



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

November 5, 2019

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

Re: Delano Williams Death Investigation

Dear Chief Putney:

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the shooting death of Delano Williams on August 2, 2019. The case was investigated under complaint numbers 2019-0802-0328-00 and 2019-0802-0012-00. The purpose of this review was to examine whether the conduct of CMPD Officer John Juhasz was unlawful when he shot and killed the decedent.

A review of the evidence in this matter reveals CMPD officers responded to a domestic violence call for service. It was determined that the domestic violence incident originated at 3127 Ernest Russell Court, the residence of the decedent and Keri Williams¹, and moved next door to 3123 Ernest Russell Court, the residence of Mrs. Williams' sister, R.D. The evidence establishes that, following an argument, the decedent pointed a gun at Mrs. Williams and drug her to her sister's house next door, where he fired a shot into the floor and forced Mrs. Williams and R.D. to sit on the couch. Two of Mrs. Williams' children and one of R.D.'s children ran from 3123 Ernest Russell Court and called 9-1-1. Multiple officers responded to the area. Officer John Juhasz, armed with a patrol rifle, took up a position behind the fence in the backyard of 3123 Ernest Russell Court where he had a view into the house through the rear sliding glass door. Meanwhile, inside of 3123 Ernest Russell Court, the decedent shot R.D. through the left knee, also penetrating her right thigh. After this shooting, Mrs. Williams and R.D. physically engaged the decedent in an attempt to wrestle the gun away from him. During this altercation, R.D. was

¹ It is the practice of this office not to name civilian witnesses who do not identify themselves publicly in media interviews or otherwise as it could have a chilling effect on witness cooperation in other cases. Keri Williams has identified herself publicly in relation to this incident in an article published by the Charlotte Observer on August 15, 2019.

able to escape and exited the residence through the front door, where she encountered officers and informed them that the decedent was going to kill her sister. Shortly after R.D. escaped, Officer Juhasz observed the decedent raise his gun in the direction of the corner where Mrs. Williams was sitting. Officer Juhasz fired his patrol rifle once through the [sliding glass door](#), hitting the decedent, who fell to the floor. The decedent continued to move, still attempting to raise his gun, and Officer Juhasz fired two more times. Mrs. Williams then retrieved [the gun](#) from the decedent, threw it into the backyard, and exited the residence through the shattered sliding glass door. Other responding officers then made entry into the house, detained the decedent, and began providing first aid. [Three spent shell casings](#) were located where Officer Juhasz fired his weapon.

As you know, this letter specifically does not address issues relating to tactics, or whether officers followed correct police procedures or CMPD 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 CMPD. Finally, consistent with the District Attorney's Office Officer-Involved Shooting Protocol, this case was presented to the District Attorney's Officer-Involved Shooting Review 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 CMPD 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 or others 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 of himself or others. 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. 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 Delano Williams

Prior call for service

Officers responded to 3127 Ernest Russell Court, the residence of Keri Williams and the decedent, on the evening of August 1, 2019, after Mrs. Williams called to request assistance. Mrs. Williams informed officers that she and the decedent had discussed getting a divorce, and he left the residence with his belongings, but he had returned to the home. Mrs. Williams wanted information on how to have the decedent removed from the home. The responding officers gave Mrs. Williams resources that explained the process of obtaining a restraining order. Mrs. Williams also informed officers that the decedent owned a gun, which had been kept in the attic, but he had recently retrieved when he moved out. Mrs. Williams informed officers she would obtain the restraining order and would stay next door with her sister that night.

Keri Williams

Mrs. Williams was interviewed by detectives at the Law Enforcement Center on August 2, 2019. Mrs. Williams informed officers that she lives next door to her twin sister, R.D., who lives at 3123 Ernest Russell Court. Mrs. Williams stated she and the decedent have experienced marital issues for the past three years and she informed him she wanted a divorce. She had requested the decedent to leave the home, but he refused. She told detectives the decedent was very jealous of the relationship she has with her twin sister.

Mrs. Williams recalled that, on the morning of August 1, 2019, the decedent told her he would leave the home but that he needed his gun before he would leave and would not leave without it. Mrs. Williams had hidden the gun three years ago after the decedent threatened her and pointed the gun at her. Thinking the decedent would leave, Mrs. Williams had the gun retrieved from the attic, and the gun was given to the decedent without bullets.

Mrs. Williams recounted that she called police earlier on August 1, 2019, when the decedent would not leave the home. Officers responded to the residence and advised her that they could not make the decedent leave and suggested Mrs. Williams seek a restraining order from the magistrate. Mrs. Williams stated that she applied for a restraining order with the magistrate. The order was granted, she said, and it was to be served on August 2, 2019. Mrs. Williams stated that when she returned home after obtaining the restraining order, the decedent had loaded the gun, but she did not know where he had obtained a magazine and ammunition. She stated the decedent became very angry and started waving the gun around. She recalled that

the decedent grabbed her and dragged her next door to her sister's residence. Inside her sister's residence, they continued to argue, and the decedent threatened to shoot her sister. The decedent asked Mrs. Williams to beg him not to shoot her sister. Mrs. Williams stated that the decedent then shot her sister in the leg for no reason. She recounted that, at some point during the encounter, her sister lunged for the gun, and all three of them struggled over the gun. Her sister managed to run out the front of the house while an officer was arriving on the scene. Mrs. Williams stated that once her sister ran out of the house, the decedent was still armed with the handgun. The decedent began to raise the gun in her direction, and she thought she was about to be shot when she heard a gunshot and saw the decedent fall to the floor. Mrs. Williams recalled that while the decedent laid on the floor, still armed with the gun in his hand, he continued to try to raise his arm with the gun in her direction. She was able to grab the gun out of his hand and threw the gun out the back sliding glass door and into the backyard. She then ran out of the rear sliding glass door and into the backyard.

On August 15, 2019, Mrs. Williams authored a Viewpoint piece published in the Charlotte Observer. Because it also contains factual statements regarding her recollection of these events, a copy of that piece is included as an attachment to this report.

R.D. (Sister of Keri Williams)

On August 2, 2019, R.D. was interviewed by detectives at the hospital where she was being treated for a gunshot wound to the left knee. R.D. informed detectives that she is the sister of Keri Williams and resides at 3123 Ernest Russel Court. R.D. informed police that her sister had been trying to peaceably separate from her husband. She stated that the decedent showed up after work on August 1 around 6:30 p.m., and Mrs. Williams told the decedent he had to leave. The decedent stated that he was not going to leave, and Mrs. Williams called the police and spoke to them about her options. R.D. stated that her sister decided to go to the magistrate to get an emergency restraining order because of the way the decedent had been behaving. R.D. believed the decedent had threatened her sister in the past and that her sister had obtained at least two other protective orders.

While Mrs. Williams went to request the restraining order, two of Mrs. Williams' children and R.D.'s own child stayed with R.D. According to R.D., her sister called the decedent to inform him that she had obtained a restraining order in hopes that the decedent would leave the house without further police involvement. R.D. recalled that the plan was for her sister to spend the night at R.D.'s residence, but she needed to return to her house to get some things first. R.D. stated that Mrs. Williams took her 16-year-old son, A.W., with her to the house. When Mrs. Williams and her son left for their home, R.D. went upstairs to her bedroom in her own home. While there, she heard screaming and returned downstairs and opened the door to find A.W. running toward her residence and telling her to call 9-1-1. R.D. stated she saw the decedent dragging her sister toward her, and he fired a shot while in the front yard. R.D. told the three children to leave the house and to call 9-1-1. R.D. said she started to call 9-1-1 herself, but the decedent made her put the phone down and told her if she called the police, "we're going to die."

R.D. recounted that once in the house, the decedent fired the gun again to scare them and then waived her and her sister over to the corner of the living room where they and the decedent sat on opposing couches that the children had pushed close together. The decedent was directly in front of her and her sister, and the two couches were so close together that their knees were

touching. R.D. stated that the decedent kept calling her “wicked,” told them he was going to kill them and then himself, and that “we’re all going to die here and the police won’t even know what happened.” R.D. stated that during this time, her sister called her youngest son because he had a close relationship with the decedent. Mrs. Williams’ son begged the decedent for their lives, but the decedent made her hang up. R.D. recalled that the decedent told her sister to “beg me for your lives” and her sister got down on her knees and begged. The decedent told Mrs. Williams that she was taking his kids away from him, so he was going to take away what was most important to her, her sister. R.D. stated that the decedent shot her in the leg while trying to make her confess to ruining his marriage.

R.D. informed police she received active shooter training through her employer and believed she would die if she did not fight back, so once the decedent had temporarily lowered the gun and was not looking at her, she reached out, grabbed the gun and put pressure on his hand. R.D. stated that she screamed to her sister to help her, and they both jumped on the decedent. During this struggle, R.D. broke free and her sister told her to run. R.D. ran out the front door of the residence with her hands up, screaming for help and encountering police. R.D. recalled that she told police the decedent was going to kill her sister and they “had to go now or she’s dead.” R.D. then heard what she believed to be two shots.

Officer John Juhasz

Officer Juhasz was interviewed by detectives at the Law Enforcement Center on August 6, 2019. Officer Juhasz stated that he has been employed with CMPD since February 21, 2017, and he was previously employed by NYPD.² Officer Juhasz’s main weapon was a Smith & Wesson M&P 40, and his secondary weapon was a Smith & Wesson M&P 15 rifle with a scope.³

On the night of this incident, Officer Juhasz was partnered with Officer Schwob, both of whom are patrol rifle officers.⁴ Officer Juhasz stated he responded to a domestic violence call for service at 3123 Ernest Russell Court. Officer Juhasz recalled that the call for service was from a female who said her father was pointing a gun at her aunt. While in route, he was notified that the 9-1-1 operator heard a gunshot in the background.⁵ Additionally, Officer Juhasz was aware that officers had been dispatched to an address on Ernest Russell Court earlier that night for a domestic violence-related call. After arriving on scene, Officer Juhasz recalled, he was approached by a young, teenage male who stated that his father had approached his mother as she returned from obtaining a protective order, pointed a gun at them, and ordered the kids out of the house. Officer Juhasz recalled the teenager telling him that he heard his father order his mother and her sister to sit down in the kitchen. The teenager also told Officer Juhasz he saw his father fire the gun at the ground.⁶

Officer Juhasz said he spoke with Officer Potter, who is also a patrol rifle officer. Officer Potter informed Officer Juhasz that he would cover the front of the house and asked Officer Juhasz to cover the rear of the house.⁷ Officer Juhasz recounted that he took up a position at the

² Juhasz Transcript, p.5.

³ Juhasz Transcript p.8.

⁴ Juhasz Transcript p.11.

⁵ Juhasz Transcript p.11.

