



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

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February 21, 2023

Special Agent in Charge Kevin Canty
North Carolina State Bureau of Investigation
5994 Caldwell Park Dr.
Harrisburg, North Carolina 28075

Re: Kevin Eugene Boston Death Investigation

Dear SAC Canty:

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the shooting death of Kevin Eugene Boston on June 26, 2022. The case was investigated under case number 2022-01807. The documentation considered for the purposes of this review was provided by the North Carolina State Bureau of Investigation in November 2022.¹ The purpose of this review was to examine whether the actions of Charlotte-Mecklenburg Police Department Officers Richard Meyer and Erik Torres were unlawful in the incident leading to the death of Kevin Boston.

These events occurred on June 26, 2022, in the area of 5145 Tuckaseegee Road in Charlotte, North Carolina. A review of the evidence in this matter reveals that Officers Meyer and Torres were responding to a grocery store at 4709 Tuckaseegee Road in reference to an armed robbery call for service. A store employee reported that an individual, later identified as the decedent, Kevin Eugene Boston, was attempting to leave the store without paying for items and flashed a firearm when confronted by an employee as the decedent exited the store. The 911 caller provided a detailed description of the decedent and his direction of travel. On their way to the store, Officers Meyer and Torres located the decedent, pulled over, and began to approach him on foot. As officers approached, the decedent put both bags on the ground and reached toward the right side of his pants. [1]. Officers Meyer and Torres drew their firearms as the decedent pulled a gun from his pocket and crossed his arms, resulting in the decedent's gun being momentarily pointed in the direction of Officer Torres. [2] [3]. Both officers then began to retreat to safer positions behind the patrol vehicles while giving commands for the decedent to

¹ The North Carolina State Bureau of Investigation does not routinely provide transcripts of interviews as part of the investigative file; therefore transcripts are not included as attachments to this review. For purposes of these reviews, however, this office reviews the actual underlying recorded video or audio interviews provided by the SBI.

show his hands. The decedent did not comply. Officer Torres took up a position at the back of Officer Meyer's vehicle, positioning the vehicle between himself and the armed decedent. The decedent then picked up the grocery bags in his left hand and began walking down the sidewalk in the general direction of Officer Torres while swinging his gun in his right hand. [4]. As the decedent walked, Officers Meyer and Torres told the decedent to drop the gun. The decedent continued walking and did not comply. As the decedent continued to walk, Officer Torres retreated from his position at the rear of the Officer Meyer's car to the rear driver's side of the car in order to keep the vehicle between him and the armed decedent. As the decedent, who was still swinging the gun in his right hand, began to walk past Officer Torres, Officer Torres fired at the decedent. [5]. Meanwhile, Officer Meyer, who had retreated to a position behind Officer Torres' vehicle, moved to the front of Officer Meyer's vehicle where he remained until Officer Meyer began firing.

Despite being fired upon by Officer Torres, the decedent still did not drop his weapon. [6] [7]. Instead, the decedent raised the gun and pointed it in the direction of the officers. [8]. Officer Torres continued to fire at the decedent. Officer Meyer then fired at the decedent, and the decedent returned fire, striking the front passenger side window of Officer Meyer's vehicle, which was being used as cover by Officers Torres and Meyer. [9]. Additionally, the decedent's rounds struck the front passenger tire of Officer Torres' vehicle. [10].

After the decedent fell to the ground, officers approached the decedent and began rendering assistance even while the exact location of the decedent's gun was still unknown. A .357 six-shot revolver containing six spent casings was found next to the decedent. [11] [12]. A round count and spent casings found on scene showed Officer Torres fired 11 rounds, and Officer Meyer fired two rounds.

An autopsy conducted on the decedent determined he was shot six times, with three projectiles being recovered from the decedent's body. Each of those three projectiles were determined to have been fired from Officer Torres' service 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 the SBI. 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 investigating agency. 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 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. The Fourth Circuit Court of Appeals has consistently held that “an officer does not have to wait until a gun is pointed at the officer before the officer is entitled to take action.” Anderson v. Russell, 247 F.3d 125, 131 (2001). 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 Kevin Eugene Boston

Officer Erik Torres

Officer Erik Torres was interviewed by SBI agents on July 5, 2022, at the SBI District Office in Harrisburg, North Carolina. In that interview, Officer Torres stated that he has been employed with CMPD since 2017. Prior to his employment with CMPD, he served 18 years in the United States Marine Corps.

On this day, Officer Torres was wearing his full police uniform and operating unit 1181, a marked police SUV. Officer Torres heard the call for service over his radio. At the time, he was aware there was an armed robbery from the grocery store on Tuckaseegee Road and that the suspect was a male wearing a straw hat, but Torres assumed they meant a “bucket hat.” He was also told the male was carrying two reusable grocery bags and was last seen walking toward Little Rock Road, and he was given a description of the firearm.

Officer Torres began driving his marked vehicle in the direction of the call and advised dispatch when he saw the armed robbery suspect on Tuckaseegee Road. Officer Torres reported to dispatch that he saw the subject, drove off the road, turned on his lights to activate his body-

worn camera (BWC), and asked Officer Meyer whether the subject was the person for whom they were looking. Officer Torres recalled that Officer Meyer said he matched the description.

