



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

SPENCER B. MERRIWEATHER III
DISTRICT ATTORNEY

700 EAST TRADE STREET
CHARLOTTE, NC 28202
TELEPHONE: 704-686-0700
FAX: 704-686-0716

July 9, 2018

Chief Cleveland L. Spruill
Huntersville Police Department
9630 Julian Clark Ave
Huntersville, NC 28078

Re: Joseph Cephus Hilton, V Death Investigation

Dear Chief Spruill:

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the shooting death of Joseph Cephus Hilton, V on January 13, 2018. The case was investigated by the North Carolina State Bureau of Investigation (SBI) under SBI Case Number 2018-00152. The purpose of this review was to examine whether the actions of Sergeant John Allen and Officer Travis Watts of the Huntersville Police Department (HPD) were unlawful when they shot and killed the decedent.

At approximately 8:14 p.m. on January 13, 2018, Huntersville Police Officers were dispatched to the decedent's two-story residence at 9320 Gilead Hill Court, Huntersville, NC 28078 in reference to a domestic assault complaint made by the decedent's girlfriend. When officers arrived, they located the decedent's girlfriend on the porch of the home with apparent injuries to her face, and decided they were going to arrest Hilton for committing an assault on a female. Hilton's girlfriend informed the officers that she believed Hilton was on the second floor of the residence and that he was suicidal and would be armed. Officers made entry into the first floor of the home where they announced their presence and unsuccessfully attempted to call the defendant downstairs for over twenty minutes. Sgt. John Allen, Officer Travis Watts, Officer Benjamin McCormack, and Officer Austin McEntire then proceeded upstairs to perform an arrest of Hilton. Hilton was located in the master bedroom lying on his stomach in the bed. According to the officers present, when they moved into the bedroom to arrest Hilton, he sat up quickly with a semi-automatic firearm in his right hand pointed in the direction of Officer McEntire. Sgt. Allen and Officer Watts, describing what they believed to be an imminent threat, then fired in the direction of the decedent. Sgt. Allen fired his department issued Smith and Wesson M&P rifle. Officer Watts fired his department issued Glock 22 .40 caliber pistol. The [gun](#) reported to have been wielded by the decedent fell into a [pile of clothes](#) directly underneath the decedent's right hand. The length of time from the point the decedent began to sit up until the cessation of gunfire was less than five seconds. The gunfire itself lasted approximately two and a half seconds.

As you know, this letter specifically does not address issues relating to tactics, or whether officers followed correct police procedures or HPD Directives.

I personally responded to the scene of this incident and monitored the investigation along with another senior Assistant District Attorney (ADA). I reviewed the investigative file as provided by the SBI. Finally, consistent with the District Attorney's Office Officer-Involved Shooting Protocol, this case was presented to the District Attorney's Homicide Team, which is comprised of the office's most experienced prosecutors.

A. 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, does not answer to city or county governments within the prosecutorial district. The District Attorney is the chief law enforcement official of the 26th Judicial District, the boundaries of which are the same as the County of Mecklenburg. The District Attorney has no administrative authority or control over the personnel of HPD or other police agencies within the jurisdiction. That authority and control resides with each city or county government.

Pursuant to North Carolina statute, one of the District Attorney's obligations 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 or disagrees with the charging decision made by the police. If the DA concludes that uncharged conduct should be prosecuted, the case will be submitted to a Grand Jury.

If no criminal charges are filed, that does not mean the District Attorney's Office believes the matter was in all respects handled appropriately from an administrative or tactical viewpoint. It is simply a determination that there is not a reasonable likelihood of proving criminal charges beyond a reasonable doubt unanimously to a jury. This is the limit of the DA's statutory authority in these matters. The fact that a shooting may be controversial does not mean that criminal prosecution is warranted. Even if the District Attorney believes a shooting was avoidable or an officer did not follow expected procedures or norms, this does not necessarily amount to a violation of criminal law. In these circumstances, remedies (if any are appropriate) may be pursued by administrative or civil means. The District Attorney has no administrative or civil authority in these matters. Those remedies are primarily in the purview of city and county governments, police departments and private civil attorneys.

B. Legal standards

The law recognizes an inherent right to use deadly force to protect oneself or others from death or great bodily harm. This core legal principle is referred to as the right to "self-defense." A police officer does not lose the right to self-defense by virtue of becoming a police officer. Officers are entitled to the same protections of the law as every other individual. An imminent threat to the life of a police officer entitles the officer to respond in such a way as to stop that threat.

Under North Carolina law, the burden of proof is on the State to prove beyond a reasonable doubt that a defendant did not act in self-defense. The Supreme Court of North Carolina defined the law of self-defense in State v. Norris, 303 N.C. 526 (1981). A killing is justified under North Carolina law if it appeared to a person that it was necessary to kill in order to save himself or another from death or great bodily harm. The law requires that the belief in the necessity to kill must be reasonable under the circumstances. Id. at 530.

C. Use of deadly force by a law enforcement officer

The same legal standards apply to law enforcement officers and private citizens alike. However, officers fulfilling their sworn duty to enforce the laws of this State are often placed in situations in which they are required to confront rather than avoid potentially dangerous people and situations.

The United States Supreme Court stated, “[t]he ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” Graham v. Connor, 490 U.S. 386, 396 (1989). The Court further explained that “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” Id. at 396–97. A situation in which an officer is confronting an armed person with uncertain motives is by definition dangerous, and such a circumstance will almost always be tense, uncertain and rapidly evolving. In these circumstances, we are not deciding whether the officer’s belief in the need to use deadly force was correct but only whether his belief in the necessity of such force was reasonable.

In conducting a legal analysis, this office must take its guidance from the law, and a decision must not be based upon public sentiment or outcry. The obligation of a District Attorney is clear; he must simply apply the law to the known facts.

What the law demands is an evaluation of the reasonableness of the officer’s decision at the moment he fired the shot. The Supreme Court of the United States has provided guidance on what is objectively reasonable and how such an analysis should be conducted. That guidance indicates that it is inappropriate to employ “the 20/20 vision of hindsight,” and an analysis must make “allowance for the fact that police officers are often forced to make split-second judgments.” See Graham v. Connor, 490 U.S. at 396.

As stated by the Fourth Circuit Court of Appeals, “The [law] does not require police officers to wait until a suspect shoots to confirm that a serious threat of harm exists.” The Court suggests that when reviewing use of force cases, caution should be used to avoid analysis “more reflective of the ‘peace of a judge’s chambers’ than of a dangerous and threatening situation on the street.” Elliot v. Leavitt, 99 F.3d. 640, 643 (4th Cir. 1996).

D. The officer-involved shooting of Joseph Hilton

Four officers were in the residence at the time of this encounter: Sgt. John Allen, Officer, Travis Watts, Officer Benjamin McCormack, and Officer Austin McEntire. A fifth officer, Officer Shannon Williams, was outside of the residence tending to the decedent's girlfriend, the alleged victim of the domestic violence incident that caused police to be dispatched to the residence. A summary of each witnesses' account follows.

Decedent's Girlfriend

Agents interviewed the decedent's girlfriend, E.S., on January 14, 2018 at 1:07 a.m. Agents noted that she had injuries to her scalp, left ear, right eyelid, right upper cheek, right forearm, right wrist, and left hand. During the interview, E.S. stated that she had been in a relationship with the decedent for approximately two years and three months. She stated that she and the decedent had gone to a restaurant for lunch and drinks at approximately 1:00 p.m. They each had several drinks at the restaurant and then visited the home of a couple they had met at the restaurant. E.S. and the decedent then returned to the decedent's home. Upon returning, E.S. recalled that the decedent went upstairs and passed out on the bed while she stayed downstairs and ate a pizza. At some point, she went upstairs to go to bed. The decedent was in bed and still wearing his clothes. She took off his boots and began to remove his pants. E. S recalled that the decedent awoke, told her that she had embarrassed him at the home of the other couple, and hit her. He then laid back on the bed and E.S. went downstairs. She called 911 at 8:10 p.m.

Per the 911 recording, E.S. told the 911 operator that her boyfriend was beating her and that she needed a police officer, but not an ambulance. She stated that the decedent was upstairs and that she was hiding in the laundry room. Approximately nine minutes into the 911 call, the decedent can be heard talking in the background and E.S. can be heard yelling "Don't touch me! Don't touch me!" E.S. informed 911 that the decedent had just come downstairs and told her to leave, but did not hit her again at that time. Approximately 16 minutes into the call, the police arrive and end the 911 call.

Body-Worn Camera (BWC) footage captures Officers Watts, McCormack, and McEntire approaching E.S. on the porch of the home. When they arrive, E.S. tells them the decedent is upstairs, that he is drunk, and that there are weapons in the house. Specifically, she tells them that he has a pistol under his mattress and rifles in the closet. Officers then entered the residence. After officers later informed E.S. that they were going to have to go upstairs because the decedent was not coming downstairs, BWC footage captures E.S. telling officers that the decedent had been suicidal lately, to "be armed because he'll be armed," and "when you go up there, just know he will have guns."

On, January 16, 2018, E.S. provided SBI agents with a thumb drive containing a copy of a recording she made the night of the incident which includes the alleged assault. The recording appears to begin shortly before E.S. began to undress the decedent, who sounds like he is intoxicated. E.S. and the decedent begin to argue. During the exchange, the decedent told E.S. "I hope I die while you watch." The recording then contains sounds indicative of an assault, as well as the 911 call and E.S.'s subsequent conversations with officers, which were also recorded on BWC.

