed all of the elements of an offense defined by North Carolina law and that the offense was committed without any legally recognized justification or excuse. While knowingly or intentionally shooting another human being is generally prohibited as assault or murder in North Carolina, there are certain circumstances in which the use of physical force — deadly or otherwise — is justified. As there is generally no dispute that the officers intended to shoot at the person who is wounded or killed, the determination of whether the conduct was criminal is primarily a question of legal justification.

Therefore, the question presented in most officer-involved shooting cases is whether, at the instant the officer fired the shot that wounded or killed the person, the officer reasonably believed, and in fact believed, that he or another person was in imminent danger of great bodily injury or death from the actions of the person who is shot. In order to establish criminal responsibility for knowingly or intentionally shooting another, the State must prove beyond a reasonable doubt that the officer either did not really believe he or another was in imminent danger, or, if he did hold such a belief, that this belief was unreasonable in light of the circumstances.

The Officer-Involved Shooting of Carlton Murphy

The facts, as ascertained from my personal observations and from reviewing the file, are as follows:

Officer M.T. Richter was one of the first officers to respond to a shots-fired call for service at 3400 Forestbrook Drive in Charlotte. He arrived at the apartment complex but did not then know from where shots were being fired. He stopped his marked patrol vehicle in the apartment complex parking lot near apartment 3496. Officer Richter rolled down his car window so he could better hear the gunshots and determine where to respond. A few moments after he did this, he heard loud gunshots and heard rounds striking his police car. Richter fled his car and took cover behind it. He then heard additional gunshots and the shooter yelling, "Fuck the police." He was able to see the shooter duck back into apartment 3496. As another officer, Officer A. Keller, arrived, Richter ran toward Keller, and they took cover behind another vehicle.

The officers then observed the shooter come back out and begin firing at the officers again. The shooter, later identified as Carlton Murphy, was shooting at the officers from the second story landing in front of apartment 3496. The officers heard rounds striking vehicles around them. Richter heard the shooter say, "I just killed one. I can kill more." Richter took this to mean that the shooter believed he had killed Richter and was taunting the other officers.

Officer J.L. Meadors was nearby and heard Officer Richter on the radio say that he was being fired upon. Meadors headed toward Richter's location to provide assistance. Upon arrival, Meadors heard multiple gunshots as he exited his patrol car. Meadors was equipped with a rifle and brought the rifle with him as he left his car. He found a location where he could see the shooter. He observed the shooter come out of the apartment door and fire at the police on multiple occasions. When Meadors had a clear shot where he could fully see the shooter, he fired at Murphy four times. One of those rounds struck Murphy in the chest. The Medical Examiner determined that Murphy died from a single gunshot wound to the chest.

Multiple other officers and civilians were interviewed and gave similar, consistent accounts to what was detailed above by Meadors and Richter. The forensic evidence is also consistent with the accounts described above.

Forensic Evidence

Once the scene was secured, detectives and crime scene personnel entered the apartment at 3496 Forestbrook Drive. Just inside the doorway, they observed the body of Carlton Murphy. Under his body, they recovered a Hi-Point .45 caliber handgun. They also located a 100-round box of Winchester .45 caliber ammunition with 21 live rounds remaining.

While processing the parking lot below the apartment, crime scene investigators located dozens of spent projectiles consistent with the .45 handgun and 67 Winchester .45 caliber shell casings.

The investigators located four .223 caliber shell casings in the location where Meadors was deployed. Several vehicles – both marked police vehicles and civilian vehicles – contained bullet holes. In addition, bullet holes were found on nearby apartment walls, and impact marks from projectiles were located throughout the parking lot.

From the forensic evidence, the statements of the officers present and an ammunition count of each officer's weapons, it is clear that the shell casings and projectiles at the scene (other than the four .223 rifle rounds) were fired by the decedent and not police.

In conclusion, Officer Meadors was legally justified in the use of deadly force against Murphy. The officers present were being fired upon likely only because they were police officers. The officers and the public were in danger of immediate death or great bodily harm from Murphy. Therefore, Meadors' use of deadly force was necessary and lawful.

If you have any questions, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Murray", written over a horizontal line.

R. Andrew Murray
District Attorney