Officer Torres recounted that he approached the decedent and said, "Sir, can I stop and talk to you?" Officer Torres estimated he was between 7 and 10 yards away from the decedent at this point. Prior to saying anything else, Officer Torres saw the decedent with a firearm on his left hip. Officer Torres stated that he saw the handle of the firearm. He knew it was a handgun but did not know it was a revolver. Officer Torres recalled that the decedent was holding the two bags at the time but dropped them, went directly for the gun, and pulled it out. While drawing his own firearm, Officer Torres recalled saying "10-94," which means "armed person." He knew additional CMPD personnel would respond quickly.

When Officer Torres drew his firearm, the decedent pointed his gun at Officer Meyer, according to Officer Torres. Officer Torres' recollection was that the decedent pointed the gun toward the decedent's own head and then pointed it back at either Officer Torres or Officer Meyer. Officer Torres recounted that both he and Officer Meyer told the decedent to drop his gun. Officer Torres described the decedent as looking at both him and Officer Meyer as if he was trying to decide who to shoot first.

Officer Torres stated that he heard Officer Meyer say "cover, cover, cover." Officer Torres retreated and ended up at the rear of Officer Meyer's patrol SUV while Officer Meyer ended up at the front of the vehicle. Officer Torres recalled that as he was moving to cover, he could hear sirens coming toward him, and he believed the decedent was trying to decide what to do.

Officer Torres recalled that somehow he and the decedent got closer to each other, but, at about 5 yards apart, they began firing at each other. Officer Torres could not recall whether he or the decedent shot first, but he heard glass shatter from the decedent's gunfire. He could not remember whether he fired before hearing the glass shatter. Officer Torres' recollection was that he shot two to three rounds while giving the decedent commands to drop the gun, then reassessing while the decedent stood and fired his own gun. Officer Torres recalled that he again shot two to three rounds while telling the decedent to drop the gun. Officer Torres recounted that there was nothing behind the decedent but an open front yard. At some point, the decedent dropped to the ground. Officer Torres stated that while on the ground, the decedent grabbed the gun again and was pointing it at Officer Torres, but Officer Torres fired one more shot while the decedent was on the ground, and the decedent finally dropped the gun. Officer Torres did not know how many times the decedent fired prior to falling to the ground or in which hand the decedent held his gun. After the shooting, Officer Torres said the decedent kept reaching in his pocket and to the ground. He did not know what the decedent was reaching for. Officer Torres said the decedent did not say anything during the incident.

Officer Torres did not remember whether Officer Meyer fired his weapon, he said, because he was trained not to turn around and to instead use his other senses to determine what was behind him. Officer Torres stated he shot his handgun with his right hand, using his left hand as support. He fired his shots in rapid succession; saying he shot two to three times rapidly, reassessed and fired again. He fired 11 total rounds, but he only knew that after doing a round count with the SBI.

Officer Torres recalled that the decedent remained on the sidewalk during the entire incident and that Officer Torres gave the decedent numerous commands to drop the gun, but the decedent did not comply.

Once the shooting stopped, Officer Torres said the decedent was still moving around on the ground, and Officer Torres told the decedent to stop going for the weapon. Officer Torres recalled that Officer Meyer was over his shoulder and was asking if he was okay to which Officer Torres responded that he was all right. He recalled that Officer Meyer brought someone up to relieve him, and Officer Torres stepped away from his position. He had no further interaction with the decedent after stepping away from his position.

When asked why he felt compelled to shoot, Officer Torres said the decedent posed an immediate threat to the public, multiple houses, and both himself and Officer Meyer. Officer Torres stated that the decedent also posed a deadly threat to other officers responding to the scene and a threat to the public. Officer Torres said he shot more than once because the immediate threat had not stopped, and the decedent was still shooting at him. Officer Torres explained he kept engaging until the threat was stopped.

Officer Torres said he did not know the decedent and did not recall any prior contact with the decedent before the shooting.

Officer Richard Meyer

Officer Richard Meyer was interviewed by SBI agents on July 1, 2022, at the SBI District Office in Harrisburg, North Carolina. In that interview, Officer Meyer stated he has worked with CMPD since 2005. Previously, he was a sworn officer with the police department in Brunswick, Georgia, a corrections officer with the Georgia state prison system, and a member of the United States Marine Corps.

On the date in question, Officer Meyer was in full uniform and operating unit 1113, a marked police SUV. Officer Meyer recalled that he heard the armed robbery call for service over the radio. He recalled that the individual who committed the armed robbery was described as a man wearing a straw hat and multicolored flannel shirt and carrying reusable shopping bags. Officer Meyer responded to the call behind Officer Torres.

Officer Meyer recalled that as he and Officer Torres drove down Tuckaseegee Road, they encountered the decedent, who matched the description of the suspect in the armed robbery. Officer Meyer said he and Officer Torres pulled over to the right, slightly off the road in the grass, with their vehicles still facing to the east. Officer Meyer manually activated his BWC upon seeing the decedent and approaching in the car. Officer Meyer said his intent was to have a consensual encounter with the man.