Sgt. John Allen

Agents interviewed Sgt. John Allen on January 19, 2018. Sgt. Allen stated that he was contacted by Officer McCormack regarding their inability to make contact with the male party inside the residence at a domestic violence incident. Sgt. Allen was informed the male had supposedly been drinking alcohol all day and had guns in his possession. Sgt. Allen drove to the scene. As he approached the residence, he heard Officer Watts inside the house yelling commands to the decedent which consisted of “Police Department,” “come down now,” and “come out.” Sgt. Allen entered the residence and met with Officers McCormack, McEntire, and Watts. Sgt. Allen was informed that the male would not come down and that E.S. had informed police that the male kept a pistol in the mattress of the bed and other firearms in the bedroom. Sgt. Allen recalled that Officers Watts and McCormack left the residence so that Officer Watts could retrieve his ballistic shield and Officer McCormack could retrieve his patrol rifle. Upon their return, Officer Watts informed Sgt. Allen that E.S. had told Officer Watts that the decedent had made suicidal statements due to a gambling debt.

Sgt. Allen stated that they decided to arrest the male due to the apparent injuries on the female. Officer McEntire was to be the officer making physical contact with the male, armed with only a handgun. Officer Watts was to be a cover officer, armed with a handgun and a ballistic shield. Officer McCormack was to be a cover officer, armed with a rifle and a handgun. Sgt. Allen was to be a cover officer, armed with a handgun and a rifle. The four of them proceeded up the stairs in the following order: Officer Watts, Sgt. Allen, Officer McCormack, Officer McEntire. When they arrived at the bedroom door at the top right of the stairs, Officer Watts entered the bedroom first, with Sgt. Allen entering second. Sgt. Allen provided a [diagram](#) of the approximate locations of the officers. Sgt. Allen recalled that the bedroom was dark. He was using the weapon mounted flashlight on his rifle and other officers were using handheld lights as well. Sgt. Allen’s recollection was that the victim was a lying on his back in the bed and the victim appeared to be asleep.¹ Allen recalled that the decedent then sat up at his waist and had a semi-automatic pistol in his right hand. The pistol was pointed in the direction of Officer McEntire. Sgt. Allen recalled that the decedent’s movements were very fast and there was no time to give warnings or commands. Sgt. Allen said he immediately discharged his rifle in the direction of the decedent. Allen estimated he fired 15 rounds; however, a count of his ammunition showed him to be missing only 11 rounds. Similarly, only 11 spent .223 WIN Remington cartridge cases were located in the bedroom. Sgt. Allen stated that he fired his weapon until the decedent fell down onto his back. Sgt. Allen recalled that the decedent’s gun fell on top of some clothes on the floor adjacent to the bed. It was Sgt. Allen’s belief that the decedent fired his gun and that Officer McEntire had been shot.² Allen stated that he was not equipped with a BWC because the BWCs of supervisors had recently been taken up to give to the new patrol officers.

¹ BWC shows the decedent lying on his stomach when officers enter the bedroom.

² As will be discussed in each Officer’s account, Sgt. Allen, Officer Watts, and Officer McEntire each believed the decedent fired his weapon during the encounter. The decedent’s Smith & Wesson Model 39-2, 9mm handgun was located on the floor next to the bed under the decedent’s right hand. The magazine was fully loaded. The hammer was cocked back and there was no round in the chamber. Furthermore, agents were unable to locate any spent 9mm cartridge cases or projectiles. Despite the perceptions and recollections of these three officers, there is no evidence tending to show that the decedent actually fired his weapon.

Officer Travis Watts

Agents interviewed Officer Watts on January 19, 2018. Officer Watts recalled that he and Officer McEntire were dispatched to a domestic assault call at 9320 Gilead Hill Court. Officer Watts stated that while he was driving to the call, he read the notes entered by the 911 dispatcher that said that the caller was on the phone with the 911 operator, that the suspect/decedent was drinking, the suspect had assaulted the caller, and that the caller was currently hiding from the suspect. The call notes were later updated to reflect that the 911 operator could hear a male yelling at a female and the female yelling "do not touch me."

Officer Watts told investigators that Officers McEntire and McCormack arrived on scene before he did and the three of them walked to the house together. Officer Watts recalled that he could see a light on in the second story of the residence. Officer Watts stated that a female came outside and told them that the male suspect had gone upstairs in the residence and had punched or kicked her in the face. Officer Watts described the female as frantic, distraught, shaking, and upset. The female told Officer Watts that the male had a handgun and rifle upstairs in the residence. The female said the handgun was in the suspect's bed, but she did not specify the location of the rifle. Officer Watts recalled that the female had visible injuries and the decision was made to arrest the suspect. The female was escorted to Officer Williams's patrol car. Officers Watts, McCormack, and McEntire entered the residence to attempt to make contact with the male.

Officer Watts said that he and Officer McEntire took turns for some time identifying themselves as police officers and yelling for the suspect to come downstairs to talk with the police. Officers also called the suspect's cell phone to make contact, but did not receive an answer. Officer Watts believed he could hear what sounded like footsteps coming from upstairs, but the suspect never acknowledged their presence. The officers then called for Sgt. Allen. Officer Watts stated that once Sgt. Allen arrived, Officer Watts retrieved his ballistic shield and Officer McCormack went to retrieve his patrol rifle. Officer Watts said that as he was walking back to the house, E.S. told him that the suspect had a handgun in his bed, a .22 rifle and a shotgun at the door of his closet in the master bedroom, and four more rifles in the closet. Officer Watts recollected that E.S. told him to be careful because the decedent was suicidal and had a lot of gambling debt. Officer Watts recalled E.S. stating that the decedent had put a gun to his face or mouth sometime in the prior week, but would not shoot himself.

Officer Watts said he and Officer McCormack returned to the house and relayed the information E.S. had given them to Sgt. Allen and Officer McEntire. Officer Watts said that the officers then proceeded upstairs. Officer Watts was first in line with the ballistic shield in his left hand and his handgun in his right hand. Officer Watts believed Sgt. Allen followed him, then Officer McCormack, then Officer McEntire. Officer Watts stated that the plan was to move up the stairs as quietly as possible to avoid being ambushed by the suspect. Officer Watts had no

doubt that the decedent was aware the police were in the house from their attempts at yelling to the decedent.

Officer Watts recalled there to have been a light on in the room that was bright enough that a flashlight was not needed to see.³ Officer Watts recalled the decedent laying on the bed on his right side/stomach with his left hand extended to his left side, and his right hand underneath a pillow. Officer Watts could not recall whether the decedent was under the covers or not. Officer Watts said he relayed to the other officers to get the suspect in handcuffs while he was on the bed. Officer Watts moved inside the room, put his ballistic shield down on the floor at the left corner of the bed and moved to the right side of the bed. Sgt. Allen moved to the foot of the bed. Officer Watts recalled that the decedent said something like “you cannot be in here” or “you are not authorized to be in here.” Watts recalled that someone said “let me see your hands” or something to that effect. Officer Watts was not sure where Officers McCormack or McEntire were at this point, but believed they were somewhere close to the doorway of the bedroom. Officer Watts said the decedent lunged up at them and he immediately recognized the decedent had a large semi-automatic handgun in his right hand. The decedent quickly moved to a sitting position. Officer Watts recalled saying “drop the gun” or “drop the gun now.”⁴ Officer Watts believed he saw what appeared to be a muzzle flash from the decedent’s weapon in the direction of Officers McEntire and McCormack.

Officer Watts said that when the decedent began swinging his gun, he felt that he and the other officers were in danger of being killed by the decedent. Officer Watts said he was four or five feet from the decedent when he fired his weapon and he fired until the decedent no longer had a gun in his hand. Officer Watts estimated he fired seven or eight times. A round count showed Officer Watts to be missing nine rounds. Similarly, nine spent .40 caliber WIN S&W cartridge cases were located at the scene.

Officer Watts said that after the shooting, he and Sgt. Allen both advised over the radio that shots had been fired and requested medic for the decedent. Sgt. Allen then watched the decedent while Officer Watts cleared the closet and the bathroom. Officer Watts recalled that Sgt. Allen told him that Sgt. Allen thought that the decedent’s gun had fallen to the right side of the decedent.

Officer Watts stated that he then saw Officer McEntire hunched over at the bottom of the stairs. Officer McEntire was breathing heavily and Officer Watts thought Officer McEntire had been shot. Officer Watts checked Officer McEntire and did not find any wounds. Officer Watts said he then moved upstairs to check Sgt. Allen and Officer McCormack for wounds. Officer

³ BWC does not appear to show any lights on in the room, but does show multiple officers using handheld lights.

⁴ On Officer Watts’s BWC, officers can only be heard issuing the decedent commands to show his hands and to not move his hands.

Watts recalled that he, Sgt. Allen, and Officer McCormack cleared the rest of the second floor. After additional officers arrived, they left the residence.

Officer Benjamin McCormack

Agents interviewed Officer McCormack at 12:39 a.m. on January 14, 2018. Officer McCormack recalled that he was dispatched to the domestic assault call around 8:15 p.m. Officers McCormack, McEntire, and Watts walked to the residence and found a distraught female on the porch on the phone with 911. Officer McCormack stated that the initial call notes reported that a female had been beaten and that the 911 operator could hear yelling and crying in the background. The 911 call notes indicated that the male suspect had been downstairs, but had gone upstairs inside the residence. Officer McCormack assumed the assault suspect was upstairs in the residence. Officer McCormack recalled Officer Watts asking the female if the male had any weapons and the female responded that the suspect had a pistol under his mattress and that he had rifles as well.