⁶ Juhasz Transcript p.12

⁷ Juhasz Transcript p.12.

back fence of the house. He reported that the interior lights were on in the residence and that he had a clear view into the kitchen through the sliding glass door.⁸ Officer Juhasz recalled hearing a woman screaming inside the residence. He relayed this information over the radio. He then saw a male holding a black handgun come from the right corner of the kitchen across Officer Juhasz's field of view through the sliding glass door. Officer Juhasz reported that he provided a description of the male over the radio, but before he could say anything about the male holding a gun, he saw a female run from the same corner of the kitchen and across Officer Juhasz's field of view. She appeared to go toward the front of the house.⁹ Officer Juhasz recalled that the decedent did not make any motion to stop her.¹⁰ Officer Juhasz stated that he notified other officers over the radio that the female was coming out of the front of the house. Officer Juhasz reported that he heard Sgt. Ottelin state over the radio that the female that came out of the residence with a gunshot wound to her leg, and he also heard Sgt. Ottelin request an ambulance.¹¹ Officer Juhasz told detectives that the decedent started to pace back and forth a bit, headed in the direction that the female had run, and then returned back into his field of view.¹² The decedent still had the gun in his hand.¹³ Officer Juhasz stated that the decedent moved to within a few feet of the corner from which the female had run and was looking down at the corner.¹⁴ Officer Juhasz informed detectives that although he could not see into that corner, it was clear the events were occurring there because the first female had run from that location and the decedent focused his attention back on that corner after the first female ran away.¹⁵

Officer Juhasz estimated he was positioned approximately 50 feet from the decedent.¹⁶ Officer Juhasz told detectives that, at the time he fired the first shot, the decedent was facing the corner and the decedent's hands were down at first, but he saw the gun start to rise up.¹⁷ The decedent was holding the gun with a standard pistol grip and was starting to raise the gun to take a shooting stance, Officer Juhasz said.¹⁸ Officer Juhasz stated he was concerned for the remaining female's safety and believed he had to take the shot when he did because he did not know exactly how the female was positioned and did not know how far the decedent needed to raise his gun to shoot her. When the decedent started to raise his gun, Officer Juhasz fired his weapon.¹⁹

Officer Juhasz stated that he fired the first shot at the decedent's center mass and then assessed the situation. After a moment, the decedent fell to the ground. While on the ground, the decedent was still in possession of the gun and was still moving.²⁰ Officer Juhasz described the movement as if the decedent were trying to get up.²¹ At this point, Officer Juhasz stated, he had a

⁸ Juhasz Transcript p.13.

⁹ Juhasz Transcript p.13.

¹⁰ Juhasz Transcript p.21.

¹¹ Juhasz Transcript p.13.

¹² Juhasz Transcript pp.13-14.

¹³ Juhasz Transcript p.14.

¹⁴ Juhasz Transcript p.14.

¹⁵ Juhasz Transcript p.20.

¹⁶ Juhasz Transcript p.18.

¹⁷ Juhasz Transcript p.24.

¹⁸ Juhasz Transcript p.25.

¹⁹ Juhasz Transcript p.24.

²⁰ Juhasz Transcript p.14.

²¹ Juhasz Transcript p.28.

clear shot at the decedent's legs, so he took two additional shots at which point the decedent stopped moving, and Officer Juhasz believed the threat was over.²² He estimated one and a half seconds passed between his first and second shots. The second and third shots were immediate. He did not fire again after the third shot.²³

Officer Juhasz stated it was apparent to him that the decedent was escalating his violence quickly, and he feared for the safety of the female still inside the residence. Officer Juhasz stated that he believed the decedent posed an imminent deadly threat to the remaining female inside the home based on the initial call for service in which a female stated her father was pointing a gun at everyone, the information from the son who stated that his father fired the gun at the ground and had ordered the two females into the kitchen against their will, and the information from Sgt. Ottelin that there was a female who had already been shot.²⁴

Officer Juhasz reported that after the third shot, the remaining female ran over to the decedent. She ran from the same corner whence the first female had escaped, bent down, and threw a gun through the sliding glass door while stating, "This is his gun."²⁵ The female then ran to the backyard of the house next door and collapsed from what appeared to be exhaustion or relief.²⁶ Other officers secured the house and began providing first aid to the decedent.²⁷

Officer Juhasz stated that he viewed a portion of his body-worn camera footage immediately after the incident, but the only thing that was visible on the footage during the relevant timeframe was the fence.²⁸

A round count conducted on the Smith & Wesson M&P 15 rifle used by Officer Juhasz revealed one full magazine, 30 rounds and one magazine containing 27 rounds, which corresponds with the three spent rifle casings collected at the scene.

A.W. (Son of the decedent and Keri Williams)

A.W. was interviewed by detectives at the Law Enforcement Center on August 2, 2019. A.W. advised detectives that his mother and father had been arguing for past few days, that his mother wanted a divorce and his father was going to leave the home. A.W. recalled that around 2 a.m. the night before the shooting, the decedent woke him up and made him go get the decedent's gun safe from the attic above the garage. A.W. described the gun as a black pistol. On the morning of August 1, the decedent said he was leaving, and A.W. recalled that his mother and father were still arguing. His mother called police, saying she wanted to get a restraining order against his father. A.W. stated that his father then left the residence. Late that evening, A.W. said, he was in the garage helping his mother pack a few things so she could sleep next door at his aunt's (R.D.) house. While they were packing, his father came into the garage and pulled out a gun. A.W. said he stepped in front of his father and tried to calm him down. A.W. recounted that his father put the gun in his face, told him to move and then pointed the gun at his

²² Juhasz Transcript p.14.

²³ Juhasz Transcript p.29.

²⁴ Juhasz Transcript p.14.

²⁵ Juhasz Transcript pp.14-15.

²⁶ Juhasz Transcript p.15.

²⁷ Juhasz Transcript p.15.

²⁸ Juhasz Transcript p.31.

mom. A.W. stated that he ran next door to his aunt's house, and his father had his mother by the arm walking behind him. A.W. recalled that the decedent entered R.D's house with his mother. The decedent and his mother were standing near the dining room, and his dad was pointing the gun at his mother. A.W. stated that he and his siblings ran out of the back door of the residence. A.W. recalled that as he was running out of the house, he looked back and saw his father fire a shot into the floor. A.W. and his siblings jumped the fence in the backyard, called 9-1-1 and knocked on neighbors' doors for help.

M.W. (Daughter of the decedent and Keri Williams)

M.W. was interviewed by detectives at the Law Enforcement Center on August 2, 2019. M.W. stated that her parents had been in an ongoing domestic dispute for a long time. Her mother had wanted a divorce, and her father refused to leave. M.W. recounted that around 1 p.m. on August 1, 2019, she was running an errand when her mother called and told her not to return to the house. M.W. stated that her mother told her to go next door to her aunt's house and stay there. M.W. went to her aunt's house with her brother, A.W., and her cousin, J.D. When she noticed her mother outside their garage, M.W. walked out to ask her mother what was for dinner, and her mother told her to go back inside. At that point, M.W. saw her father pointing a gun at her mother. M.W. recalled that she ran out of the back of the house into the backyard with her brother and J.D. She stated that she called 9-1-1 from her cellphone. M.W. observed her father holding onto her mother and pulling her into her aunt's house. She heard a gunshot while she was in the backyard. M.W. stated that they went to a neighbor's house to get more help.

J.D. (Nephew of the decedent and son of R.D)

J.D. was interviewed at the Law Enforcement Center on August 2, 2019. J.D. told detectives that his aunt and uncle had domestic issues and a pending divorce, but he did not know the specific details of their problems. J.D. informed detectives he was inside his home when he noticed his cousin A.W. running and yelling for someone to call 9-1-1. J.D. then saw his uncle, the decedent, coming toward the house with a gun pointed at his aunt, Keri Williams. J.D. stated he was scared and ran out of the back of the house with his cousins, A.W. and M.W. He recalled that he jumped the fence, paused and heard a gunshot from inside his house. J.D. recounted that his cousins had continued running, so he got up and caught up with them. J.D. stated that he heard either his aunt or his mom screaming, "Help, help!" A short time later, after police arrived on scene, he heard four or five more shots.

Other responding patrol officers

While several other officers responded to the scene, no other officers were in a position to witness the events inside the house or to see Officer Juhasz fire his weapon. Several officers confirmed that a female with a gunshot wound ran out of the house and approached Sgt. Ottelin. Sgt. Ottelin confirmed that the injured female who approached him yelled "Please go help my sister, he's going to kill her if he hasn't already." Shortly thereafter, the officers heard gunshots coming from the back of the residence. They also confirmed that, quickly after those shots, Officer Juhasz reported over the radio that the subject was down. Several officers recounted that after the shots, they made entry into the residence through the front door, located the subject and began administering first aid.

E. Additional physical evidence

Investigators located a projectile impact mark on the floor of 3123 Earnest Russell Court, corroborating the witnesses' statements that the decedent fired a round into the floor once inside the home. Investigators also located two spent shell casings inside the home corresponding to the shot into the floor and the shot to R.D.'s knee.

F. Video evidence

Footage was obtained from Officer Juhasz's body-worn camera that shows his interaction with the decedent's son shortly after arriving on scene. The video shows A.W. telling Officer Juhasz that his mother had just returned from getting a restraining order. A.W. informed Officer Juhasz that the decedent came into the garage with his hand behind his back, and A.W. thought he had a gun. A.W. told Officer Juhasz that the decedent pointed the gun at him, then his mother, and A.W. ran next door. A.W. stated that the decedent took his mother next door and A.W. ran out the back door and called 9-1-1. A.W. told Officer Juhasz that the decedent shot the gun at the floor. He informed Officer Juhasz that he believed his father, his mother and his aunt were all in the house and that his father had both of them sitting at the table. After Officer Juhasz took the position at the fence, the fence blocks the camera, but it captured the audio of the shots, which reveals approximately three seconds passed between the Officer Juhasz's first and second shots, followed by an immediate third shot. Although she cannot be seen, Mrs. Williams can be heard saying "That's his gun" as she was tossing the decedent's weapon into the backyard.

Various body-worn camera recordings also capture R.D. exiting the home and telling Sgt. Ottelin, "He's probably already shot my sister, he's going to kill her, he probably already has. He shot me in my leg."

F. Autopsy report

The Mecklenburg County Medical Examiner's Office performed an autopsy on Delano Williams on August 2, 2019. According to the autopsy report, the decedent suffered two gunshot wounds: one to the posterior right chest and one to the right buttock. The toxicology report showed only the presence of caffeine and an antidepressant, paroxetine.

A copy of the Medical Examiner's report is attached as an exhibit to this report.

G. Conclusion

It is undisputed that Officer Juhasz fired his weapon three times, striking the decedent twice. Therefore, the central issue in this review is whether or not Officer Juhasz was justified under North Carolina law in using deadly force in the protection of another. A police officer – or any other person – is justified in using deadly force if he in fact believed that he or another person was in imminent danger of great bodily harm or death from the actions of the person who was shot and if his belief was reasonable. The statements of the civilian witnesses, physical

evidence, and body-worn camera footage corroborate Officer Juhasz's account of the events. The armed decedent held two women against their will and fired a gun at least twice, with one shot striking R.D. After R.D. escaped the home, the decedent raised the gun in the direction of Mrs. Williams, and Officer Juhasz fired three times, killing the decedent, likely saving the life of Mrs. Williams. Given the overwhelming evidence that Officer Juhasz was reasonable in his belief that Mrs. Williams was facing an imminent threat of great bodily harm or death, I have concluded Officer Juhasz was legally justified in firing his weapon in Mrs. Williams' defense. Consequently, I will not be seeking charges related to the death of Delano Williams.