Officer Meyer said Officer Torres' car was still in front Officer Meyer. Officer Torres exited from his driver's door and walked to the front of Officer Meyer's car and then walked between the two vehicles before approaching the decedent. Officer Meyer recalled that, as they approached the decedent, Officer Torres was slightly in front of Officer Meyer. He stated that Officer Torres called out to the decedent and said, "Hey man, let me talk to you." The decedent looked at them, dropped his grocery bags, and revealed a revolver.

Officer Meyer did not know where the decedent had the weapon before he pulled it out, saying he did not know whether the decedent pulled it from his pocket or his waistband. After pulling the weapon, the decedent had the gun in his right hand and did not say anything. Officer Meyer said the decedent put the barrel of the gun to his chin, and he was able to plainly see the gun was a revolver. Officer Meyer recounted that he drew his service weapon when he saw the decedent holding the weapon. Officer Meyer stated that the decedent briefly held the revolver to the decedent's own chin, and Officer Meyer thought the decedent was going to commit suicide. Officer Meyer stated that, just as he had that thought, the decedent's gun was coming down away from his chin.

Officer Meyer did not know where the decedent's gun went after he removed it from his chin, and he said he was "not sticking around to find out because he and [Officer] Torres were both in the open." Officer Meyer began searching for cover and concealment.

Officer Meyer stated he was at the "A-pillar" (the pillar that supports the windshield) of his vehicle when he heard a shot ring out and heard glass shatter. Officer Meyer stated the glass shattered due to the decedent firing at them. He also heard a "hissing" sound coming from the car. Officer Meyer recalled that when he got behind the car, Officer Torres was at the rear of the car, returning fire. Officer Meyer could see and hear Officer Torres' casings hitting the ground. Officer Meyer did not know whether Officer Torres or the decedent shot first.

Officer Meyer said he turned around and went to the engine block, stopping at the front of his vehicle. He recalled that he saw the decedent facing away from him in a "bladed stance," with his right arm extended and a weapon in his hand. Officer Meyer did not think the decedent realized where Officer Meyer was because the decedent's focus was on Officer Torres at the rear corner of the vehicle.

Officer Meyer said the decedent was standing in a "bladed position" about 15 yards from him. The thought of making a shot from that distance caused Officer Meyer to slow his breathing, stabilize himself on the hood, check the backdrop, and pull the trigger. Officer Meyer believed the decedent flinched, and he believed he had struck the decedent. The decedent shifted his attention to Officer Meyer after Officer Meyer's first shot. Officer Meyer said he re-evaluated the situation, and he believed the decedent was still posing a threat to Officer Torres, so he fired a second time and assumed it struck the decedent, causing the decedent to fall to the ground. Officer Meyer said he fired his weapon twice and did not know how many times Officer Torres fired his gun.

When the decedent fell, Officer Meyer could not see where the weapon went. Officer Meyer said he was not giving commands to the decedent and did not hear Officer Torres giving any commands either. Officer Meyer later said he could not recall what commands he gave during the shooting. He recounted that the event was quick, and there was no talking. Officer Meyer recounted that he took himself out of his covered position to see where the decedent's weapon was to determine whether it was safe to approach to render aid. At that time, Officer Meyer told the decedent to show his hands but did not receive compliance. Officer Meyer stated that the decedent shifted onto his back and began using a cellphone, but Officer Meyer could still not see the location of the weapon. By that time, numerous other officers had begun to arrive.

Officer Meyer said he spoke to Officer Torres, who was in mental distress, and told him it was all right. Once Officer Torres stood up, Officer Meyer grabbed him by the shoulder while another officer took Officer Torres' spot. Officer Meyer took Officer Torres away from the scene and handed him off to someone else from CMPD.

Officer Meyer stated that once he removed Officer Torres from the scene, he went back to the front of the vehicle where he had previously been and began trying to locate the decedent's gun while maintaining cover. He believed a sergeant was using binoculars to also look for the gun from a safe distance. By this time, an arrest team had formed down the road and assumed the giving of commands to the decedent. Officer Meyer said the decedent continued to roll on the ground and put his head on a backpack while the arrest team told him to lay flat so they could offer medical assistance. Officer Meyer believed the decedent gave them the middle finger during this exchange, but he did not recall the decedent otherwise saying a single word during the entire event. Officer Meyer stated that while on the ground, the decedent's hands were visible, and he did not have a weapon in his hands, but they could not see the weapon and could not determine whether the decedent could grab it. Officer Meyer said that due to these issues over locating the decedent's gun, it was a few minutes from the time of the shooting to when they could approach the decedent to render medical assistance. Officer Meyer did not have a part in approaching the decedent or determining the approach for an arrest. He did not recall any prior dealings with the decedent.