Officer McCormack stated that he, Officer Watts, and Officer McEntire entered the residence and identified themselves as Huntersville Police Officers and yelled up to ask the male to come down and talk with them. Officer McCormack recalled that it was primarily Officers Watts and McEntire who were attempting to communicate with the decedent. They yelled to the decedent that he needed to talk with them, that they were not going anywhere, that he needed to come downstairs and have a conversation, or that he needed to call 911 and talk with them. Officer McCormack recalled they also called the decedent's cell phone, but it went to voicemail and Officers Watts and McEntire thought they could hear the phone vibrating downstairs. Officer McCormack said that they did not get a response from the suspect, but that Officers Watts and McEntire thought they could hear something upstairs. After not being able to make contact with the suspect, Officer McCormack called Sgt. Allen, advised him of the situation, and requested Sgt. Allen to respond to the scene.

Officers McCormack and Watts then went to their patrol car for Officer Watts to retrieve his ballistic shield and for Officer McCormack to retrieve his rifle. While they were out of the house, Officer McCormack overheard E.S. telling Officer Watts that the decedent had considered suicide, but would not do it because he did not "believe in it." Officer McCormack also heard E.S. tell Officer Watts the decedent wanted to die and that the decedent had gotten all of his guns out before and talked about suicide. Officer McCormack recalled that E.S. told Officer Watts that if officers went inside the house, the male suspect would be armed. E.S. said that the suspect had a lot of gambling debt that contributed to his suicidal thoughts.

Officer McCormack said that he and Officer Watts then returned to the residence and that Officer McCormack covered the stairs leading to the second floor while Sgt. Allen, Officer Watts, and Officer McEntire cleared the first floor. After clearing the first floor, Officer Watts went up the stairs first with the ballistic shield. Sgt. Allen went up the stairs second with a rifle.

Officer McCormack was next and Officer McEntire was last. The plan was for Officer McEntire to go “hands on” with the suspect if necessary.

Officer McCormack recalled that the bedroom was on the right at the top of the stairs. Sgt. Allen and Officer Watts reached the open doorway first and one of them said that the suspect was lying down on the bed. Officer McCormack said that there were no further attempts to communicate as they moved up the stairs as the plan was to be as quiet as possible. Officer McCormack said that Officers Watts and McEntire entered the room and Sgt. Allen was in the doorway while Officer McCormack covered the hallway from the rear. Officer McCormack did not recall anyone talking or yelling at this point. Officer McCormack said he looked into the room and observed a white male in the process of sitting up in the bed. The room was dark and the male was illuminated by someone’s flashlight. Officer McCormack heard several gunshots, but could not see who fired them. Officer McCormack recalled that he moved out of the doorway, back towards the stairs, and out of the line of fire. Officer McCormack said that Officer McEntire ran out of the room and tumbled to the bottom of the stairs. Officer McCormack stated that he thought Officer McEntire had been shot and went down the stairs with Officer McEntire. Officer McCormack then looked up to see Sgt. Allen in the doorway with his rifle pointing into the bedroom. Officer McCormack went back upstairs and, noticing that Officer Watts appeared to be visibly upset, took Officer Watts’s position covering the room. Officer McCormack said that after the shooting, Officers Williams, Watts, and McEntire cleared the rest of the upstairs. Officer McCormack stated that he, Officer Watts, and Sgt. Allen went back into the bedroom after the shooting to clear the rest of that room. Officer McCormack observed several fired handgun casings and one rifle casing on the floor of the right side of the room. Officer McCormack recalled that either Officer Watts or Sgt. Allen asked if the decedent’s firearm was secure and that Officer Watts went over to the left side of the bed, looked down, and said yes. McCormack said that on his way out of the room, he looked in the direction of the left side of the bed and could not see the firearm. Officer McCormack said other officers came upstairs, took over their positions, and the officers that were present when the shooting occurred left the house.

Officer Austin McEntire

Agents interviewed Officer Austin McEntire on January 16, 2018. Officer McEntire said that he responded to the domestic violence call at 9320 Gilead Hill Ct. Prior to arriving, his understanding was that the victim had locked herself into the laundry room and the suspect had gone upstairs. The 911 call notes also said that both parties had been drinking. Officer McEntire could not recall whether the call notes said anything about the presence of weapons in the home. Officer McEntire arrived first on scene and waited briefly for backup to arrive. After Officers McCormack and Watts arrived, the three officers approached the house. Officer McEntire recalled that E.S. met them at the porch. E.S. stated that she had been assaulted by the suspect. Officer McEntire recalled that E.S. had a bruised and swollen right eye and dried blood on her lips. Officer McEntire recalled that he then decided to arrest the suspect for domestic

assault. Officer McEntire said that E.S. informed him that the suspect was still in the residence, that she had heard him go back upstairs, and that she believed he was still there. Officer McEntire said that E.S. told the officers that the suspect kept a handgun under his mattress in the bedroom, a 12 gauge shotgun and a .22 rifle within his bedroom closet, and four other unknown firearms around the house. Officer McEntire said that while he and the other two officers were speaking with E.S., Officer Williams arrived and continued speaking with E.S. while Officers McEntire, McCormack, and Watts went inside the residence to make contact with the suspect.

Officer McEntire recalled that upon entering the residence, he and Officer Watts tried to make contact with the suspect by yelling for him to come talk to them. They also called the suspect's cell phone. Officer McEntire said that they identified themselves as Huntersville Police Officers several times. Officer McEntire estimated that he and Officer Watts attempted to make contact with the suspect for 20 to 30 minutes and never received a response. Officer McEntire said that while attempting to make contact with the suspect, he could hear something upstairs. Officer McEntire characterized the sound as someone "fiddling or tinkering with something upstairs." Officer McEntire said that after 20 to 30 minutes of trying to contact the suspect, they called Sgt. Allen to assist. Sgt. Allen arrived five to 10 minutes after he was contacted. Officer McEntire recalled that Sgt. Allen had a rifle with him when he arrived and Officer McEntire briefed Sgt. Allen on the events that had occurred up to that point.

Sgt. Allen and Officers McCormack, Watts, and McEntire decided they were going to arrest the suspect for domestic assault. At that point, Officers McCormack and Watts left the residence to retrieve equipment from their vehicles. Officer McCormack returned with a rifle and Officer Watts returned with a ballistic shield. Officer McEntire said that Officer Watts informed him that Officer Watts had spoken with E.S. after he had left the residence and that E.S. had informed him that the suspect had a large gambling debt and had expressed suicidal tendencies. Officer McEntire was told that the suspect had talked about committing suicide in the past, but that he "was not going to do it himself." Officer McEntire recalled that he thought they could be facing a situation of "suicide by cop."

Officer McEntire said that if the suspect was located passed out, the plan was for them to subdue the suspect and take him into custody. Officer McEntire said that he was tasked with handcuffing the suspect if that were the case. Officer McEntire said that, for officer safety reasons, they did not attempt to make contact with the suspect again after they initiated the search as they had information that the suspect had firearms within the bedroom and was possibly suicidal. Officer McEntire recalled that they started by clearing the first floor and, when the suspect was not located, they stopped at the bottom of the stairs before proceeding to the second floor. Officer McEntire said that they went up the stairs in the following order: Officer Watts, Sgt. Allen, Officer McCormack, Officer McEntire. Officer McEntire said that when Officer Watts and Sgt. Allen reached the top of the stairs, they looked into the bedroom, at which point Officer Watts waived down to Officer McEntire and motioned for him to come up to the

top of the stairs. Officer McEntire recalled that he holstered his weapon and walked the remainder of the stairway.

At the top of the stairs, Officer Watts told Officer McEntire that the suspect was in the room. Officer McEntire said he entered the bedroom behind Officer Watts and Sgt. Allen and could see the suspect lying face down on the left side of the bed. Officer McEntire assumed the suspect was “blacked out drunk.” Officer McEntire recalled that both of the suspect’s hands were above his head like he was hugging a pillow. Officer McEntire recalled that the lights were off and there was no light in the room. Officer McEntire said that, as he entered the room, Officer Watts and Sgt. Allen moved to the right along the foot of the bed and approached the bed from the left side. Officer McEntire provided a [diagram](#) of the approximate locations of each of the officers.

Officer McEntire recalled that he approached the suspect on the left side of his bed with his weapon holstered and his handcuffs in his hand. Officer McEntire’s recollection was that as he was approaching the suspect, Officers Watts and Sgt. Allen turned on their flashlights, at which time the suspect began to move and roll over. Officer McEntire recollected that when the suspect began to move and roll over, Officer Watts and Sgt. Allen told the suspect not to move, but the suspect continued to roll over. Officer McEntire said that as the suspect was rolling over, the decedent pulled his right hand from under the pillow. Officer McEntire said that as the decedent pulled his hand from under the pillow he saw a handgun in the decedent’s hand. Officer McEntire described the gun as a black semi-automatic handgun with a brown grip. Officer McEntire advised that the decedent extended the handgun towards him and that the handgun was approximately one foot or less from his chest. Officer McEntire’s recollection was that as the decedent extended the handgun, Officer McEntire saw a muzzle flash and sparks from the decedent’s gun. Officer McEntire said he believed he felt something hit his vest when he saw the muzzle flash and he thought he had been hit. Officer McEntire said that Officer Watts and Sgt. Allen began firing at the decedent at this time. Officer McEntire did not recall the decedent saying anything during the incident. Officer McEntire stated that he immediately dropped to the floor and “rolled out of the room.” He continued to hear gunshots after he had dropped to the floor. Officer McEntire said that he exited the doorway, fell down the stairs, and rolled to the first floor, injuring his shoulder.

Officer McEntire recalled that Officer Watts came downstairs and checked him for gunshot wounds. After being checked for wounds. Officer McEntire stated that he, Officer Watts, and Officer Williams cleared the rest of the upstairs rooms. After clearing the remaining upstairs rooms, he returned to the Huntersville Police Department to await further instruction.