If you have any questions, please contact me directly.

Sincerely,

A handwritten signature in black ink that reads "Spencer B. Merriweather III". The signature is written in a cursive, flowing style.

Spencer B. Merriweather III
District Attorney

Exhibits:

The sliding glass door through which Officer Juhasz fired.
Also pictured is the final location of the decedent's gun.

[Return](#)



The gun possessed by the decedent and tossed into the backyard by Mrs. Williams.

[Return](#)



Three spent shell casings were located where Officer Juhasz fired his weapon.

[Return](#)



Exhibit 1



VIEWPOINT

In a split-second, a CMPD officer shot my husband and saved my life

BY KERI WILLIAMS

AUGUST 15, 2019 12:43 PM



**BREAKING
NEWS**

A Charlotte police officer responds to a domestic disturbance call and then shoots and kills a man in his home.

BY WBTV

Officer Wende Kerl, who shot and killed Danquirs Franklin on March 25th in a Burger King in West Charlotte, will not be charged. I believe that's good news for us all.

Two weeks ago, on August 2nd, my husband of 17 years was shot and killed by a CMPD officer. My husband had been holding my sister and me at gunpoint in the corner of a room where we could

not be seen from the windows. He made us beg for our lives, said he was going to kill us, and shot my sister through her legs.

My husband was a muscular, ex-soldier – clearly suffering a delusional and manic mental break – and there was no real chance we could take the gun and turn it on him. But we had to try. We fought back and wrestled with him for the gun. This enabled my sister to break free and run for help.

As a result, my husband stood and walked out into an open area of the room to see where she'd gone. A couple yards away from me, he turned and raised his gun. I had no doubt he was about to make good on his threat to shoot me. I had nowhere to run and no way to protect myself. That's when the sliding glass door behind my husband shattered and he fell to the floor. It took several moments for me to realize he'd been shot by police.

I have yet to meet the brave man, CMPD officer John Juhasz, who saved my life. But I think of him often. It took incredible skill and courage to pull the trigger. Had he delayed, even one or two seconds, my husband would have pulled his gun's trigger first.

As I read the news about Officer Kerl's case, this is the question that haunts me: What if Officer Juhasz had not trusted his instincts and second guessed himself? What if he'd hesitated because he thought of Officer Kerl's investigation and considered the enormous personal risk he was taking? By taking that shot he risked public scorn, his career, his retirement, his family, and even criminal charges.

The whole sequence of events – from my husband standing, pacing across the room and turning around, to him aiming the gun – took only a few seconds. My life depended on Officer Juhasz's skill, instincts, and courage. Had he stopped to think of himself even for two or three seconds, that would have cost me my everything.

This devastating tragedy has changed my life, and my children's lives forever. It will take years – perhaps a lifetime – to fully unravel the situation in my mind. But what I do know is this: When law enforcement responds to a dangerous situation we need them to focus on assessing the threat and responding, not second-guessing their instincts out of fear.

In some cases, with the hindsight of slow-motion video playback, we may interpret the situation differently than the officer did at that crucial moment. Many are saying video footage does not show a lethal threat though Danquirs was armed. Perhaps. But officers are not superhuman. They don't have the ability to do an instant replay or zoom in. They aren't infallible and have to make split second decisions. That doesn't mean they deserve to be vilified and accused of ill-motives.

I for one am willing to give Officer Kerl the benefit of the doubt that she acted in good faith and did her job to the best of her abilities just as I believe Officer Juhasz did.

While the unfortunate death of anyone – including Danquirs and my husband – is a horrible tragedy, we must not always assume the worst of the officers who acted in the situation. By vilifying officers who act in good faith we are promoting a defensive police culture that could easily cost someone their lives. It very well could have cost me mine.

Keri Williams lives with her family in Charlotte, NC. She is a mental health and adoption advocate. She blogs at www.raisingdevon.com or find her on social media @raisingdevon.

COMMENTS ▾



Responders evacuate Florida high school following shooting

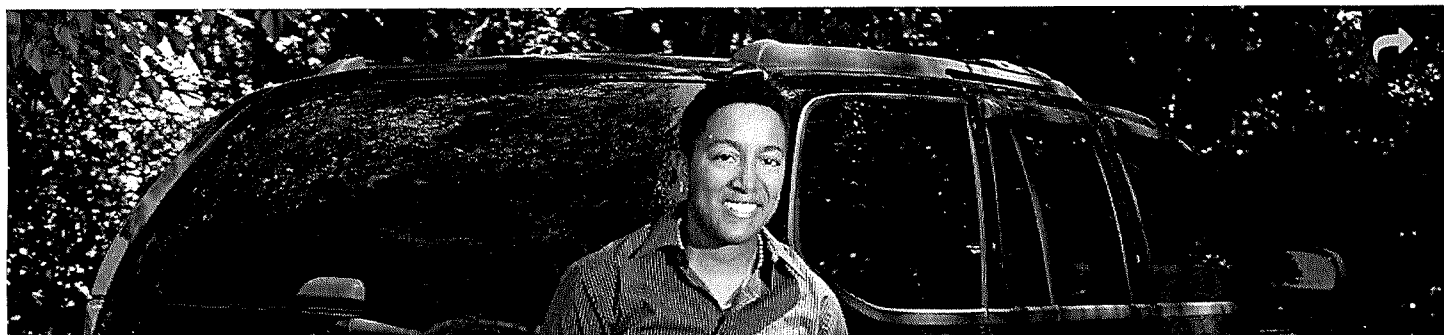



Exhibit 2

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This transcript is being reviewed by Detective P. Barnett #4909 on Thursday, October 3, 2019.

<Background talking>

This is reference case 20190802001200, room in 2006 Law Enforcement Center, with Detective Pearson, Sergeant McSwain, Officer John Juhasz and Attorney Mike Greene.

PEARSON: Okay so Officer Juhasz.

Officer Juhasz: Yes.

PEARSON: Okay, just need to read something to you real quick.

Officer Juhasz: Okay.


PEARSON: And then we're gonna go over a couple things.

Officer Juhasz: Yep.

PEARSON: Okay.

PEARSON: Alright, so, I am Detective Pearson, and assisting me with the interview is Sergeant McSwain. Today's date is 08/06/19 the time

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is 13:12 hours. Interview is being conducted at the LEC in room number 2006. Due to the involvement of an Officer Involved Shooting Sergeant McSwain and I would like to speak to you about your involvement in the case. This time I'd like to also note that per your request your Attorney Mike Greene is present with you. As part of an investigation our interviews are recorded and I want to ensure that you know that this interview is being recorded. Are you okay with proceeding, are you okay proceeding with the interview knowing that it is being recorded?

Officer Juhasz: Yes.

PEARSON: This is a voluntary interview and you are free to leave at any time; do you understand this?


Officer Juhasz: Yes.

PEARSON: You are not under arrest. Do you understand this?

Officer Juhasz: Yes.

PEARSON: I also want to inform you that there are two parallel investigations occurring right now. The first investigation is a criminal investigation which is what we the homicide unit are conducting. You do not have to speak to us, but we would like to speak with you to gain your perspective and to assist us with our investigation. The second investigation is the internal administrative investigation, which is being investigated by internal

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affairs. They'll speak with you about their investigation, do you understand this?

Officer Juhasz: Yes.

PEARSON: The criminal investigation being lead by the Homicide unit including this interview will be shared with internal affairs as they conduct their separate but parallel investigation. However, that it is important to note that information that is obtained by internal affairs during their separate but parallel investigation cannot be shared with the criminal investigators in the Homicide unit. Do you understand this?

Officer Juhasz: Yes.

PEARSON: With that said are you willing to speak to us at this time?


Officer Juhasz: Yes.

PEARSON: Okay, okay on the night of the incident you did um, a round count with Sergeant Dunn, and Officer, or Detective Echols?

Officer Juhasz: Yes.

PEARSON: Correct, okay some information that wasn't handed down to me, so I am just gonna go over that. To the best of your knowledge if you can answer them for me?

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Officer Juhasz: Okay.

PEARSON: Okay, so that was on 8/2/2019.

Officer Juhasz: Yes.

PEARSON: They put down 3:43 in the morning.

Officer Juhasz: Sounds about right.

PEARSON: Okay, and it was in room 2005.

Officer Juhasz: Okay.

PEARSON: Okay. Uh, in there was Sergeant Dunn, Detective Echols, and CSS was in there with them?

Officer Juhasz: Yes.

PEARSON: Okay, um, incident address 3123 Ernest Russel Court?


Officer Juhasz: Yes.

PEARSON: Okay, and you are Officer John Juhasz.

PEARSON: Uh, 5708.

Officer Juhasz: Yep.

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PEARSON: Okay. When were you hired?

Officer Juhasz: Uh, February 21st, of 2017.

PEARSON: Okay, did you have any prior Law Enforcement or military?

Officer Juhasz: Yes, Law Enforcement.

PEARSON: Where?

Officer Juhasz: Uh, NYPD.

PEARSON: Okay, what is your current division?

Officer Juhasz: University.

PEARSON: Okay, what shift are you on?

Officer Juhasz: Third shift.


PEARSON: What are your hours?

Officer Juhasz: Uh, 1945 to 0600.

PEARSON: Uh, Call sign?

Officer Juhasz: Typically, uh it's 14-13083

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SGT. MCSWAIN: That night what was it?

Officer Juhasz: 6183.

PEARSON: Okay,

Officer Juhasz: Zero.

PEARSON: Uh, talk group is?

Officer Juhasz: University.

PEARSON: Who's your supervisor on that day?

Officer Juhasz: Sergeant Ottelin. <spells ttelin>

PEARSON: Thank you.

Officer Juhasz: Yeah.


PEARSON: Okay, uh, what uniform were you wearing that night?

Officer Juhasz: Uh, B.

PEARSON: And what is your height and weight?

Officer Juhasz: 6'2, about 215

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PEARSON: And if you can recall the amount of sleep you had the night or day before?

Officer Juhasz: About 7 hours.

PEARSON: Did you work Off Duty prior to your shift?

Officer Juhasz: No.

PEARSON: Do you remember what vehicle you were driving?

Officer Juhasz: PDA 441 Marked.

PEARSON: Is there a DMVR in that?

Officer Juhasz: No.

PEARSON: Were you the driver?


Officer Juhasz: No, passenger.

PEARSON: Okay, who was driving?

Officer Juhasz: Uh, Officer B. Schwob. <spells Schwob>

PEARSON: Okay, okay, this information is gonna make sure to your knowledge it's correct?

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Officer Juhasz: Okay.

PEARSON: Your duty weapon Smith and Wesson M&P40?

Officer Juhasz: Yes.

PEARSON: Um, serial number HSB8453?

Officer Juhasz: Yes.

PEARSON: Does that sound, right?

Officer Juhasz: Yes.

PEARSON: Okay, uh magazine we collected were three?

Officer Juhasz: Yes.

PEARSON: Uh, ammunition count it was 46 total?


Officer Juhasz: Correct.

PEARSON: Um, secondary issued weapon would be the Smith and Wesson M&P 15 Rifle?

Officer Juhasz: Yes.

PEARSON: It has a scope on it?