Officer Meyer reported that he fired because the decedent posed an immediate threat to Officer Torres and continued to pose a threat to Officer Torres and himself after the armed decedent shifted his attention to Officer Meyer. He also noted that the decedent had shot his vehicle and at Officer Meyer. Officer Meyer recounted that he shot more than once because after Officer Meyer's first shot, the decedent shifted toward him, still armed and posing an immediate threat. Because of this, he shot again, which stopped the threat, he said.

Officer Jacob Meadors

Officer Jacob Meadors was interviewed by SBI agents on June 26, 2022, at the Charlotte-Mecklenburg Police Department, located at 601 East Trade Street. In that interview, Officer Meadors stated that on this day, he was acting as the training officer for Officer Owen Parker when the armed robbery call came over the radio. Officer Meadors said Officer Parker was driving the patrol vehicle, and Officer Meadors was riding in the front passenger seat. While responding to the armed robbery location and still about a quarter mile from the shooting scene, they heard Officer Meyer advise over the radio that shots had been fired.

Officer Meadors stated that he activated the blue lights and told Officer Parker to drive straight. Officers Meadors and Parker arrived at the scene within approximately 30 seconds. Upon their arrival, Officer Meadors saw a man sitting on the sidewalk, facing away from Officer Meadors. Officer Meadors observed Officer Meyer standing near the front of a patrol vehicle, and Officer Torres was toward the rear of another patrol vehicle.

Officer Meadors recalled that while he was still in his patrol vehicle, approximately 60 feet away, he saw Officer Meyer fire his handgun toward the decedent. Officer Meadors said he was focused on the decedent and not the other officers, so he was not sure whether Officer Torres also fired his weapon, but he remembered hearing three or four gunshots. Officer

Meadors estimated that Officers Meyer and Torres were approximately 25 feet away from the decedent.

Officer Meadors stated that he could not see whether the decedent had anything in his hands when the shooting occurred, but he recalled that the decedent was sitting up, facing Officers Meyer and Torres. Officer Meadors could not hear any dialogue between the decedent and Officers Meyer and Torres due to his distance from the confrontation and the fact that he was still in his patrol vehicle.

Officer Meadors said the decedent fell back following the shooting, and his hands went up as he fell back. The decedent then began to roll over and continued to move on the ground. At this time, Officers Meadors and Parker exited their patrol vehicle, and Officer Meadors heard Officer Meyer give commands for the decedent to show his hands.

Multiple officers arrived at the scene after the shooting, Officer Meadors said. He recalled that he assisted in providing commands for the decedent to show his hands so that they could approach and render aid. He further stated that he issued commands over his patrol vehicle's loudspeaker. Officer Meadors said the decedent would not show his hands and even held up his middle finger to officers. He moved the patrol vehicle up to provide rolling cover to officers so they could safely approach the decedent. Officer Meadors then got out of the patrol vehicle as other officers placed the decedent under arrest. While approaching the decedent, Officer Meadors located and secured a black revolver near the decedent's feet.

At that point, Officer Meadors was directed by a CMPD sergeant to assist as a peer support officer for Officer Meyer. Officer Meadors said first responders from the fire department were approaching when he was diverted to peer support. Officer Meadors estimated that approximately seven or eight officers were providing aid to the decedent prior to first responders arriving. Officer Meadors advised that the decedent was breathing and moving around but seemed "out of it" and that the officers assessing him were searching for additional injuries.

Officer Owen Parker

Officer Owen Parker was interviewed by SBI agents on June 26, 2022, at the Charlotte-Mecklenburg Police Department, located at 601 East Trade Street. In that interview, Officer Parker stated he was working with his training officer, Officer Meadors, that afternoon. Officer Parker recalled that he and Officer Meadors were headed back to the office when they heard an armed robbery call over the radio. Officer Parker stated that he drove down Tuckaseegee Road and attempted to locate the suspect from the armed robbery.

Officer Parker said he heard over the radio that the suspect had been spotted and that shots had been fired. Officer Parker was nearby, so he heard the shots, but he did not see the shooting. Officer Parker was not able to recall the exact number of shots fired. He was not able to see the distance between the firing officers and the decedent at the time of the shooting.

Upon arrival, Officer Parker observed the decedent lying on the sidewalk. Officer Parker remained at his patrol vehicle while the decedent was given commands by other officers. Officer Parker heard the commands "don't reach for the gun" and "let me see your hands." At this time, Officer Parker observed that the decedent was still moving back and forth from his left to his right.

Officer Parker said he was not able to see a firearm in the decedent's vicinity until he moved up and assisted with the arrest. Officer Parker used a vehicle for cover to move up to the decedent and, once there, observed a black revolver handgun near the decedent's feet. Officer Parker recalled that the decedent was placed on his stomach and handcuffed behind his back.

E. Video evidence

Officer Torres' body-worn camera (BWC)

Officer Torres' BWC video began with Officer Torres in his vehicle. As Officer Torres got out of his vehicle, Officer Meyer exited his vehicle which was parked behind Officer Torres's patrol SUV. In the video, the decedent can be seen walking on the sidewalk away from the grocery store, carrying two grocery bags, one in each hand.