Officer Shannon Williams

Agents interviewed Officer Shannon Williams on January 23, 2018. Officer Williams stated that she responded to the call at 9320 Gilead Road in reference to a domestic assault. It was Officer Williams's understanding that a female was actively being beaten so more officers were needed to respond. When Officer Williams arrived, the other officers went inside the residence and she continued to talk with E.S. who told her that she had called 911. Officer Williams characterized E.S. as being frightened, upset, and jumpy when Officer Williams walked up to the scene. Officer Williams stated that E.S. was wearing a house robe and no shoes. E.S. had blood around her mouth and a cut on the right temple of her head. Officer Williams recalled that E.S. said that her boyfriend had "kneed" her. Officer Williams said that E.S. told her there were guns in the house. E.S. said that there was a pistol under the mattress and rifles in the bedroom. Officer Williams took E.S. back to her patrol car. While at her patrol car, Officer Williams recalled that Sgt. Allen arrived on scene. Officer Williams said that she asked E.S. for the suspect's telephone number and then relayed the number to Officer McCormack over the radio. Officer Williams said that E.S. was unsure of the suspect's whereabouts. She said that he was upstairs or that he possibly ran out the back door.

Officer Williams stated that E.S. told her that she and the decedent had been drinking since lunch. She said that they met a couple at lunch and went back to the couple's house to watch a football game. Officer Williams recalled that E.S. told her that the decedent became angry while they were at the couple's house because E.S. had gotten sleepy and was not socializing. Officer Williams said that E.S. told her that she and the decedent drove back to the decedent's home and he went upstairs and passed out. When she went upstairs to help him get undressed, he awoke and began calling her names. He then "kneed" her in the head after which she ran downstairs. E.S. said that the decedent chased after her and told her to get out of his house. She called 911 at that time and the decedent walked off. Officer Williams said that E.S. did not know where he went at that time and that E.S. locked herself in the laundry room.

Officer Williams was unsure of how much time passed before she heard the gunfire. Officer Williams recalled that she had been talking to E.S. at the patrol car for a while before the gunfire began. Officer Williams was unsure of how many shots she heard. After hearing the gunfire, Officer Williams said she locked E.S. in the car and went to the residence. When she arrived, she was informed that no officers were hurt and that the suspect had been shot. She then assisted in clearing the upstairs rooms, but was never able to see the decedent inside the room or what the bedroom looked like. Officer Williams did not know who fired their weapons at the time, but later learned it was Officer Watts and Sgt. Allen. Officer Williams recalled that she did not have any further dealings with E.S. after the shooting. Officer Williams remained at the scene until approximately 5:50 a.m. on Saturday, January 14 and maintained the crime scene log until the day shift arrived on scene.

E. Video evidence

BWC footage capturing the incident was obtained from three of the four officers present during the incident. Officers Watts, McCormack, and McEntire were all equipped with BWCs. As stated previously, Sgt. Allen was not equipped with a BWC. While Officer Williams was not in the residence at the time of the shooting, she was equipped with a BWC that captured officers' interactions with E.S. outside of the residence prior to the incident.

BWC footage from Officers McCormack, McEntire, and Watts show their arrival and interaction with E.S. on the porch. E.S. can be heard telling officers there are weapons in the house and that the decedent has a pistol under his mattress and rifles in his closet. BWC footage shows Officers McCormack, McEntire, and Watts enter the residence, begin loudly identifying themselves as police officers, announcing their presence, and calling out for the decedent to come downstairs for over 20 minutes. The BWCs of these three officers also show Sgt. Allen arriving on scene, after which Officer Watts and Officer McCormack go to the vehicle to retrieve the ballistic shield and rifle.

Officer Watts's and Officer Williams's BWCs recorded Officer Watts's conversation with E.S. on his way back to the residence where E.S. informed Officer Watts that the decedent has been suicidal and has lost a lot of money gambling lately. Officer Watts's BWC recorded E.S. informing Officer Watts that the decedent is "really in the hole and he's trying to think of the fastest way out...and the fastest way out would be you guys." E.S. was also recorded telling Officer Watts "be armed because he'll be armed" and "when you go up there, just know he will have guns."

Prior to the shooting, BWC footage shows the four officers ascending the stairs and entering the bedroom. Officer Watts's BWC shows him entering the bedroom with his ballistic shield. The decedent is [lying on his stomach/right side](#). Neither hand is visible. While still laying on his stomach, the decedent can be heard saying what sounds like "you're not authorized to be here" as recollected by Officer Watts in his interview. The decedent then sits up in the bed facing in the direction of Officer McEntire and an officer commands the decedent both to show him his hands and to not move his hands [\[1\]](#) [\[2\]](#) [\[3\]](#). Neither the decedent's right hand nor the firearm reported to have been in it are visible in either Officer Watts's or Officer McEntire's BWC. At the time of the shooting, Officer McCormack's BWC was oriented back towards the stairs they had just ascended and did not capture the events in the bedroom. The length of time from the time the decedent began to sit up until the cessation of gunfire was less than five seconds. The gunfire itself lasted approximately two and a half seconds.

F. Forensic evidence

Autopsy report

The Report of Autopsy Examination issued by the Mecklenburg County Medical Examiner's Office found the decedent to have sustained 17 gunshot wounds. These included three gunshot wounds to the chest, two graze wounds on the chest, three wounds to the right thigh, three wounds to the stomach, one wound to the left shoulder, one wound to the left forearm, and four wounds to the right torso. The wound trajectories are consistent with the reported and recorded positions of Sgt. Allen and Officer Watts. Due to the shape of some of the

wounds and projectile fragments recovered from the decedent, the Medical Examiner informed investigators that it was possible the rounds from Sgt. Allen's rifle were fragmenting before they left the barrel.

Results of the examination revealed the presence of ethanol at 170 mg/dL (equating to a blood alcohol concentration of .17).

A copy of the Medical Examiner's Report of Autopsy Examination is attached to this report as Exhibit 1.

H. Conclusion

There is no dispute that Sgt. Allen and Officer Watts fired their weapons and killed the decedent. Therefore, the central issue in this review is whether or not the State could meet the burden of proving to a jury beyond a reasonable doubt that the officers did not act in self-defense. This would mean proving to a jury of twelve citizens beyond a reasonable doubt that (1) Sgt. Allen or Officer Watts did not believe it was necessary to kill the decedent in order to save themselves or another from death or great bodily harm, or (2) that Sgt. Allen's or Officer Watts's belief that it was necessary to kill the decedent was not reasonable under the circumstances.

A review of the available evidence in this case shows that, prior to the encounter with the decedent, Sgt. Allen and Officer Watts were aware of the decedent's questionable mental state. Officer Watts was informed by E.S. that the decedent was "suicidal" due to recent gambling losses. E.S. also informed Officer Watts that the decedent was "really in the hole and he's trying to think of the fastest way out...and the fastest way would be you guys." E.S. also cautioned Officer Watts to "be armed because he'll be armed" and "when you go up there, just know he will have guns." Furthermore, Officer Watts relayed this information to Sgt. Allen prior to the encounter with the decedent. It is also clear that Sgt. Allen and Officer Watts were told that the decedent kept multiple guns in the bedroom, including a pistol under the mattress.

Sgt. Allen, Officer Watts, Officer McEntire, and Officer McCormack were all present when the encounter took place. Although no BWC was angled in a direction to capture images of the decedent's right hand or any weapon in it, three officers, including Sgt. Allen, Officer Watts, and Officer McEntire reported that the decedent sat up with a gun in his right hand pointed towards Officer McEntire. The fourth officer, Officer McCormack, looked into the bedroom and only reported seeing a white male in the process of sitting up in the bed prior to hearing gunshots, but Officer McCormack's BWC demonstrates his body was primarily angled away from the room in the moments before and during the shooting. In addition, a black semi-automatic handgun with a brown grip matching the description given by Officer McEntire was found on the floor underneath where the decedent's right hand came to rest. Contrary to the perceptions of Sgt. Allen, Officer Watts, and Officer McEntire, there is no evidence suggesting that the decedent actually fired his weapon; however, the question of whether the decedent actually fired his weapon is not determinative of a claim of self-defense. As noted above, the Fourth Circuit Court of Appeals has made clear that "The [law] does not require police officers to wait until a suspect shoots to confirm that a serious threat of harm exists." Elliot v. Leavitt, 99 F.3d. 640, 643 (4th Cir. 1996).

In light of this evidence demonstrating that Sgt. Allen and Officer Watts were aware of the decedent's possibly suicidal state of mind, their knowledge of the presence of guns in the bedroom, including a pistol under the mattress, and the accounts of the three closest officers to the incident, which consistently state that the decedent sat up quickly in the bed with a pistol in his right hand pointed in the direction of Officer McEntire, the evidence in this case would be insufficient to prove to a jury beyond a reasonable doubt that Sgt. Allen and Officer Watts did not act in self-defense. Consequently, I will not be seeking charges related to the death of Joseph Cephus Hilton, V.

If you have any questions, please contact me directly.