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Officer Juhasz: The uh, yes.

PEARSON: Okay.

Officer Juhasz: Red dot sight.

PEARSON: Okay, um the serial number was Tom, Edward 46527?

Officer Juhasz: I don't remember the serial number but.

PEARSON: That's fine, how many magazines were there?

Officer Juhasz: Uh, two.

PEARSON: Okay, total count of 57?

Officer Juhasz: Yes.

PEARSON: Okay, um on that count there, there was thirty and then twenty-seven?


Officer Juhasz: Correct.

PEARSON: There was not one chambered in the rifle?

Officer Juhasz: Right, I took it out, and put it back in to make it patrol ready.

PEARSON: Okay, and you did that out?

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Officer Juhasz: After the scene I went back and before I put it in the Sergeant's car, however I secured it, I just took it out of the chamber.

PEARSON: Okay, okay, and uh you carry a backup weapon?

Officer Juhasz: Yes.

PEARSON: And what is it?

Officer Juhasz: Zig 239.

PEARSON: Okay. 9mm?

Officer Juhasz: Yes.

PEARSON: Do you know the serial number on it?

Officer Juhasz: SVU 012750


PEARSON: Okay, how many magazines?

Officer Juhasz: Uh, I had two.

PEARSON: And 17 round count?

Officer Juhasz: Yes.

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PEARSON: Okay, okay and Mike you were there during the round count correct?

Greene: Uh, I was there, at the LEC for the round count, we did not do a count for the rifle.


PEARSON: The rifle was done on scene.

Greene: Right, correct.

PEARSON: Okay, okay and Sergeant Dunn took notes, so I'll get those. Okay, okay so tell us what happened.


Officer Juhasz: Okay. Uh, on August 1st, um, on August 1st of this year, um, at approximately 7:45 p.m. I was in full class B uniform, at the University team office for roll call. Um, I was assigned a marked vehicle PDA 441, uh I was partnered with Officer Schwob. Uh, both of us Patrol Rifle Officers, and he checked out the rifle that night. Uh, secured it in the vehicle in the mount, and we signed in as unit 1461830. Uh, just a direct patrol unit addressing the various conditions in the division. Uh, a little after midnight on August 2nd there was a domestic violence call for service. Uh, at 3123 Ernest Russel. Uh, call for service stating that a female caller said that her father was pointing a gun at her aunt. Uh, Officer Schwob and myself then activated our blue lights and sirens and headed towards the incident location. While en route we're also notified that the 911 dispatcher also heard, or a call taker heard that a round was fired, a gunshot was fired, uh in the background. Um, I did know that earlier that night we were, someone else was

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dispatched to Ernest Russel. Uh, I am not sure of the exact address. But uh, there was also another domestic violence call earlier that night on that street. Um with that in mind we headed to the location and as we arrived. Body cameras still activated and recording, um I started to deploy the patrol rifle and as I was doing such I was approached by a young teenage male who stated that he was inside the home and that his father, the suspect, uh, had approached the mother as she had returned from obtaining the protection order um, he had his hand behind his back and which ended up having the handgun in his hand as well. He started pointing it at everyone. Uh, ordered the kids out of the house. Uh, came to, come to find there are three kids um in the home when the initial incident started. Um, he then, the son also uh, heard his dad order his mom, and her sister to sit down in the kitchen. Um, and then he said his dad fired one round at the ground. I just confirmed with him that he did in fact see the gunshot occur and it wasn't some other noise and he said no he did see the shot being fired in the ground. At that point all the kids ran off. Um, that information in mind I met uh, Officer Potter who was across the street from the incident location. Who's also a Patrol Rifle Officer, um, as I started to approach him, he did dispatched over that both him and myself were patrol rifle deployed. Um, I spoke with him he said he had the front of the house, the alfa side covered, and he asked me to take up position at the Charlie Delta corner of the home. So, I went up the side street right there, cause our incident location is only two houses in from the corner. So, I walked up the side street, took up a position near the Charlie Delta corner. Um, at the back of the house there, there is a fence that separates the home from the rest of the neighborhood. Um, I took up a position

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near the corner of an adjacent home. Immediately adjacent to the fence. Uh, I made sure I was also um, in a position where I wasn't being back lit by any of the um, street lights, or the house lights. Um, that would give my position away, but also make myself an easy target for the suspect. Um, once I got a secure position, I viewed the back side of the home. Um, the interior lights were on, uh, looks like the whole kitchen area runs the entire width of the home. There was a sliding glass door, that uh, is about 5 feet wide, 6 and a half feet tall or so, no curtains or blinds were drawn so I had a clear view into the kitchen. And there was a round, about waist high wooden table, kitchen table that was there as well. Um, I then started hearing a woman screaming from inside. Still didn't see anything at this point. Um, I re-laid that information over to, uh over the air, over the radio, and then as I did such I saw the male suspect come from, from my point of view, from the right corner of the kitchen inside. Uh and came across my field of view, um through the sliding glass doors. Uh, I gave his description over the air, as the red tank top, and silver basketball shorts. And then I noticed a black handgun in his hand, and just as I noticed the handgun before I could say anything over the air about that, I saw a female run from that same corner um, that he just came from in that kitchen across my field of view, in what appeared to go out towards the front of the house. So, I radioed over the air, to notify the Officers out front that a female was coming out front. Uh, almost immediately thereafter I heard Sergeant Ottelin go over the air that the female that had come out had a gunshot wound to her leg and he requested an ambulance for her as well. Um, at this point the suspect then started to pace back and forth a bit, and he headed towards the direction to where the first female headed

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towards and then came back in my field of view, um, in-between him and the sliding glass door was that table that I had mentioned. Um, and he still had the gun in his hand. Um, at this point, um, I moved up to the fence. Um, I positioned my rifle on top of the fence for additional support, and um, I was able to access that this male um, posed an imminent deadly threat to the remaining female that was inside the home. Uh, at this point had information from the initial call for service that the female stated her father had a gun and started pointing it at everyone, then coupled with the information from the son uh, when I arrived on scene, stating that he then um, fired, did fire one round at the ground and that he actually against their will ordered the two females to the kitchen. So, I knew he had uh, kidnapping charge, and that he was holding them against their will. Um, and then with the addition information that I heard the screaming and then also from Sergeant Ottelin said that um, there was a female that was had a gunshot wound. So, it was apparent at the time that um, he was escalating his uh, violence rather quickly from the initial call for service till the present time. Um, at this point I feared for the safety of the female that was still inside, because at this point he had the gun, he was only a few feet from the corner and you could tell he was looking down at that corner. Um, and at this point I um, took my rifle I aimed, um, center mass for the exposed portion of the subject that I could see. Um, I took three, uh three shots with my rifle in order to stop the threat. Um, he then fell down to the ground, and I was able to access that the threat was then stopped. Um the remaining female, then ran from that same corner the first female ran from. Uh, ran over bent down by the suspect then ran out towards the uh, sliding glass door. At that point um, she threw the gun out into the backyard

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and stated this is his gun, and then she eventually then ran out that back door, and the next house to the left, the very corner house there is no fence separating the two houses so she ran to, um behind that house, and she just collapsed on the grass, from what appears to be pure exhaustion and relief. Um, Officers Connors I believe was the first one out of the house, and he went and tended to the um, other female makes sure she is okay. Um, the rest of the Officers secured the house and the suspect. And then um, they were uh, starting to apply um, first aid and tourniquets to him, um, until EMS was able to arrive. Um, at this point it was clear that the scene was secured and then um, I safety my weapon, and I left the, my post to head back towards the front of the house. Um, while I was doing this uh, Sergeant Ottelin stated over the air, that we were now in investigative mode. Indicating deactivate our recording of our body worn cameras. Uh, and I did such and then I secured my rifle.


PEARSON: Okay. Just a couple of follow up questions okay?

Officer Juhasz: Sure.

PEARSON: Uh, first is why did you deploy your rifle?

Officer Juhasz: Um, based on the information that we had, um the initial call for service, that he was pointing the weapon at people. Um, he had already had fired one round inside the house. Um, and um in a situation like this it is customary for us to surround the home. Um, and the rifle gives us um, a unique advantage in that we can um if need be to engage a suspect we can do so from a distance,

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keeping ourselves at better risk. And providing additional accuracy and preventing any um unnecessary injuries.

PEARSON: Okay.

SGT. MCSWAIN: I have further follow up to that. Um, earlier you indicated that Schwob checked out the rifle?

Officer Juhasz: Correct.

SGT. MCSWAIN: Um, are the rifles interchangeable between uh, patrol rifle Officers?

Officer Juhasz: Yes.

SGT. MCSWAIN: Okay, so uh, even though ya'll are riding together it's okay for another Officer to check it out and you're still allowed to use it?


Officer Juhasz: Yes.

SGT. MCSWAIN: Okay. Alright, have ya'll ever done that before?

Officer Juhasz: Uh, yes, I've never um, had to use it in a situation like that but it's been in the car and it's been plenty of times where one of us will sign it out.

SGT. MCSWAIN: Okay, alright, uh when was the last time you qualified on it?

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Officer Juhasz: Um, I requalified earlier this year I just can't remember the exact date.

SGT. MCSWAIN: Okay, so you're up to date on your qualification?

Officer Juhasz: Yes.

SGT. MCSWAIN: Okay, cool. Um, alright yeah that just struck me as odd. You said that he checked it out but then come a little later on you deployed it.

Officer Juhasz: Right.

SGT. MCSWAIN: Okay, alright. I hadn't heard that before.

Officer Juhasz: Oh, okay,

SGT. MCSWAIN: Yeah, alright go ahead.


<Clears throat>

PEARSON: From the fence line.

Officer Juhasz: Yes.

PEARSON: What was your, your sight picture, what did you see, look into the house scan? What was your back drop, where was the female?

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Officer Juhasz: Um,

PEARSON: In proximity to what you saw?


Officer Juhasz: I would say approximately 50 feet, um it was dark. I didn't have a chance to really pace it out. But best estimate about 50 feet. Um, I had like I said about 5-foot-wide, about 6 and a half feet high, um sliding glass door. So, through both pane, panes of glass, I had a clear view inside the home with the interior lights on. Um, the kitchen was relatively narrow um from the back of the house towards the front. Um, so there was um at the time I took the shot, there was, the suspect was there and there was just the wall behind him and then based on my conversation with the um, teenage son at the time. Was that it was only the suspect and the two females inside the home. So, I knew that with the one female that already exited the home, I had the one female left over and the suspect. So, I knew that um, with the setting of the rifle I was confident in my shot, but then also if there were any unforeseen circumstance behind him was still a wall and then the rest of the empty house.

PEARSON: Okay, did you ever see the other female victim?

Officer Juhasz: Um, I didn't see her until she, after he went down, then she got up and ran out from the corner of the kitchen, is when, the first time I saw her.

PEARSON: Okay.

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Officer Juhasz: But his attention was focused on that corner where the first female ran from again.

PEARSON: Okay, so just trying to picture um, when you say the corner, so your facing this way which direction is the kitchen?

Officer Juhasz: When I'm, like when I am looking at the house head on.

PEARSON: Mmhmm.