As Officer Torres approached the decedent, the decedent put both bags on the ground and began to reach toward the right side of his waist or pants, the video shows. As he did this, Officer Torres backed away from the decedent, removed his weapon, and pointed it at the decedent. The video shows the decedent pulled a gun from his waist or pants area with his right hand, crossed his arms, and stood on the sidewalk with the gun in his right hand.

Officer Torres continued to back away from the decedent and yelled "hands" multiple times. Officer Meyer could also be heard telling the decedent to put his hands up. Officer Torres called out over the radio, "Hey, we got gunpoint" and began to move to the rear of Officer Meyer's SUV. As Officer Torres did this, the decedent picked up the grocery bags, the video shows.

Once at the rear of the SUV, Officer Torres again called over the radio, "Headquarters, we need one." Officer Torres began telling the decedent to "drop the gun" and, although out of view of Officer Torres' BWC, Officer Meyer's BWC captured the decedent resuming his same direction of travel, walking down the sidewalk. As the decedent returned into view of the camera, the gun was visible in the decedent's hand, the video shows, and Officer Torres again told the decedent to "drop the gun" and fired at the decedent. The decedent, who was still holding the gun in his right hand with the grocery bags in his left hand, flinched in response to Officer Torres' gunfire. Officer Torres fired additional rounds, and the decedent turned and faced Officers Torres and Meyer and extended his right arm with his gun pointed toward the officers, the video shows. Officer Torres then fired additional rounds. The decedent could not be seen in the camera footage again until Officer Torres moved to his right, and the decedent could be seen on the ground.

Officer Torres said, "He's still pointing" multiple times and fired again. Multiple rapid gunshots were heard, and the decedent is blocked from view of the camera by the vehicle because Officer Torres had taken a kneeling position behind the SUV. Officer Torres then fired an additional shot. Officer Torres then said, "Shots fired" and began to give the decedent commands to hold his hands up and "don't grab it." The decedent cannot be clearly seen from the BWC during this portion of the interaction. Officer Torres continued to tell the decedent not to reach for the gun. Officer Torres was then instructed to move backward to the front of the vehicle, and Officer Meyer was heard speaking to Officer Torres. Officer Torres then moved to

the front of his parked SUV, further away from the decedent. Officer Torres had no further interaction with the decedent.

Officer Meyer's BWC

Officer Meyer's BWC showed Officer Meyer pull to the side of the road and get out of his car. The decedent was walking on the sidewalk away from the grocery store, and Officer Torres was walking toward the decedent. As Officer Torres approached, the decedent put both grocery bags on the ground and began to reach toward the right side of his waist or pants, the footage shows. As he did this, Officer Torres backed away from the decedent, removed his service weapon, and pointed it at the decedent.

Officer Meyer immediately pulled his gun and pointed it at the decedent, telling him to "put his [expletive] hands up" while backing away toward Officer Torres' SUV. The decedent pulled a gun from his waist or pants with his right hand, crossed his arms, and stood on the sidewalk with the gun in his right hand, the video shows. Officer Meyer informed dispatch that he and Officer Torres had an armed subject, and Officer Meyer was pointing a gun at the decedent.

Officer Meyer moved behind Officer Torres' SUV, and the decedent was briefly out of camera view. When the decedent returned to camera view, he could be seen walking on the sidewalk with the bags of groceries in his left hand and the gun in his right. Officer Torres could be seen at the rear of Officer Meyer's SUV. Officer Torres was also giving commands to the decedent to drop the gun.

Officer Meyer then moved toward his SUV. Officer Torres continued to tell the decedent to drop the gun and then fired his weapon. Officer Meyer moved toward the hood of the SUV and more gunshots were heard. Once at the hood of the SUV, Officer Meyer's BWC shows the decedent still on the sidewalk, facing away, and then turning toward the officers.

Officer Meyer called "shots fired" over the radio multiple times. As more shots were fired, Officer Meyer leaned against the hood of the SUV and fired his weapon. The decedent cannot be seen on the BWC at this time.

After Officer Meyer fired, the decedent returned into view of the BWC where he was on the ground. Officer Torres said, "still pointing," and then multiple gunshots were heard along with glass shattering and the "hissing" of air escaping the tire on Officer Torres' vehicle. Officer Meyer ducked behind the front of the SUV.

After the shooting stopped, Officer Meyer asked Officer Torres, "How do you see?" Officer Meyer then went back to the hood of the SUV, still pointing his gun at the decedent. Officer Torres gave the decedent additional commands, and Officer Meyer approached Officer Torres and walked him back to the hood of the SUV, instructing Officer Torres to stay down. At this point, other officers came to the SUV to take the place of Officer Torres. Officer Meyer then assisted Officer Torres and moved him to Officer Torres's vehicle. Officer Meyer then went back to the hood of his SUV and communicated over the radio regarding the decedent's movements. He and other CMPD officers continued to tell the decedent to show his hands. Officer Meyer moved from his place of cover to attempt to locate the decedent's gun but could

not due to the distance. Officer Meyer then moved to the back of his SUV behind an officer with a rifle and communicated over the radio to have someone block Tuckaseegee Road.