Sincerely,



Spencer B. Merriweather III
District Attorney

Exhibits:

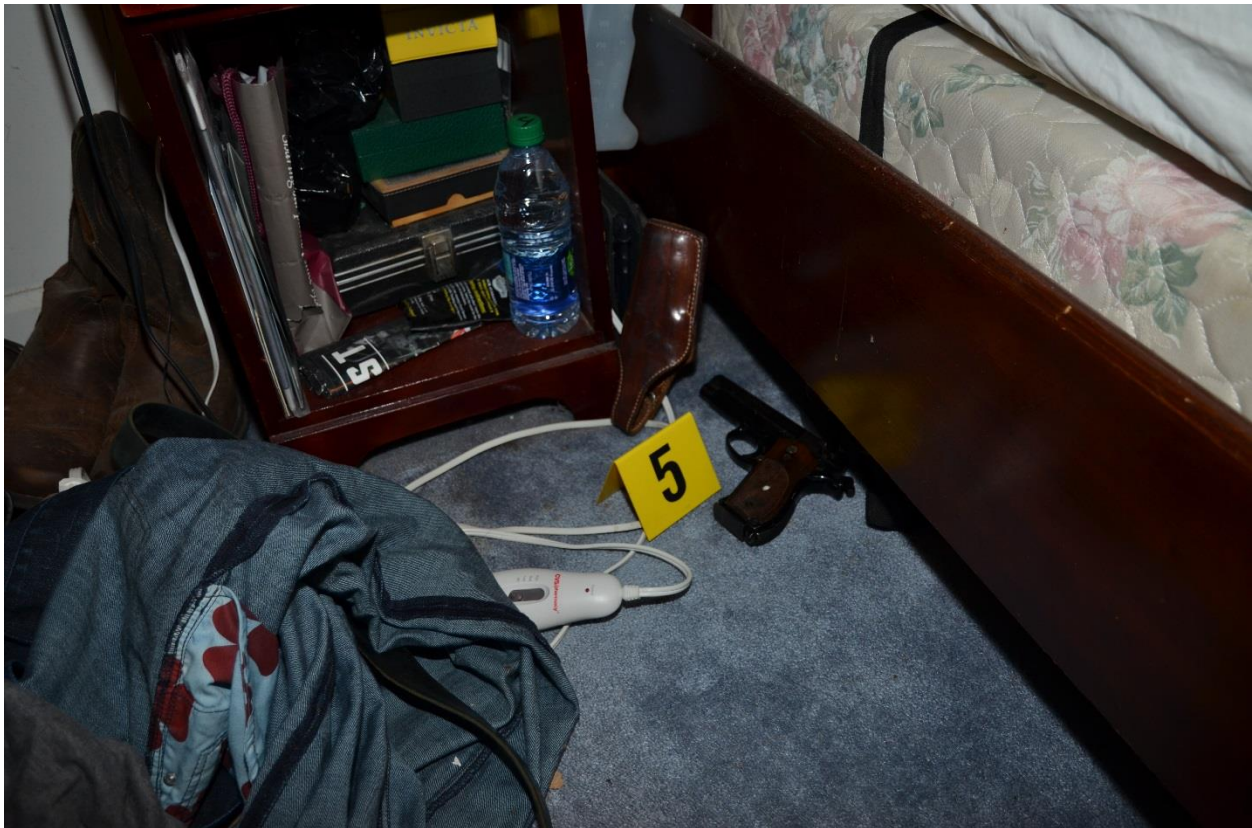
The clothes into which the decedent's weapon fell.

[Return](#)



The decedent's Smith & Wesson Model 39-2, 9-mm handgun.

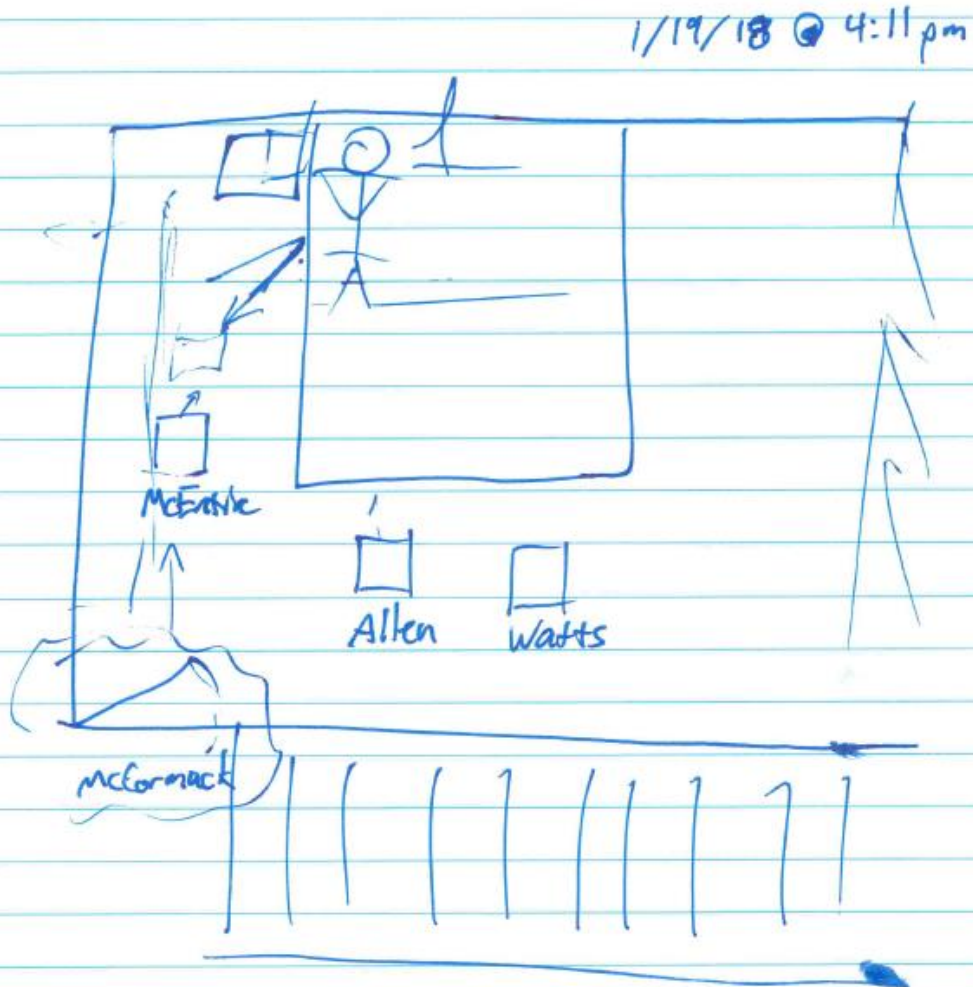
[Return](#)



Sgt. Allen's diagram of the approximate locations of the officers.

[Return](#)

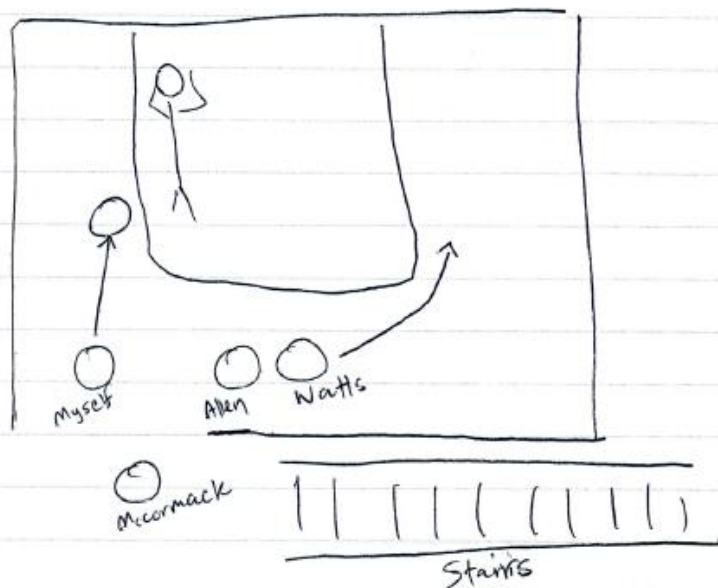
ATTACHMENT# 2018-00152-1120-03 PAGE 1 OF 1



Officer McEntire's diagram of the approximate locations of the officers.

[Return](#)