Officer Juhasz: Um, it appeared the kitchen kind of went the whole width of the house, um so, from my point of view the right corner uh, closest to the back of the house.

PEARSON: Okay, okay, did uh, did the suspect ever turn and face you, or was he always looking at?


Officer Juhasz: He didn't face me but he did pace back and forth so, he did turn but he didn't know I was there so, it wasn't like a direct facing looking at me, but he did turn in my direct a couple of times.

SGT. MCSWAIN: Let's, let's draw that just to make sure. Um, you put where you're. Actually, you know what let's use that as the fence line.

Officer Juhasz: This is the fence line okay.

SGT. MCSWAIN: Yeah, how about that.

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Officer Juhasz: That's fine.

<writing>

Officer Juhasz: So, this is the sliding glass door right here.

SGT. MCSWAIN: Okay.


Officer Juhasz: Um, I was approximately here by the time I moved up to the fence line.

SGT. MCSWAIN: Okay.

Officer Juhasz: Um, steadied my rifle on the fence. I was about right there so I had a direct line of sight through the sliding glass door. Um, initially like I said I couldn't see anyone through here. Um, there was no one there, I could see through into the kitchen but it was no one there. Um and then uh from this corner over here is where I first saw the suspect emerge from, and then the first female ran from the same corner and out towards the front of the house. Um, and then after the suspect went down the female came from this corner as well. So, you could tell that everything was going on in this corner. cause that's where he came from, that's where the first female came from and then he focuses his attention back again on this corner again.

SGT. MCSWAIN: So, the first female that runs out. Um, when you, when she goes by does she run by the bad guy?

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Officer Juhasz: Uh, she there, like I said there was the kitchen table that was in um, the kitchen there that like waste high table, he was on the far side from us closer to the wall.

SGT. MCSWAIN: Okay.

Officer Juhasz: And she ran close, from what I believe she ran closer to the glass, so she was on the other side of the table.

SGT. MCSWAIN: Okay.

Officer Juhasz: He really didn't make any motions to stop her or anything.

SGT. MCSWAIN: Okay.

Officer Juhasz: He kind of just let her go, um and she ran out, and then made a right kinda to head out towards the front of the house.


SGT. MCSWAIN: When she ran by, could you tell if she was injured?

Officer Juhasz: I couldn't tell she was injured no.

SGT. MCSWAIN: Okay. Uh, so your relying on what you heard on the radio, uh after you believe she left?

Officer Juhasz: Right.

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SGT. MCSWAIN: Okay, um so but as she runs, alright um the, the, the suspect you referred to him as, I know I call him bad guy my bad.

< Laugh>

SGT. MCSWAIN: We'll call him suspect.

Officer Juhasz: That's fine.

SGT. MCSWAIN: The suspect your saying you're looking at him. She runs by.

Officer Juhasz: Mmhmm.

SGT. MCSWAIN: And your saying his attention was focused where?

Officer Juhasz: It was still focused on the corner.


SGT. MCSWAIN: Okay.

Officer Juhasz: Where the other female was, but then he did turn and just kind of slowly walk to the direction of which she did run towards, um and then ran towards that location and then very quickly he just um within a couple seconds he walked back again and stopped again.

SGT. MCSWAIN: Okay.

Officer Juhasz: In my field of view and focusing attention back in that corner again.

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SGT. MCSWAIN: Okay, um, alright so, it's very apparent to you that there's something or someone in that corner that he's.

Officer Juhasz: Yes.

SGT. MCSWAIN: Okay, alright, thank you.

PEARSON: Which gun did he have with him, which hand did he have the gun in?

Officer Juhasz: Um, I can't remember, um like I said he had paced back and forth a couple of times, and between accessing the situation, getting over the radio his description um, and then listening to the calls. The fact that she was injured, I couldn't, I can't remember which direction he was facing as to which hand the gun was in. But I know without a doubt, that I did see that black firearm in his hand.

SGT MCSWAIN: Okay.


Officer Juhasz: Both at the time that I first saw him and at the time that I took the shots.

PEARSON: Okay, the three shots that you took.

Officer Juhasz: Yes.

PEARSON: Can you kind of go through each one.

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Officer Juhasz: Sure. Um, the first shot I took um, at that point the suspect was standing, um like I said about, that table was about waist high um, so from what I had a clear shot of the exposed um the suspect. Um, I aimed the red dot on our scope, on our sight, I aimed that center mass as we're taught. Um, I fired that first shot I accessed the situation, the suspect took a second and then he fell down to the grown. At that point he was laying down, um, still in possession of the hand gun, and he was still moving. I just took two additional shots um, at that point with the table legs and the chair legs and everything that was there, um, I had a clear sight picture for his legs. Um, and then I took the two shots aiming at his legs and then at that point he did stop. And I was confident that um, the threat at that moment was stopped, and then that's when the female got up and ran out.

PEARSON: Okay, on that first shot, what was he doing? What was his position where were his hands, what was?

Officer Juhasz: Um, at that point he was positioned um, somewhat sideways a little bit, uh cause he was facing that corner. Um, and then um his hands were down at first but then I saw the gun start to rise up a little bit and at that point with the knowledge I had, of the previous usage of the firearm that night, um I was concerned for her safety and I knew that I had to take that shot now, and I didn't want to wait any longer for that gun to get on him. Cause I didn't know exactly how she was positioned, so I didn't know how far he needed to get that gun up, so once I started to see that gun move up is when I took the shot.

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SGT. MCSWAIN: Okay, when you say gun, you saw the gun starting to rise up?

Officer Juhasz: Yes.

SGT. MCSWAIN: Okay, um, I know this is gonna sound repetitive, but I don't want, I need you to be specific in what you're seeing.

Officer Juhasz: That's fine. Okay

SGT. MCSWAIN: Um, I mean is he holding it by the barrel, he is holding it by the trigger guard, is he, is he what's he doing?

Officer Juhasz: He had um, I guess you would say a standard pistol grip, and he was holding it by the butt of the gun.

SGT. MCSWAIN: Okay.

Officer Juhasz: Um, in a way that um, you would normally fire the hand gun.


SGT. MCSWAIN: Okay.

Officer Juhasz: Um, and then so he had it held in that manner. Um, and then he had, he had both arms to the side, but then I saw the gun start, as he was starting to raise his hand to take a shooting stance.

SGT. MCSWAIN: Okay, uh so both arms are down?

Officer Juhasz: Initially yes.

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SGT. MCSWAIN: Okay, and you say rise up so, it's coming from a down position up.

Officer Juhasz: Yes, yes.

SGT. MCSWAIN: Okay, um, alright, so I just wanted you to clarify that.

Officer Juhasz: No, that's fine.

SGT. MCSWAIN: Yep, go ahead.

PEARSON: Okay, so first shot puts him on the ground?

Officer Juhasz: Yes.


PEARSON: Okay, then he's laying there, but you said he's still moving?

Officer Juhasz: Yes.

PEARSON: Describe him.

Officer Juhasz: Um, his legs started to move still and you could see that his body started to turn. Um, so at that point the gun was still in his possession um, and I was still concerned that the female, cause I could hear screaming. So, I mean this is a matter of a second or two but um. After I hear that first shot, I could hear screaming so I know that the female is still alive, I know that he's still posing a deadly threat to her. Um, by the fact that he's able to move his

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body, his body, um that I took uh, the additional two shots in order to stop that threat.

PEARSON: Did you see him move the gun at all when he was laying down?

Officer Juhasz: Um with the chair legs and stuff, I couldn't clearly see that, but I did see his entire, like his body, like his torso, um, his legs it seemed that he still had full function of his entire body.

SGT. MCSWAIN: I am sorry I was taking a note.

Officer Juhasz: Mmhmm.

SGT. MCSWAIN: Um, I just want to, you indicated that you, once he fell after the first shot. Correct me if I am wrong, you indicated that you could only see his legs.

Officer Juhasz: That was the clear, as far as a shot goes.


SGT. MCSWAIN: Okay.

Officer Juhasz: That was the only thing that was clear because of all the table legs. So, I could it was still clear. I could still see his whole body

SGT. MCSWAIN: Okay.

Officer Juhasz: But as far as taking the shot that was the clear view that was unobstructed by any sort of legs of the chair, table.

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SGT. MCSWAIN: Okay, so you could see that he had the gun.

Officer Juhasz: Oh yes, yes.

SGT. MCSWAIN: Okay, alright, alright if it was unclear for me it might have been unclear for someone else.

Officer Juhasz: No, that's fine.

SGT. MCSWAIN: So, I am glad we could clear that up. So, you could still see he had the gun?

Officer Juhasz: Yes.

SGT. MCSWAIN: Um, and I missed your question, what was he doing when you took the other two shots?


Officer Juhasz: He was, he was moving his whole body, um almost in a manner as if he was trying to get up. Um, he was moving his legs starting to turn his body a little bit.

SGT. MCSWAIN: And what was he doing with the, his hands?

Officer Juhasz: Um, I couldn't see the exact movement of his hands, but his whole body was starting to shift um,

SGT. MCSWAIN: Okay.

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Officer Juhasz: So, like I said it looked as though he was trying to get ready to support himself back up again.

SGT. MCSWAIN: Okay. Alright.

PEARSON: How long after the first shot were the second and third?

Officer Juhasz: Um, I mean I couldn't tell you exactly, I mean if I had to take my best estimate trying to recount the situation I would say with in a second and a half or so I took the second shot and then the third shot was basically immediately after.

PEARSON: Okay.

<Dead space>

SGT. MCSWAIN: So, you indicated that once you took your, the third shot, your final shot.


Officer Juhasz: Yes.

SGT. MCSWAIN: Um, did you fire any more after that?

Officer Juhasz: No.

SGT. MCSWAIN: Okay, so after you take, took that last shot, when uh, you indicated earlier that the female, a female came out from the corner that he was focused on?

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Officer Juhasz: Right.

SGT. MCSWAIN: Okay, you indicated that she, bent down and?

Officer Juhasz: I couldn't tell what she did at that moment.

SGT. MCSWAIN: Okay.

Officer Juhasz: But she did, um sorry, she screamed again. She started to run past him, so she was on the same side of that table that he was on, and bent over. I don't know if she was checking on him what she did. But it was real quick and then she rounded that table came back to the sliding glass door, and that's when she threw the gun out of the um, out through the back door. And she said this is, this is his gun, this was his gun, but indicating that this firearm that I am throwing out right here was his.

SGT. MCSWAIN: Okay.


Officer Juhasz: Um, and then um she ended up exiting the home from that door.

SGT. MCSWAIN: So, at some point the uh, female ended up with the gun.

Officer Juhasz: Yes.

SGT. MCSWAIN: At what point did you know that she had the gun?

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Officer Juhasz: Um, it wasn't until she exited, sorry she leaned out that door and threw it out, and I saw the gun fly out and then she said this is his gun.

SGT. MCSWAIN: Okay, alright. I guess what I am getting at is uh, while you are on the back fence, uh two people were holding a gun at some point.

Officer Juhasz: Not, not at the same time but at two different points yes.

SGT. MCSWAIN: Right.

Officer Juhasz: Two people held the same gun.

SGT. MCSWAIN: Okay, alright, we needed to know that for evidence processing and all that, so thank you for that.