In the footage, Officer Meyer stated that the decedent's gun was a silver revolver, and he "cranked off quite a few." Officer Meyer again moved from the cover of the SUV and said he could not see the gun and that the decedent may be laying on it. When Officer Meyer moved to the hood of the SUV, the BWC showed that the SUV's front passenger window had been shattered.

Officers continued to give the decedent commands to roll over on his stomach. Officer Meyer again removed himself from his place of cover and began to approach the decedent while a group of CMPD officers approached the decedent from the opposite direction. Officer Meyer did not make it to the decedent and returned to his car.

F. Physical evidence

Thirteen discharged 9mm shell casings were recovered from the scene, corroborating the results of the round count that showed Officer Torres fired 11 times and Officer Meyer fired two times. The passenger window of Officer Meyer's vehicle was shattered, and a projectile was recovered from the passenger door jamb near the windshield. The trajectory of that projectile is consistent with being fired by the decedent. Similarly, an unrecovered projectile traveled through the front passenger tire and exited through the front passenger wheel well of Officer Torres' vehicle. Again, this trajectory is consistent with a shot fired by the decedent. A Ruger .357 Mag Revolver containing six spent casings in the cylinder, as well as a zipper bag containing 18 live rounds of .357 ammunition, was recovered by the decedent.

G. Autopsy report

The Mecklenburg County Medical Examiner's Office performed an autopsy on Kevin Eugene Boston on June 27, 2022. The autopsy determined that the decedent suffered six gunshot wounds to the neck, arms, chest, and thigh. The cause of death was determined to be multiple gunshot wounds. A blood toxicology screening revealed the presence of 11-Hydroxy-THC, Delta-9 Carboxy THC, Delta-9-THC, Ketamine, and Midazolam. A copy of the autopsy report is included as an exhibit to this report.

H. Conclusion

It is undisputed that Officers Torres and Meyer fired their service weapons. Round counts and spent casings recovered from the scene suggest Officer Torres fired his weapon 11 times, and Officer Meyer fired his weapon twice. It is similarly clear that the decedent fired his weapon at officers, striking the vehicles that the officers were using as cover.

The central issue in this review is whether Officers Torres and Meyers were justified under North Carolina law in using deadly force in the protection of themselves or 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 credible evidence suggests the decedent had just committed an armed robbery of a grocery store by flashing his weapon at store personnel as he left without paying for merchandise. Based on the content of the call for service relayed to Officers Meyer and Torres by dispatch, Officers Meyer and Torres were reasonable in their belief that the decedent, whom they encountered moments later only a short distance from the location of the robbery, was armed when they saw him walking away from the store. When Officers Meyer and Torres attempted to make voluntary contact with the decedent, he reached toward his waist or pants.

When a suspect, whom an officer reasonably believes to be armed and dangerous, reaches for a weapon in this manner, the officer is reasonable in fearing for his safety and the safety of others. The courts have found that an officer does not have to wait until a gun is pointed at the officer before the officer is entitled to take action. Anderson v. Russell, 247 F.3d 125 (4th Cir. 2001). Officers Torres and Meyer would have both been justified under the law of self-defense had they fired on the decedent at this moment.

Instead, Officers Torres and Meyer exhibited restraint and retreated to somewhat safer positions where they issued commands for the decedent to “drop the gun” and “show his hands,” which the decedent disregarded. While Officers Torres and Meyer gave the decedent commands to drop the weapon, the decedent ignored them and resumed walking away while displaying the firearm in his hand. During this time, Officer Torres was forced to retreat farther around his vehicle in order to maintain cover between himself and the armed decedent. While it appears the armed decedent was attempting to walk away from the scene, officers fulfilling their sworn duty to enforce the law are required to confront, rather than avoid, potentially dangerous people and circumstances. Permitting a suspect only moments removed from an armed robbery, who brandished and continued to brandish a weapon after being confronted by officers on a public sidewalk would have placed both responding officers and the members of the surrounding community in immediate danger.

Furthermore, Officers Torres and Meyer did not lose the right of self-defense through their initial exercise of restraint. Officers Torres and Meyers were entitled to use deadly force as long as the threat remained and did not lose the right to self-defense merely by exercising restraint in an initial attempt to defuse the situation. A subject in an armed robbery who is displaying a firearm and not complying with officers’ commands remains a deadly threat. As such, Officer Torres and Meyer were entitled to use deadly force in self-defense when Officer Torres fired upon the decedent. After Officer Torres fired upon the decedent, the decedent turned and pointed the gun in the direction of Officers Torres and Meyer, and Officer Meyer also fired his weapon. Officer Meyer was similarly entitled to use deadly weapon in his own self-defense and in defense of Officer Torres.

No available evidence in this case would enable the State to prove to a jury beyond a reasonable doubt that Officers Meyer and Torres did not act in defense of themselves or another. The information relayed to the officers regarding the armed robbery at the grocery store, the body-worn camera videos, the physical evidence at the scene, as well as the statements of both officers, all corroborate that Officers Meyer and Torres were reasonable in their belief that the

decendent posed an imminent threat of great bodily harm or death to themselves and the public when they fired their weapons, killing the decendent. Accordingly, the State will not pursue criminal charges related to the death of Kevin Eugene Boston.