SBI Case: 2018-00152
Attachment #898-003



- location upon Entering Bedroom

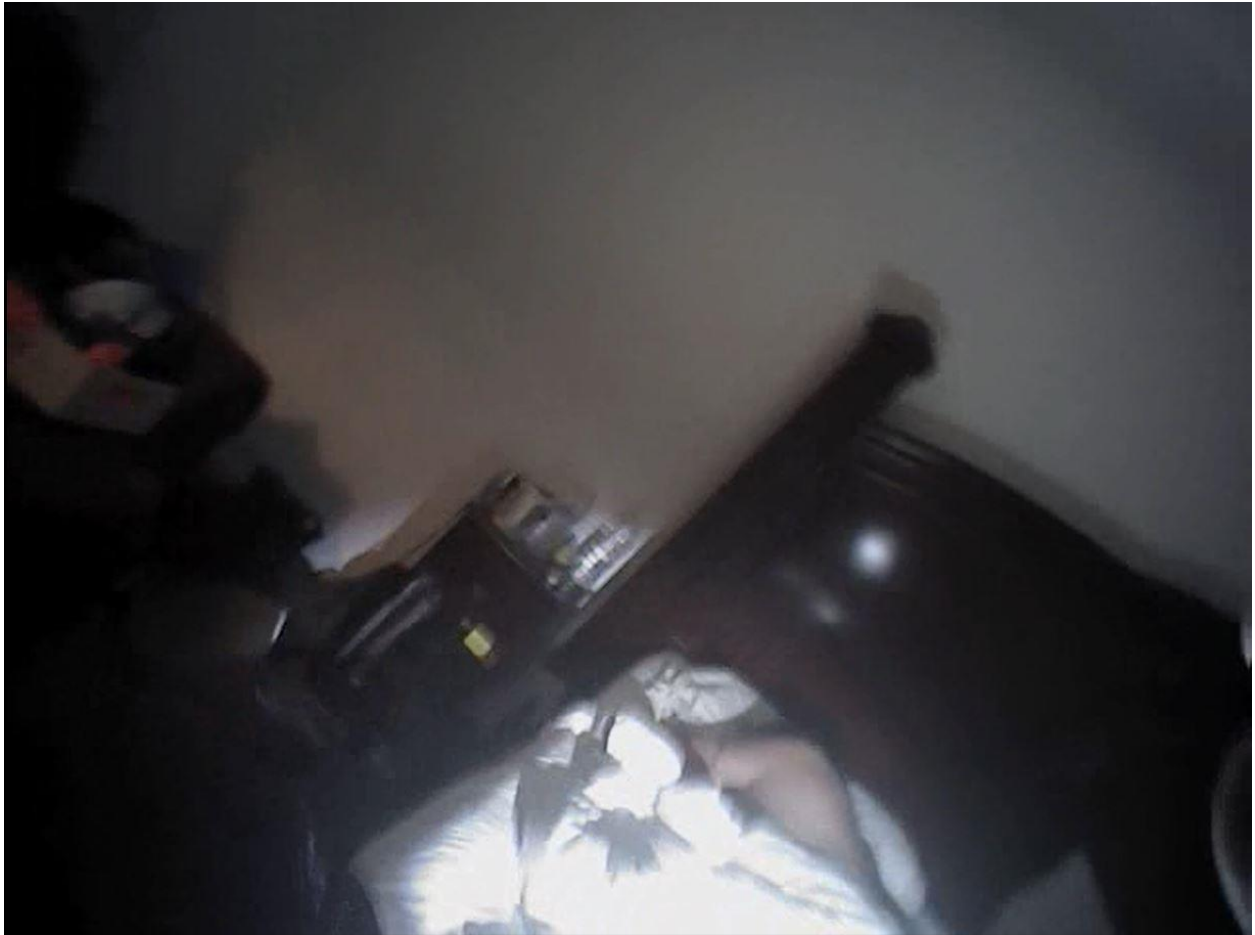
AUSTIN K. MCENTIRE

Austin K. McEntire

01/16/2018

The decedent's position as the officers entered the room. Neither hand is visible.

[Return](#)



The decedent as he began to sit up.

[Return](#)



The decedent continued to sit up while looking in the direction of Officer McEntire.

[Return](#)



The decedent just before officers fired. His right hand is not visible in BWC footage. [Return](#)



Exhibit 1

Mecklenburg County M E Office

3440 Reno Avenue, Charlotte, NC 28216

Telephone 7043362005

Fax 7043368353

REPORT OF AUTOPSY EXAMINATION

DECEDENT

Document Identifier B201800094

Autopsy Type ME Autopsy

Name Joseph Cephus Hilton, V

Age 42 yrs

Race White

Sex M

AUTHORIZATION

Authorized By Jonathan Privette MD

Received From Mecklenburg

ENVIRONMENT

Date of Exam 01/16/2018

Time of Exam 09:30

Autopsy Facility Mecklenburg County M E Office **Persons Present** Ms. Linnelle Banks

CERTIFICATION

Cause of Death

Multiple Gunshot Wounds

The facts stated herein are correct to the best of my knowledge and belief.

Digitally signed by

Jonathan Privette MD 17 April 2018 13:08

DIAGNOSES

Multiple gunshot wounds (see INJURIES)

IDENTIFICATION

Body Identified By

Papers/ID Tag

EXTERNAL DESCRIPTION

Length 69 inches

Weight 223 pounds

Body Condition Intact

Rigor 2+

Livor Posterior, dependent

Hair Brown

Eyes Brown

Teeth Natural, in fair repair

Received is the body of a well-developed, well-nourished adult male appearing compatible with the reported age. The body is clad in socks. A white metal necklace with pendant, watch and white metal ring accompany the body. Identifying marks consist of tattoos and scars as diagrammed. Evidence of medical intervention includes ECG leads.

INJURIES

The following gunshot wounds are lettered for convenience of description. The lettering is not intended to indicate the order of which the injuries occurred.

GUNSHOT WOUND "A":

Located on the anterior/medial right thigh is an entrance gunshot wound that moves upward in the left-to-right direction. This wound measures 4" x 1½". Soot and/or stippling are not grossly identified in association with this

injury.

Located on the anterior/lateral upper right thigh superior and lateral to the entrance wound is a 5½" x 2½" gaping exit wound.

There are projectile fragments present within the soft tissue.

In the anatomical position, the projectile moves left-to-right, upward with minimal deviation in the remaining axis.

GUNSHOT WOUND "B":

Located on the anterior/medial right thigh is an entrance gunshot wound with a hole that measures 1". Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the soft tissue of the right thigh resulting in a snowstorm appearance on radiograph and there are projectile fragments within the soft tissue.

In the anatomical position, the projectile travels upward, left-to-right with minimal deviation in the front-to-back axis.

This wound may represent a partial projectile fragment striking the body.

GUNSHOT WOUND "C":

Located on the anterior right thigh above gunshot wounds "A" and "B" is an entrance gunshot wound that measures 1¾" x ¼". Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the anterior right thigh and results in a snowstorm appearance on radiograph. There are fragments in the soft tissue of the right thigh.

In the anatomical position, the projectile moves left-to-right, upward, and front-to-back.

This wound track may represent a partial projectile fragment striking the body.

GUNSHOT WOUND "D":

Located on the anterior lower abdomen/suprapubic region at midline is an entrance gunshot wound with a hole that measures ¼". Soot and/or stippling are not grossly identified in association with this injury. Bowel contents are present at the opening.

The wound track lacerates the skin and soft tissue of the anterior abdomen/suprapubic region, lacerates the small bowel, liver, right middle and upper lung lobes. A projectile is recovered from the right lung. Associated injuries include hemoperitoneum and right hemothorax.

In the anatomical position, the projectile travels upward, left-to-right and front-to-back.

GUNSHOT WOUND "E":

Located on the right anterior/lateral abdomen is an entrance gunshot wound with irregular borders and measures 2". There are numerous small shrapnel impacts associated with this wound that extend to 7". Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the right lower anterior/lateral abdomen, lacerates the liver from where it a partially deformed projectile is recovered. Associated injuries include hemoperitoneum.

In the anatomical position, the projectile travels front-to-back, upward, and slightly right-to-left.

GUNSHOT WOUND "F":

Located on the right anterior/lateral abdomen, superior and medial to gunshot wound "E" is an entrance gunshot wound with a hole that measures ¼". Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the right anterior/lateral abdomen, lacerates the liver and the right lower lung lobe from where a partially deformed projectile is recovered. Associated injuries include hemoperitoneum and right hemothorax.

In the anatomical position, the projectile travels front-to-back, upward with minimal deviation in the remaining axis.

GUNSHOT WOUND "G":

Located on the anterior right lateral chest, superior and lateral to the right nipple is a gaping entrance gunshot wound that measures 3" x 1". Soot and/or stippling are not grossly identified in association with this injury.

This wound track is superficial and grazing.

In the anatomical position, the projectile travels upward with little deviation in the remaining axes.

GUNSHOT WOUND "H":

Located on the anterior right chest adjacent to midline, near the level of the nipples is an entrance gunshot wound that measures 1¼". Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the right anterior chest, fractures right rib #4, lacerates the right upper lung lobe, fractures right rib #4 posteriorly. This wound track results in a snowstorm appearance on radiograph with fragments in the soft tissue of the right chest.

In the anatomical position, the projectile travels front-to-back, left-to-right with minimal deviation in the remaining axis.

GUNSHOT WOUND "I":

Located on the anterior left upper chest, left of gunshot wound "H" is a gaping superficial graze gunshot wound that measures 5" x 2". Soot and/or stippling are not grossly identified in association with this injury.

In the anatomical position the projectile moves upward, left-to-right with little deviation in the remaining axis.

GUNSHOT WOUND "J":

Located on the anterior left shoulder is an entrance gunshot wound that measures ½" and exhibits 5/8" circumferential marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the anterior left shoulder, fractures left rib #4, lacerates the left upper and lower lung lobes, fractures left ribs #6 and #7 posteriorly, fractures thoracic vertebra #6 and #7 from where a partially deformed projectile is recovered. Associated injuries include left hemothorax.

In the anatomical position, the projectile moves left-to-right, downward, and front-to-back.

GUNSHOT WOUND "K":

Located on the anterior/lateral left chest, inferior and lateral to the left nipple is an entrance gunshot wound with a hole that measures ½" and exhibits 5/8" circumferential marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the anterior/lateral left chest, fractures left rib #6, lacerates the left upper lung lobe, fractures left rib #1, fractures vertebra T1 and C7 from where a partially deformed projectile is recovered. Associated injuries include subarachnoid hemorrhage at the cerebellum and cerebral base and left hemothorax.

In the anatomical position, the projectile travels left-to-right, upward and front-to-back.

GUNSHOT WOUND "L":

Located on the posterior left forearm is an entrance gunshot wound with a hole that measures ¼" and exhibits ½" circumferential marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the left forearm, fractures the left ulna.

Located on the anterior medial left forearm is a partial exit that measures 1/4". Jacketing material is present at the exit wound.

In the anatomical position, the projectile travels back-to-front and left-to-right with minimal deviation in the remaining axis.

GUNSHOT WOUND "M":

Located on the left lateral chest, immediately inferior/medial to gunshot wound "K" is an entrance gunshot wound with a hole that measures 1/2" and exhibits 1" beveling at the 6 o'clock position. Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the left anterior/lateral chest.

Located on the anterior left lateral chest superior to the entrance wound is an exit wound that measures 1".

In the anatomical position, the projectile travels upward with minimal deviation in the remaining axes.

GUNSHOT WOUND "N":

Located on the left lateral torso is an entrance gunshot wound with a hole that measures 1/4" and exhibits 1/2" circumferential marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the left lateral torso, lacerates the spleen, fractures left rib #10, lacerates the left lower lung lobe. A projectile is lying free within the left pleural cavity. Associated injuries include hemoperitoneum and left hemothorax.