Officer Juhasz: That's alright.


SGT. MCSWAIN: We appreciate you. Um, have you watched your body worn camera video prior to today?

Officer Juhasz: Yeah, initially in the back of the ambulance through an app on our phone we are able to watch it, so I reviewed it.

SGT. MCSWAIN: Okay. But it was the day of?

Officer Juhasz: It was the day of within.

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SGT. MCSWAIN: Okay.

Officer Juhasz: A few minutes half hour.

SGT. MCSWAIN: Yep, uh as you were recounting your story it sounded like you may have seen it. I just, um and the reason I asked that is to get a feel for uh, like what you saw, like maybe what you are reliving.

Officer Juhasz: Well on the camera all you see was the fence, you don't see anything because it was at the fence. So, everything I saw into that house, at the point when I supported my rifle on that fence, and everything afterwards, was solely my recollection because the fence, all I see is the fence.


SGT. MCSWAIN: So, so just so I am clear and for recording purposes and anybody else that would uh review this case. Um, you saw, you watched your body worn camera, but your body worn camera only shows up to the point of you going up to the fence and uh supporting your rifle on to the top.

Officer Juhasz: That's correct.

SGT. MCSWAIN: Uh, it cannot see inside the residence. Um, only you could see that.

Officer Juhasz: To the best of my knowledge yeah. As far as, when I reviewed it, I didn't review from the very second to the end, but I know I reviewed pretty much when I looked at it, I saw when I walked up

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to the fence line, you hear the shots and all that going on. Um and then pretty much once I leave to start to head back towards the front is when you can start to see anything else. So, all the events that occurred inside is my knowledge.

SGT. MCSWAIN: Okay. You indicated earlier uh, that you made the rifle patrol ready to put it back in the Sergeant's vehicle.

Officer Juhasz: Correct.

SGT. MCSWAIN: Um, is that uh, a part of your, uh, patrol rifle protocol?

Officer Juhasz: Um, yes after we deploy our rifle, whether it's' a canine track or anything of that nature. Um, once we, um, our rifles are, when we take them out of the closet we put one magazine in and um we leave the round out of the chamber, so there's all 30 rounds still inside the magazine. When we deploy it we chamber one round, we use it as necessary and then when we're done we take it out make it safe again reload that magazine to 30 rounds, insert it leaving again, leaving the chamber empty.


SGT. MCSWAIN: Okay.

Officer Juhasz: And then put it back in just as we would do with the shot guns.

SGT. MCSWAIN: Um, and so this is not something that is unusual?

Officer Juhasz: Correct.

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SGT. MCSWAIN: Alright, I just wanted to clarify that, um, make sure that, that was in fact the policy I'm not a patrol rifle officer. Um, so uh thank you for that insight into that also.

Officer Juhasz: No problem.

SGT. MCSWAIN: Um, you indicated earlier, uh, you gave us some insight to the policy when you decided to deploy it.

Officer Juhasz: Right.

SGT. MCSWAIN: Um so, if I heard you correctly some of the reason you indicated were the call for service uh, the gunshot being heard. Uh, you in, you said that uh Potter is also a patrol rifle.

Officer Juhasz: Yes, and he was deployed as well.

SGT. MCSWAIN: Okay, you indicated that Potter announced on the radio that the two of you had?


Officer Juhasz: Right.

SGT. MCSWAIN: Did you announce on the radio that you specifically had it or did he do it for both of you?

Officer Juhasz: He did it for both of us.

SGT. MCSWAIN: Okay, alright, is that a part of the policy too?

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Officer Juhasz: I believe to the best of my knowledge that it would suffice that notifying communications that there were the two of us deployed.

SGT. MCSWAIN: Alright, um, alright so, alright, so he had the front you went around the back?

Officer Juhasz: Correct.

SGT. MCSWAIN: Uh, we talked about the lighting. You indicated earlier that the lighting, you didn't want your lighting to uh, where you were to shadow you or make uh, make you known to, to anybody.

Officer Juhasz: Correct.


SGT. MCSWAIN: Um, I think you said it was dark.

Officer Juhasz: Yes.

SGT. MCSWAIN: Okay, what was dark and what was light?

Officer Juhasz: Um, majority of that backyard um, and where I was at that house was dark. Um, I believe the house that I was next to, um had their lights off. But there were other house lights and such down that side block that I went up. Um, inside the home was lit very well. Um, it was dark around it so the lighting inside the home was able to give a good, I had a good view no glair or anything like that on the glass or anything like that. Um, but to the best of my knowledge that was really the extent of my lighting. Maybe there

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was lighting in the, street lights in the front of the street I am not exactly sure.

SGT. MCSWAIN: But the inside of the house was lit up?

Officer Juhasz: Very well yes.

SGT. MCSWAIN: Okay. Very well.

PEARSON: I got nothing else. What you got?

SGT. MCSWAIN: I have a check mark by all my questions, um, you normally have some what you got?

Greene: Um, just one you um, Sergeant McSwain asked you about your um, qualification, um, do you recall approximately when the month was that you qualified and your score?


Officer Juhasz: Um, I know score for the night time qualification um was a um, at a high 98, 99.

Greene: Out of?

Officer Juhasz: Out of 100. Um, but might have been approximately April or so of this year, but I can't recall exactly.

Greene: Nothing else.

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SGT. MCSWAIN: But you uh, you definitely qualified?

Officer Juhasz: Yes, sir.

SGT. MCSWAIN: Alright, I don't, I think the score will come into play when you don't qualify right. Is that fair to say.


Officer Juhasz: Yes, sir.

SGT. MCSWAIN: Alright, um okay, alright, I tell you what uh, we're gonna step out uh, make sure that we've uh covered everything that we need to cover. Just a reminder that this room is recorded, so if ya'll do have some offline conversations, we'll be happy to, to either step out in the hall or make assistance back available to you. Um, alright.

Officer Juhasz: Thank you.

PEARSON: 1348.

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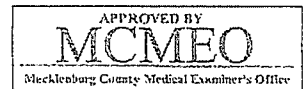
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Exhibit 3

Mecklenburg County M E Office

3440 Reno Avenue, Charlotte, NC 28216
Telephone 7043362005
Fax 7043368353



REPORT OF AUTOPSY EXAMINATION

DECEDENT

Document Identifier B201903380
Autopsy Type ME Autopsy
Name Delano St Alban Williams
Age 55 yrs
Race Black
Sex M

AUTHORIZATION

Authorized By Jonathan Privette MD **Received From** Mecklenburg

ENVIRONMENT

Date of Exam 08/02/2019 **Time of Exam** 09:15
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 02 October 2019 09:53

DIAGNOSES

Gunshot wound of the posterior right chest, non-exiting
 Ribs and thoracic vertebra fractures
 Right lower lung lobe laceration
 Liver contusion
 Hemoperitoneum and right hemothorax
Gunshot wound of the right buttock, non-exiting
 Colon, bladder, left kidney lacerations
 Hemoperitoneum and retroperitoneal hemorrhage
Laceration, lower lip

IDENTIFICATION

Body Identified By
Papers/ID Tag

EXTERNAL DESCRIPTION

Length 66 inches
Weight 163 pounds
Body Condition Intact
Rigor 2+
Livor Posterior, Dependent
Hair Black, with a normal pattern of distribution
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 unclad. Accompanying the body is a yellow metal necklace with cross pendant with clear stones, and 2 white

metal rings, 1 with clear stones. Identifying marks consist of scars as diagrammed. Evidence of medical intervention includes a nasal trumpet, endotracheal tube, decompression tubes, ECG leads, pulse oximeter, and intraosseous access.



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 at the posterior right chest at a point 48½" above the heel and 2¾" right of posterior midline is an entrance gunshot wound with a hole that measures ½" and exhibits 1¼" marginal abrasion and beveling predominantly at the 3 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 posterior right chest, fractures right ribs #8 and #9, lacerates the right lower lung lobe, fractures vertebra T9, and lacerates the aorta. Associated injuries include liver contusion, hemoperitoneum and right hemothorax. A partially deformed projectile is recovered from vertebra T9.

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

GUNSHOT WOUND "B":

Located at the right buttock at a point 30" above the heel and 1" right of posterior 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.

The wound track lacerates the skin and soft tissue of the right buttock, lacerates the sigmoid colon, the bladder, left psoas muscle, left kidney and the soft tissue of the perisplenic flexure from where a partially deformed projectile is recovered.

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

OTHER INJURIES:

There is a bite laceration at the lower lip.

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 the Charlotte-Mecklenburg Police Department on August 7, 2019:

JEWELRY
BLOOD CARD
BULLETS

PROCEDURES

Radiographs

Radiographs reveal two radiopaque foreign objects at the torso.

INTERNAL EXAMINATION

Body Cavities

The organs are in their normal anatomic positions.

Cardiovascular System

Heart Weight 300 grams

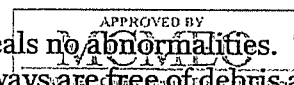
The pericardial sac is free of significant fluid and adhesions. The coronary arteries arise normally, follow the usual distribution and are widely patent without evidence of significant atherosclerosis or thrombosis. The chambers and valves bear the usual size-position relationships and are unremarkable.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

Respiratory System

Right Lung Weight 270 grams

Left Lung Weight 210 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 parenchyma of the left lung shows moderate congestion without obvious consolidation or focal lesions. The pulmonary arteries are free of thrombi or emboli.



Gastrointestinal System

Except as previously noted, grossly unremarkable.

Liver

Liver Weight 1270 grams

Except as previously noted, grossly unremarkable.

Spleen

Spleen Weight 70 grams

The spleen is normally formed; no focal lesions are present.

Pancreas

The pancreas is of normal size, shape and consistency without focal lesions.

Urinary

Right Kidney Weight 110 grams

Left Kidney Weight 110 grams

The kidneys are of normal size and shape. The capsules strip with ease from the underlying smooth cortical surfaces. The right renal architecture is intact.

Reproductive

Grossly unremarkable.

Endocrine

The thyroid gland and bilateral adrenal glands are grossly unremarkable.

Neurologic

Brain Weight 1240 grams

Reflection of the scalp reveals no evidence of injury. There are no skull fractures identified. The leptomeninges are thin, delicate and congested. The cerebral hemispheres are 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 55-year-old male who was shot by law enforcement.

Autopsy examination reveals gunshot wounds of the posterior right chest and right buttock.