If you have any questions, please contact me directly.

Sincerely,

A handwritten signature in cursive script that reads "Spencer B. Merriweather III".

Spencer B. Merriweather III
District Attorney

CC: Chief Johnny Jennings, Charlotte-Mecklenburg Police Department

Exhibits:

The decedent reaches for his weapon as shown on Officer Meyer's BWC.

[Return](#)



The decedent pulls his gun as shown on Officer Torres' BWC.

[Return](#)



The decedent points the gun in the direction of Officer Torres while crossing his arms as shown in Officer Meyer's BWC.

[Return](#)



The decedent walking while swinging the gun in his right hand as captured by Officer Meyer's BWC.

[Return](#)



Officer Torres' first shot as captured by Officer Torres' BWC.

[Return](#)



Officer Torres' second shot as captured by Officer Torres' BWC.

[Return](#)



The decedent points the gun in the direction of Officer Torres after Officer Torres' second shot.

[Return](#)



The decedent pointing the gun in the direction of the officers after Officer Torres' fourth shot.

[Return](#)



The shattered passenger window on Officer Meyer's patrol vehicle.

[Return](#)



The front passenger tire of Officer Torres' patrol vehicle and trajectory of the decedent's projectile as it exited the tire.

[Return](#)



The decedent's .357 revolver.

[Return](#)



The six spent rounds in the decedent's weapon.

[Return](#)



Exhibit 1

Mecklenburg County Medical Examiners' Office ^{1 of 15}

3440 Reno Avenue, Charlotte, NC 28216
Telephone 704-336-2005
Fax 704-336-8353

REPORT OF AUTOPSY EXAMINATION

DECEDENT

Document Identifier: B22-3949
Name: Kevin Boston
Age: 45
Race: Black
Sex: Male

AUTHORIZATION

Authorized By Jonathan Privette, MD. Received From Mecklenburg County

IDENTIFICATION

Body Identified By Papers

ENVIRONMENT

Date of Exam: 6/27/22 Time of Exam: 1130
Persons Present: Linnelle Banks

CERTIFICATION

Cause of Death:

MULTIPLE GUNSHOT WOUNDS

Pathologist Jonathan Privette, MD
Date Finalized: October 27, 2022



SUMMARY AND INTERPRETATION

The decedent is a 45-year-old male who was shot by Law Enforcement.

Autopsy examination reveals multiple gunshot wounds, contusions, lacerations, abrasion, atherosclerotic cardiovascular disease.

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.

DIAGNOSES

- Multiple gunshot wounds
- Contusions/lacerations/abrasion
- Atherosclerotic cardiovascular disease

EXTERNAL DESCRIPTION

Length: 73 inches

Weight: 225 pounds

Body Condition: Intact

Rigor: 2+

Livor: Posterior

Hair: Black

Eyes: Brown

Teeth: Natural in fair repair

Body Development: Normal

Body Nourishment: Normal

Clothing: None

Accompanies the body: None

Identifying Marks: Tattoos as diagrammed

Medical Intervention: Tape at the eyes, endotracheal tube, orogastric tube, chest tube, catheters in the left arm, right neck, right inguinal area, right leg, Foley catheter, roughly sutured incisions at the anterior torso. There are pinpoint puncture wounds at the left torso consistent with medical intervention.

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

Entrance location: Left, upper neck/lower left jaw

Inches above the heel: 62-1/2 inches

Inches R/L of midline: 1-3/4 inches left of anterior midline

Wound characteristics: The entrance gunshot wound measures 1/4-inch and exhibits 1/2-inch beveling at the 3 o'clock position. Soot and/or stippling are not grossly identified in association with this injury.

Injuries: The wound track lacerates the skin and soft tissue of the upper neck/lower jaw.

Bullet retained: No

Exit wound location: Right, anterior, upper neck/lower jaw

Inches above the heel: 63 inches

Inches R/L of midline: 3-1/2 inches right of anterior midline

Wound characteristics: The exit gunshot wound measures 1-inch and exhibits irregular borders. There is 3/4-inch stretch laceration adjacent to the exit wound.

Trajectory in the anatomical position: Right to left, slightly front to back with minimal deviation in the remaining axis

GRAZE GUNSHOT WOUND

Located at the right, lateral shoulder at a point 60 inches above the heel and 11-1/2 inches right of anterior midline is a 1-1/2-inch graze gunshot wound. The trajectory of this wound is difficult to assess due to the superficial nature of the injury. This wound may represent a continuation of gunshot wound A.

GUNSHOT WOUND B

Entrance location: Left, lateral, upper arm

Inches above the elbow: 3 inches

Wound characteristics: The entrance gunshot wound measures 1/2-inch and exhibits 3/4-inch beveling at the 6 o'clock position. Soot and/or stippling are not grossly identified in association with this injury.

Injuries: The wound track lacerates the skin and soft tissue of the left arm and terminates its course in the soft tissue of the base of the neck from where a partially deformed projectile is recovered.