In the anatomical position, the projectile travels left-to-right and upward.

GUNSHOT WOUND "O":

Located immediately inferior and posterior to gunshot wound "N" is an entrance gunshot wound with a hole that measures 1/4" and exhibits 3/4" circumferential marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the spleen, fractures left rib #11 and left rib #10, fractures vertebra T9 from where a partially deformed projectile is recovered. Associated injuries include hemoperitoneum.

In the anatomical position, the projectile travels left-to-right, upward and front-to-back.

GUNSHOT WOUND "P":

Located inferior and anterior to gunshot wounds "N" and "O" is an entrance gunshot wound with a hole that measures 1/4" and exhibits 3/4" circumferential marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the left inferior torso, lacerates the small bowel, stomach, pancreas, duodenum, liver and right lower lung lobe from where a partially deformed projectile is recovered. Associated injuries include hemoperitoneum and right hemothorax.

In the anatomical position, the projectile travels left-to-right, front-to-back and upward.

GUNSHOT WOUND "Q":

Located on the left lateral torso, slightly inferior and posterior to gunshot wound "P" is an entrance gunshot wound with a hole that measures 1/4" and exhibits 3/4" circumferential marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury.

The wound track lacerates the skin and soft tissue of the left lateral inferior torso, lacerates the left kidney and the abdominal aorta from where a partially deformed projectile is recovered. Associated injuries include hemoperitoneum and retroperitoneal hemorrhage.

In the anatomical position, the projectile travels left-to-right and upward.

OTHER INJURIES:

There are shrapnel impact abrasions at the right face extending to 6" x 5", an area at the left face extending to 1½", at the left wrist extending to 6" x 2½", and across the anterior torso.

There are abrasions at the left face, bilateral legs and left forearm. There is purple contusion at the left lower extremity.

DISPOSITION OF PERSONAL EFFECTS AND EVIDENCE

The following items are released with the body

None

The following items are preserved as evidence

The following items are released to A. C. Bridges of the North Carolina State Bureau of Investigation on January 19, 2018:

CLOTHING

BLOOD CARD

JEWELRY

PROJECTILES (A, D, E, F, J, K, L, N, O, P, Q)

PROCEDURES

Radiographs

Radiographs reveal multiple radiographic foreign objects and snowstorm appearance. There are multiple skeletal fractures.

INTERNAL EXAMINATION

Body Cavities

The organs are in their normal anatomic positions.

Cardiovascular System

Heart Weight 410 grams

The pericardial sac is free of significant fluid and adhesions. The coronary arteries arise normally, follow the usual distribution and are widely patent without evidence of significant atherosclerosis or thrombosis. The chambers and valves bear the usual size-position relationships and are unremarkable. The myocardium shows no evidence of acute infarction, scarring or focal lesions.

Respiratory System

Right Lung Weight 380 grams

Left Lung Weight 330 grams

Examination of the soft tissues of the neck including the strap muscles and large vessels reveals no abnormalities. The hyoid bone and laryngeal cartilages are intact. The larynx is clear. The upper and lower airways are free of debris and foreign material. The lungs are normally formed. The pulmonary arteries are free of thrombi or emboli.

Gastrointestinal System

Except as previously noted, grossly unremarkable. The stomach contains 150 ml of partially digested food consistent of leafy vegetable.

Liver

Liver Weight 2050 grams

Except as previously noted, grossly unremarkable. The gallbladder contains bile.

Spleen

The spleen is macerated.

Pancreas

Except as previously noted, grossly unremarkable.

Urinary

Right Kidney Weight 190 grams

Left Kidney Weight 200 grams

The kidneys are of normal size and shape. The right kidney is grossly unremarkable.

Reproductive

Grossly unremarkable.

Endocrine

The thyroid gland and bilateral adrenal glands are grossly unremarkable.

Neurologic

Brain Weight 1260 grams

Reflection of the scalp reveals no evidence of injury. There are no skull fractures identified. The leptomeninges exhibit the previously described hemorrhages. The cerebral hemispheres are otherwise unremarkable. The vasculature at the base of the brain is intact without significant atherosclerosis. Coronal sections reveal normal architecture without focal lesions.

Skin

Except as previously noted, grossly unremarkable.

Immunologic System

Grossly unremarkable.

Musculoskeletal System

Except as previously noted, grossly unremarkable.

MICROSCOPIC EXAMINATION**Microscopic Comment**

Histologic examination is not performed.

SUMMARY AND INTERPRETATION

The decedent is a 42-year-old male who was shot by law enforcement.

Autopsy examination reveals multiple gunshot wounds.

Please see separate report for toxicology details.

Based on the history and autopsy findings, it is my opinion that the cause of death in this case is multiple gunshot wounds.

DIAGRAMS

1. BODY DIAGRAM: ADULT (FRONT/BACK)
2. BODY DIAGRAM: ADULT (FRONT/BACK)
3. BODY DIAGRAM: ADULT PROFILE (LEFT/RIGHT)

State of North Carolina

Name of Decedent: Joseph Hilton

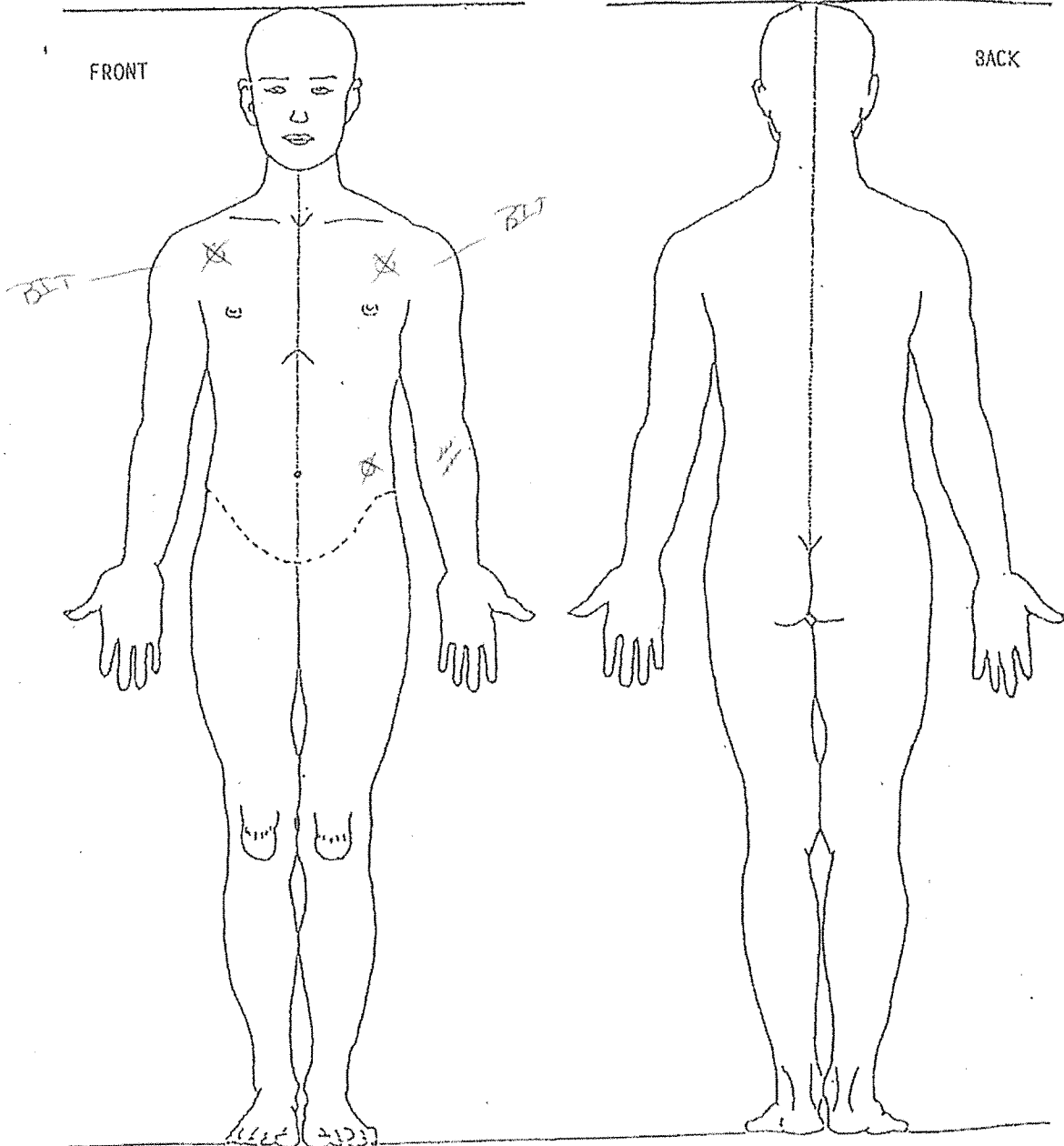
Office of the Chief Medical Examiner

Autopsy # B18-94

Chapel Hill, North Carolina 27599-7580

Examined By: JDP Date: 1-16-18

BODY DIAGRAM: ADULT (Front/Back)



DEHR 1917 (4/97)
Medical Examiner

This form may be photocopied.