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)

State of North Carolina

Name of Decedent: Delano Williams

Office of the Chief Medical Examiner

Autopsy # B19-3380

Chapel Hill, North Carolina 27599-7580

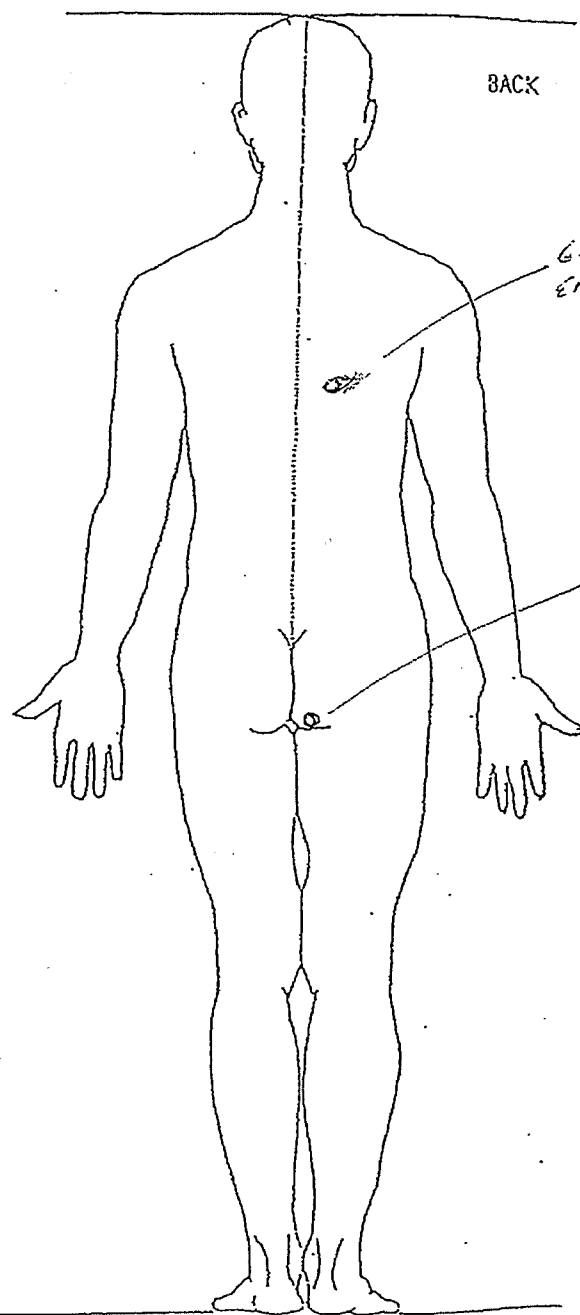
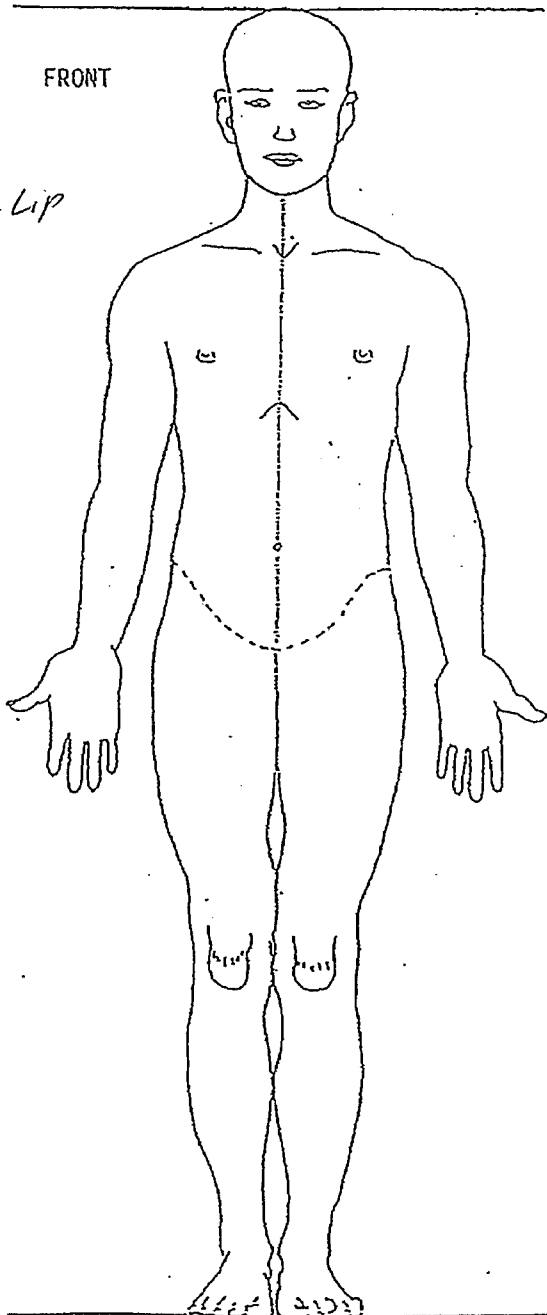
Examined By: [Signature] Date: 8/2/17

BODY DIAGRAM: ADULT (Front/Back)

FRONT

BACK

Bite
Lac
Lower Lip



GSW A
Entrance

GSW B
Exit

DEHR 1917 (4/97)
Medical Examiner

This form may be photocopied.

PAGE 1 OF 2

State of North Carolina

Name of Decedent: Delano Williams

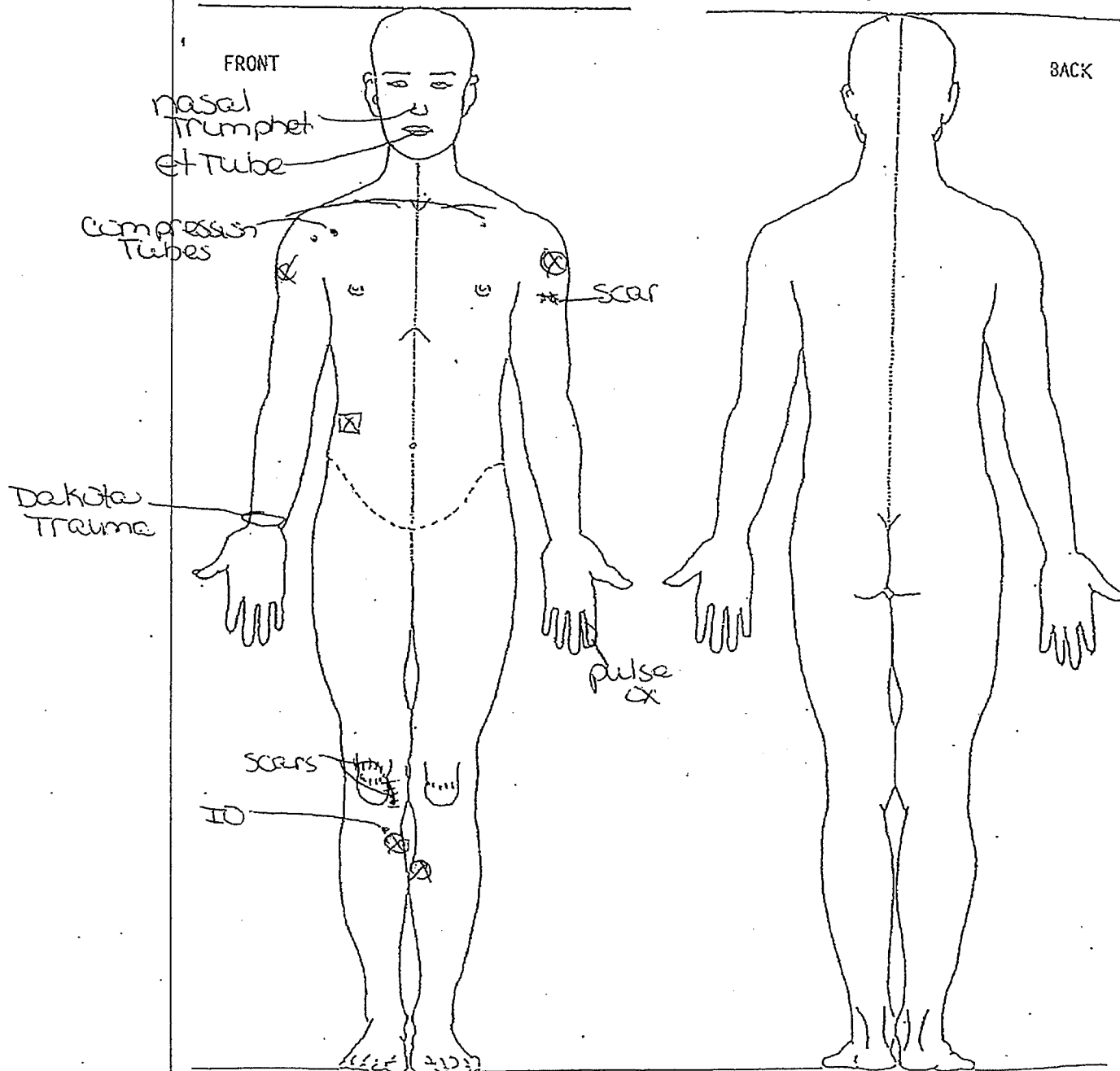
Office of the Chief Medical Examiner

Autopsy # B19-3380

Chapel Hill, North Carolina 27599-7580

Examined By: JDP Date: 8-2-19

BODY DIAGRAM: ADULT (Front/Back)



DEMR 1917 (4/97)
Medical Examiner

This form may be photocopied.

PAGE 2 OF 2

Balcome, Kelly E.

From: noreply@dhhs.nc.gov
Sent: Thursday, October 03, 2019 8:09 AM
To: Balcome, Kelly E.
Subject: No Reply: OCME Toxicology F201905248

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: T201906924
Case Folder: F201905248
Date of Report: 14-sep-2019
Page: 1

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

DECEDENT: Delano St Alban Williams

Status of Report: Approved

Report Electronically Approved By: Sandra Bishop-Freeman, Ph.D, F-ABFT

* * *

=====

SPECIMENS received from Jonathan Privette on 08-aug-2019

S190022941: 18.0 ml Blood
SOURCE: Aorta

CONDITION: Postmortem
OBTAINED: 02-aug-2019

| | | | |
|------------------------------|---------------|------|------------|
| Benzodiazepines ----- | None Detected | LCMS | 09/14/2019 |
| Caffeine ----- | Present | | 09/14/2019 |
| Cocaine metabolite ----- | None Detected | LCMS | 09/14/2019 |
| Ethanol ----- | None Detected | | 09/14/2019 |
| Gabapentin/Pregabalin ----- | None Detected | LCMS | 09/14/2019 |
| Opiates/Opioids ----- | None Detected | LCMS | 09/14/2019 |
| Organic Acids/Neutrals ----- | None Detected | | 09/14/2019 |
| Other Organic Bases ----- | None Detected | | 09/14/2019 |
| Paroxetine ----- | Present | | 09/14/2019 |

S190022942: 11.0 ml Blood
SOURCE: Vena Cava

CONDITION: Postmortem
OBTAINED: 02-aug-2019

Accredited by the American Board of Forensic Toxicology, Inc.