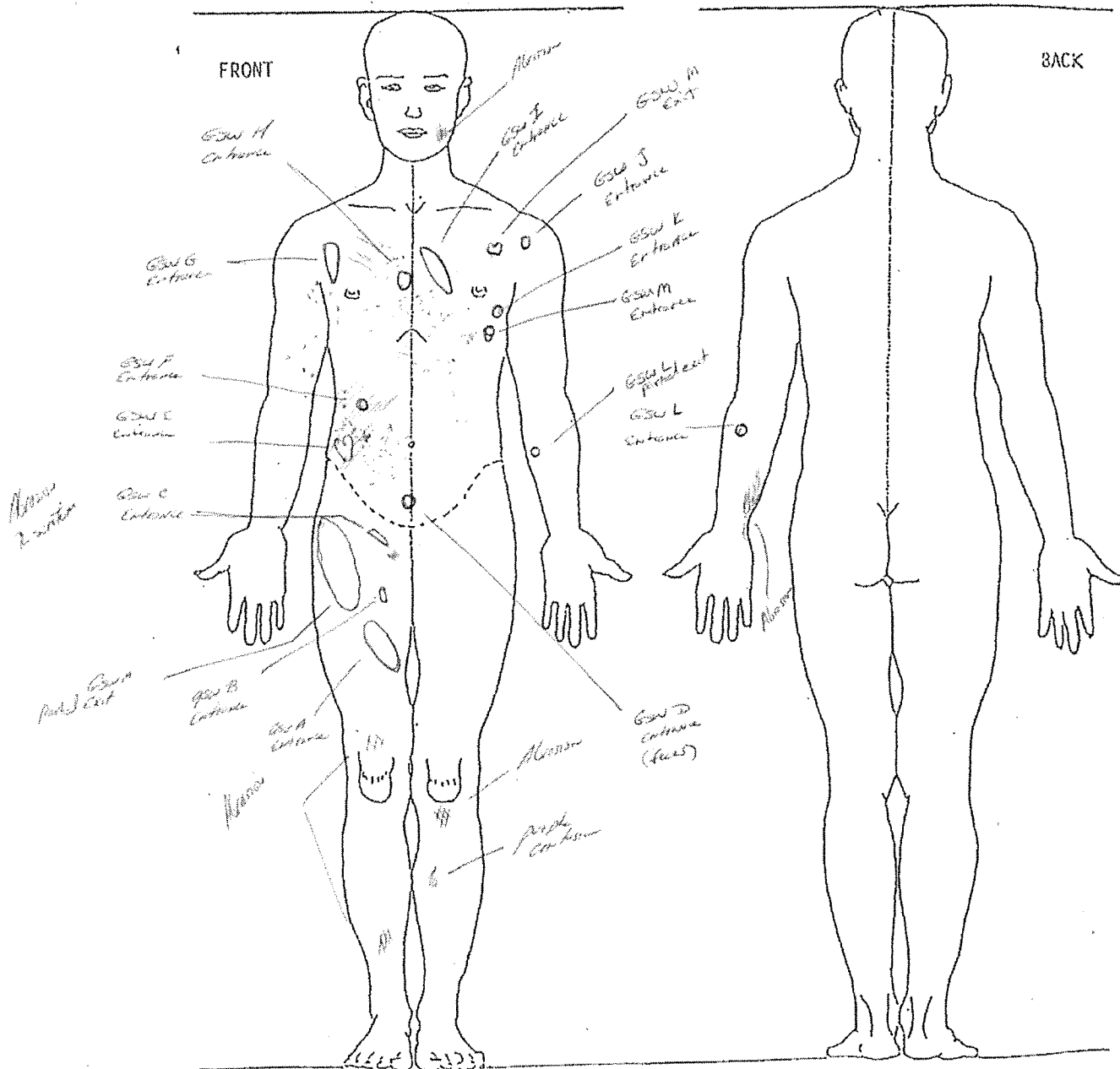
PAGE 1 OF 3

Name of Decedent: Joseph Hilton ✓

BN. 94

Date: 1-16-18

BODY DIAGRAM: ADULT (Front/Back)



This form may be photocopied.

PAGE 2 OF 3

State of North Carolina
Mecklenburg County Medical Examiner's Office
Charlotte, North Carolina 28216

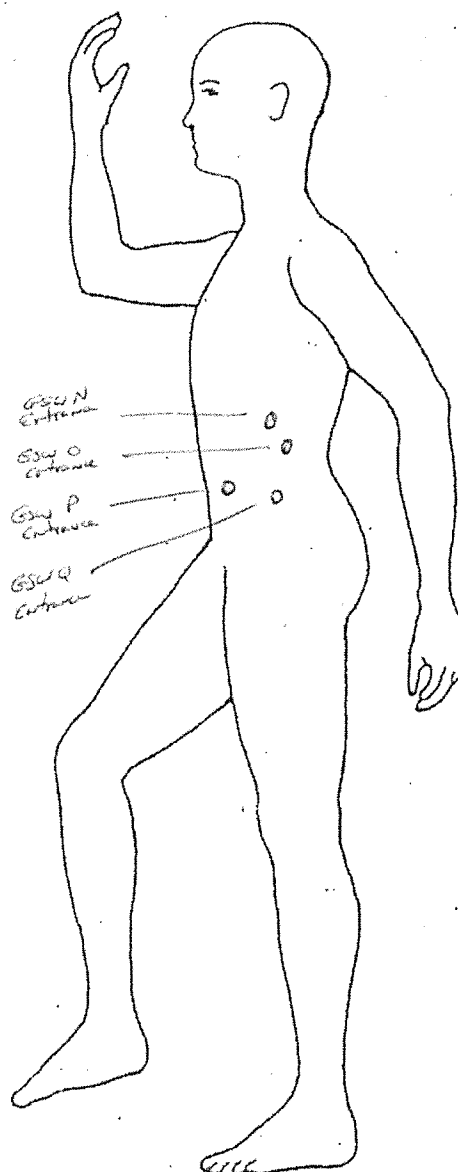
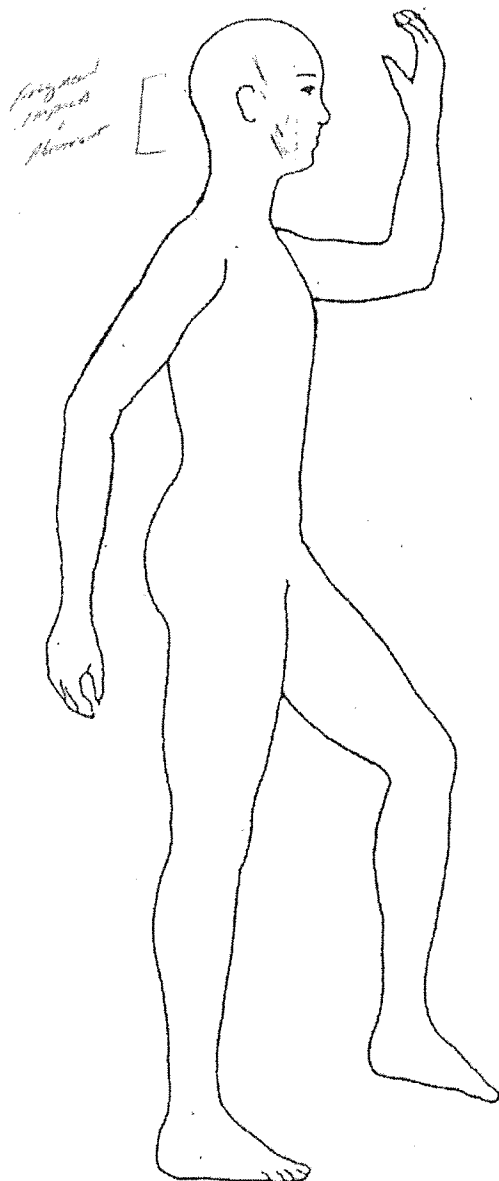
Name of Decedent: Joseph Hilton V

Autopsy # B18-94

Examined By: JD Date: 1-16-18

BODY DIAGRAM:

PROFILE (Left/Right)



DEHNR 3461 (4/97)
Medical Examiner

PAGE 3 OF 3

This form may be photocopied.

Balcome, Kelly E.

From: noreply@dhhs.nc.gov
Sent: Wednesday, April 18, 2018 8:04 AM
To: Balcome, Kelly E.
Subject: No Reply: OCME Toxicology F201800078

T O X I C O L O G Y R E P O R T

Office of the Chief Medical Examiner
Raleigh, NC 27699-3025

Toxicology Folder: T201800763
Case Folder: F201800078
Date of Report: 31-mar-2018
Page: 1

Spencer B. Merriweather
District Attorney's Office
720 E. 4th Street Suite 403
Charlotte, NC 28202-3016

DECEDENT: Joseph Cephus Hilton V

Status of Report: Approved

Report Electronically Approved By: Ruth Winecker, Ph.D.

* * *

=====

SPECIMENS received from Jonathan Privette on 24-jan-2018

S180002318: 4.0 ml Blood
SOURCE: Heart

CONDITION: Postmortem
OBTAINED: 16-jan-2018

Ethanol ----- 170 mg/dL 03/31/2018

S180002319: Liver
SOURCE: Liver

CONDITION: Postmortem
OBTAINED: 16-jan-2018

S180002320: 20.0 ml Urine
SOURCE:

CONDITION: Postmortem
OBTAINED: 16-jan-2018

Benzodiazepines -----	None Detected	LCMS	03/31/2018
Caffeine -----	Present		03/31/2018
Cocaine metabolite -----	None Detected	LCMS	03/31/2018
Gabapentin/Pregabalin -----	None Detected	LCMS	03/31/2018
Nicotine -----	Present		03/31/2018

Opiates/Opioids -----	None Detected LCMS	03/31/2018
Organic Acids/Neutrals -----	None Detected	03/31/2018
Other Organic Bases -----	None Detected	03/31/2018

Accredited by the American Board of Forensic Toxicology, Inc.

041818 08:04

* * * E N D O F R E P O R T * * *

B201800094