100319 08:08

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

B201903380

REPORT OF INVESTIGATION BY MEDICAL EXAMINER

| | |
|--|--|
| OCME USE ONLY | DECEDENT: Delano Williams First Middle Last Suffix |
| Case Number F19-05248 | RESIDENCE: 3127 Earnest Russell Ct Charlotte, NC Mecklenburg Number and Street City, State County |
| Date Received 8/2/19 | AGE: 55 SEX: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unknown RACE: <input type="checkbox"/> Asian <input checked="" type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> White <input type="checkbox"/> Other HISPANIC ORIGIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Res <input type="checkbox"/> NR | |

INFORMATION ABOUT OCCURRENCE

| | DATE | TIME | ADDRESS OR FACILITY | COUNTY |
|----------------------------|----------|----------|---|-------------|
| ONSET OF INJURY OR ILLNESS | 8/2/2019 | BEF 0012 | 3123 Earnest Russell Ct | Mecklenburg |
| DEATH | 8/2/2019 | 0123 | CMC Main | |
| VIEW OF BODY | 8/2/2019 | 0915 | <input type="checkbox"/> Scene of Death <input type="checkbox"/> Hospital <input type="checkbox"/> Funeral Home <input checked="" type="checkbox"/> Morgue MCMEQ <input type="checkbox"/> Not Viewed | |
| ME NOTIFIED | 8/2/2019 | 0210 | | |
| LAST KNOWN TO BE ALIVE | 8/2/2019 | BEF 0123 | LAW ENFORCEMENT AGENCY: CMPD OFFICER: Tisdale TELEPHONE: | |

AUTOPSY: ☐ None ☒ M.E. Authorized ☐ Non-M.E./Private-Facility Name:

BLOOD SAMPLE: Mailed by: ☐ ME after External ☒ Pathologist after Autopsy ☐ Reason not obtained:

IF CLINICAL ALCOHOL PERFORMED, RESULT:

PROBABLE CAUSE OF DEATH: ☐ Pending

1. Multiple Gunshot Wounds
DUE TO
2.
DUE TO
3.
DUE TO
- 4.

CONTRIBUTING CONDITIONS

MANNER OF DEATH:

☐ Natural ☐ Accident ☒ Homicide ☐ Suicide ☐ Pending

I hereby certify that after receiving notice of the death described herein I took charge of the body and made inquiries regarding the cause of death in accordance with Article 16 of Chapter 130A of the N.C. General Statutes and the information contained herein regarding such death is true and correct to the best of my knowledge and belief.

Where:

| | | |
|---|--|-----|
| This section "OCME REVIEW ONLY" | | SDC |
| 1. | <input checked="" type="checkbox"/> None | |
| DUE TO | | |
| 2. | <input type="checkbox"/> AL | |
| DUE TO | | |
| 3. | <input type="checkbox"/> Dictated | |
| DUE TO | | |
| 4. | <input type="checkbox"/> COG | |
| CONTRIBUTING CONDITIONS | | |
| MANNER OF DEATH: | | |
| <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Undetermined | | |
| Reviewer: | Date: 8-2-19 | |
| Information in this block supersedes that contained in space at left. | | |


Signature of Medical Examiner

8/2/2019
Date

MECKLENBURG
County of Appointment

Jonathan Privette MD

Print Name of Medical Examiner

DHHS 1114 (Revised 2013)

MEDICAL HISTORY

- ☐ Alcoholism ☐ Cancer ☐ Depression ☐ Diabetes ☐ Hypertension
☐ Ischemic Heart Disease ☐ Seizure Disorder ☐ Smoking ☐ Substance Abuse
☐ Other

Physician

City

MEANS OF DEATH

- ☐ VEHICLE: Type of vehicle associated with this decedent: *Number of Units Involved:*
☐ ATV ☐ Bicycle ☐ Farm Equipment ☐ Moped ☐ Motorcycle ☐ Passenger Car
☐ Pickup Truck ☐ Truck - more than 2 axle ☐ SUV ☐ Other
Position: ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Unknown
Devices: ☐ Seat Restraints ☐ Airbag ☐ Helmet ☐ Child Restraint ☐ None ☐ Unknown
☒ GUN: ☒ Rifle - Caliber ☐ Handgun - Caliber ☐ Shotgun - Gauge ☐ Unknown
☐ INSTRUMENT: ☐ Asphyxial ☐ Blunt ☐ Sharp Description:
☐ TOXIC AGENT(S) SUSPECTED: ☐ Alcohol ☐ Others: ☐ Noted in Summary (Pg 4)
☐ DROWNING: ☐ Bathtub ☐ Lake ☐ Ocean ☐ Pond ☐ Pool ☐ River ☐ Other
Life Preserver: ☐ Yes ☐ No ☐ Unknown Able to Swim: ☐ Yes ☐ No ☐ Unknown
Activity:
☐ FIRE: Suspected Cause: Smoke Detector: ☐ Yes ☐ No ☐ Unknown
☐ FALL: From: ☐ Sitting ☐ Standing ☐ Other Approximate Distance: (Feet)

ACTIVITY OF DECEDENT AND PREMISES

Work Related:

- Fatal Injury or Illness Occurred on a Job*: ☐ Yes ☒ No ☐ Unknown
If Yes, was employment: ☐ Primary Job ☐ Secondary Job ☐ Volunteer Work ☐ Unknown
Name of this employing firm or agency:

Type of business or industry:

Decedent's occupation:

*activity on a job that is income generating regardless of age of decedent including farming or part-time work; also include non-income generating volunteer or charity work.

Non-Work Related: (See Examples Below)

FATAL INJURY OR ILLNESS: Activity: ☒ Unknown

Type of Place: Residence

Specific location: Unknown

DEATH: Type of place: Hospital

Specific location: ER

Death occurred while in custody: ☐ Yes ☐ No ☐ UnknownIf yes, was in: ☐ County Jail ☐ State Prison ☐ Federal Prison ☐ Police PresenceDeath occurred in State Operated Facility: ☐ Yes ☐ No

DESCRIPTION OF BODY

For Pathologists Only:
Refer to Autopsy Report

CONDITION:

- ☒ Intact ☐ Decomposed ☐ Fragmented ☐ Skeletonized ☐ Embalmed ☐ Charred ☐ Prolonged Immersion

RIGOR: ☐ None ☐ 1+ ☐ 2+ ☐ 3+LIVOR: ☐ None ☐ Anterior ☐ Posterior ☐ Lateral Color:LENGTH: ☐ Estimate WEIGHT: ☐ EstimateBODY TEMPERATURE: ☐ Warm ☐ Cool ☐ Cold HAIR: Color: ☐ Facial:EYES: Color: ☐ Abnormalities:TEETH: LOWER: ☐ Natural ☐ Dentures ☐ None UPPER: ☐ Natural ☐ Dentures ☐ NonePHOTOGRAPHS: ☐ Yes ☐ No RADIOGRAPHS: ☐ Yes ☐ No

CLOTHING:

☐ Not Clothed

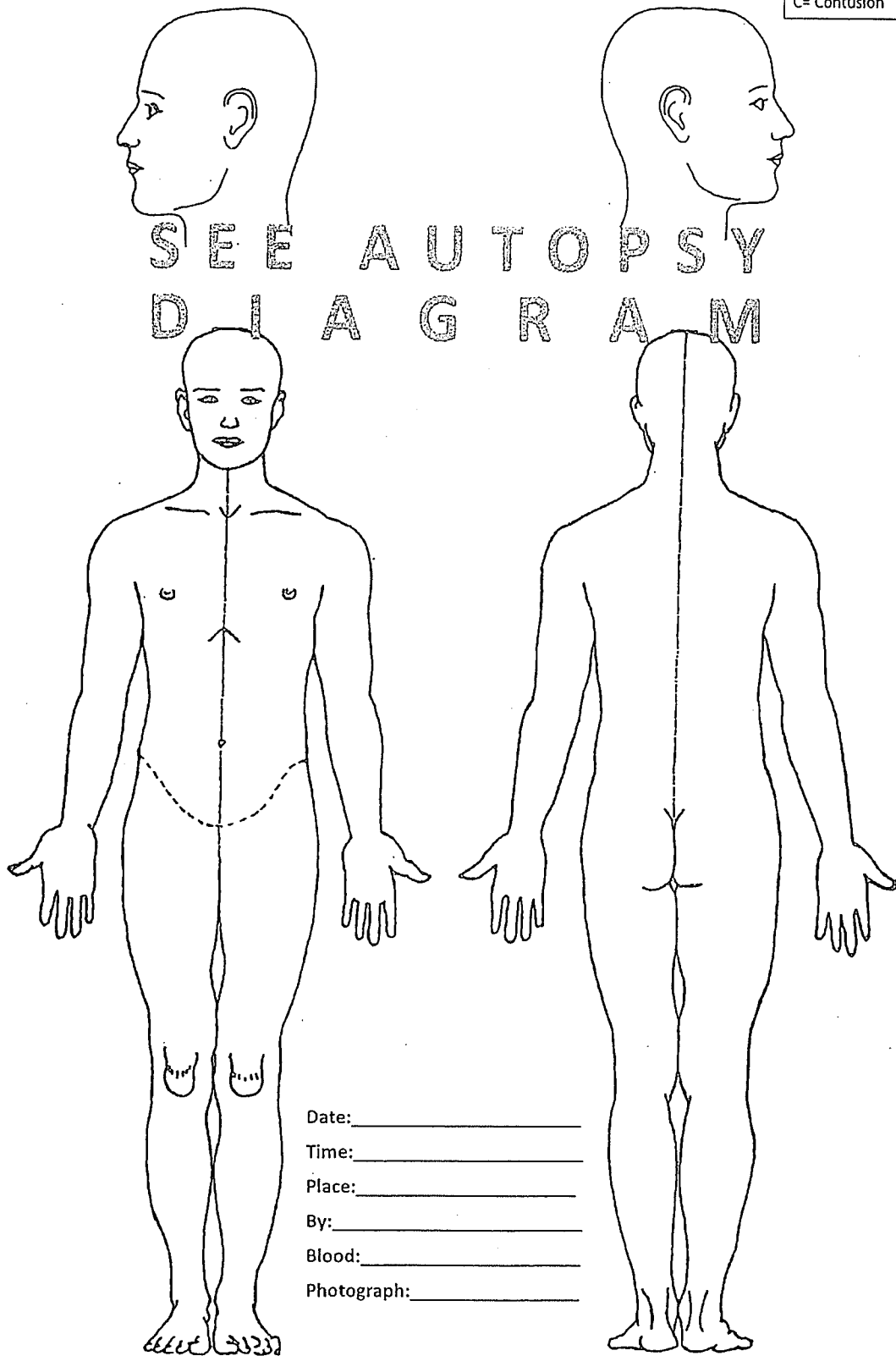
VALUABLES:

☐ No Valuables

B# _____

BODY DIAGRAMS

| | |
|--------------|---------------|
| A= Abrasion | G= Gunshot |
| B= Burn | L= Laceration |
| C= Contusion | S= Stab |



Date: _____
Time: _____
Place: _____
By: _____
Blood: _____
Photograph: _____

Indicate nature, location and measurements of wounds and other lesions (scars, tattoos, medical therapy, etc.) on these diagrams
(Not to scale)

55 YOM shot by LE.

PURPOSE: To document the findings of a Medical Examiner Investigation. *This is not an autopsy report. When completed, this form constitutes a report to the Chief Medical Examiner as required by G.S. 130A-385(a); within fourteen (14) days of Medical Examiner's examination.

PREPARATION: The investigating Medical Examiner completes all appropriate information, and signs the certification statement on the front of this form.

DISTRIBUTION: Mail original copy to the Office of the Chief Medical Examiner, 3025 Mail Service Center, Raleigh, NC 27699-3025

DISPOSITION: This form is maintained by the Chief Medical Examiner in accordance with the current records disposition schedule published by the N.C. Division of Archives and History.

COPIES: Additional copies may be ordered from the Office of the Chief Medical Examiner, Raleigh, NC 27699-3025