Bullet retained: Yes

Trajectory in the anatomical position: Upward, left to right with minimal deviation in the remaining axis

GUNSHOT WOUND C

Entrance location: Posterior/lateral right, upper arm

Inches above the elbow: 3 inches

Wound characteristics: The entrance gunshot wound measures 1/4-inch and exhibits 3/8-inch marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury.

Injuries: The wound track lacerates the skin and soft tissue of the of the right, upper arm.

Bullet retained: No

Exit wound location: Medial right, upper arm

Inches above the elbow: 6 inches

Wound characteristics: The exit gunshot wound measures 3/4-inch and exhibits irregular borders. There is surrounding ecchymosis extending to 5 inches.

Trajectory in the anatomical position: Right to left, back to front, and upward

GUNSHOT WOUND D

Entrance location: Lateral, right chest

Inches above the heel: 51 inches

Inches R/L of midline: 12-1/2 inches right of anterior midline

Wound characteristics: The entrance gunshot wound measures 1/4-inch and exhibits 1/2-inch marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury. There is surrounding soft-tissue ecchymosis.

Injuries: The wound track lacerates the skin and soft tissue of the right, lateral chest, enters the body cavity between right ribs #10 and 11, lacerates the liver and right adrenal gland, and terminates its course in the right perirenal soft tissue from where a partially deformed projectile is recovered. Associated injuries include hemoperitoneum. There is suture material present in the liver.

Bullet retained: Yes

Trajectory in the anatomical position: Right to left, forward, and slightly downward

GUNSHOT WOUND E

Entrance location: Right, lateral chest

Inches above the heel: 52 inches

Inches R/L of midline: 11-1/4 inches right of anterior midline

Wound characteristics: The entrance gunshot wound measures 1/4-inch and exhibits 3/4-inch marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury. The wound margins are irregular. There is surrounding soft-tissue ecchymosis.

Injuries: The wound track lacerates the skin and soft tissue of the right, lateral chest, enters the body cavity between right ribs #9 and 10, lacerates the liver, the inferior vena cava, the apex of

the heart without chamber involvement, fractures left rib #8, terminates its course in the soft tissue of the anterior, left chest from where a partially deformed projectile is recovered. Associated injuries include hemoperitoneum and bilateral hemothoraces.

Bullet retained: Yes

Trajectory in the anatomical position: Right to left, slightly forward, and slightly upward

GUNSHOT WOUND F

Entrance location: Medial/posterior, left thigh

Inches above the heel: 32-1/4 inches

Wound characteristics: The entrance gunshot wound measures 1/4-inch and exhibits 3/8-inch marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury.

Injuries: The wound track lacerates the skin and soft tissue of the left thigh.

Bullet retained: No

Exit wound location: Anterior, left thigh

Inches above the heel: 33-1/4 inches

Wound characteristics: The exit gunshot wound measures 3/4-inch and exhibits irregular borders.

Trajectory in the anatomical position: Back to front, slightly right to left, and slightly upward

OTHER INJURIES

There is abrasion at the left, upper arm adjacent to gunshot wound B entrance. There is 1-1/4-inch contusion at the medial aspect of the left, upper arm. There are linear contusion/lacerations at the posterior right hand. There are scattered small contusions/lacerations at the posterior, left hand.

INTERNAL EXAMINATION

Body Cavities

Organ positions: Normal

Abnormal fluid collections: See Injuries

Adhesions: None

Cardiovascular System

Heart Weight: 430 grams

Pericardium: Normal

Coronary arteries: The right coronary and left anterior descending coronary arteries exhibit 75% stenosis.

Chamber and valves: Normal

Myocardium: See Injuries

Aorta and major branches: Normal

Respiratory System

Right Lung Weight: 630 grams

Left Lung Weight: 500 grams

Soft tissues: Normal

Hyoid bone and laryngeal cartilages: Normal

Obstructions: None

Lung parenchyma: Normal

Pulmonary arteries: Unobstructed

Gastrointestinal System

Grossly unremarkable

Liver

Liver Weight: 1930 grams

See Injuries

Spleen

Spleen Weight: 140 grams

Grossly unremarkable

Pancreas

Grossly unremarkable

Urinary

Right Kidney Weight: 240 grams

Left Kidney Weight: 240 grams

Grossly unremarkable

Reproductive

Grossly unremarkable

Endocrine

Thyroid gland: Normal

Adrenal glands: See Injuries

Neurologic

Brain Weight: 1440 grams

Scalp: Normal

Skull: Normal

Vasculature: Normal

Leptomeninges: Normal

Brain: Normal

Immunologic System

Grossly unremarkable

Musculoskeletal System

See Injuries

MICROSCOPIC EXAMINATION

Sections submitted: None

Findings:

SPECIAL PROCEDURES

Radiographs reveal projectiles at the neck, torso.

DISPOSITION OF PERSONAL EFFECTS AND EVIDENCE

The following items are released with the body:

None

The following items are preserved as evidence:

Three projectiles

Blood stain card

END OF REPORT

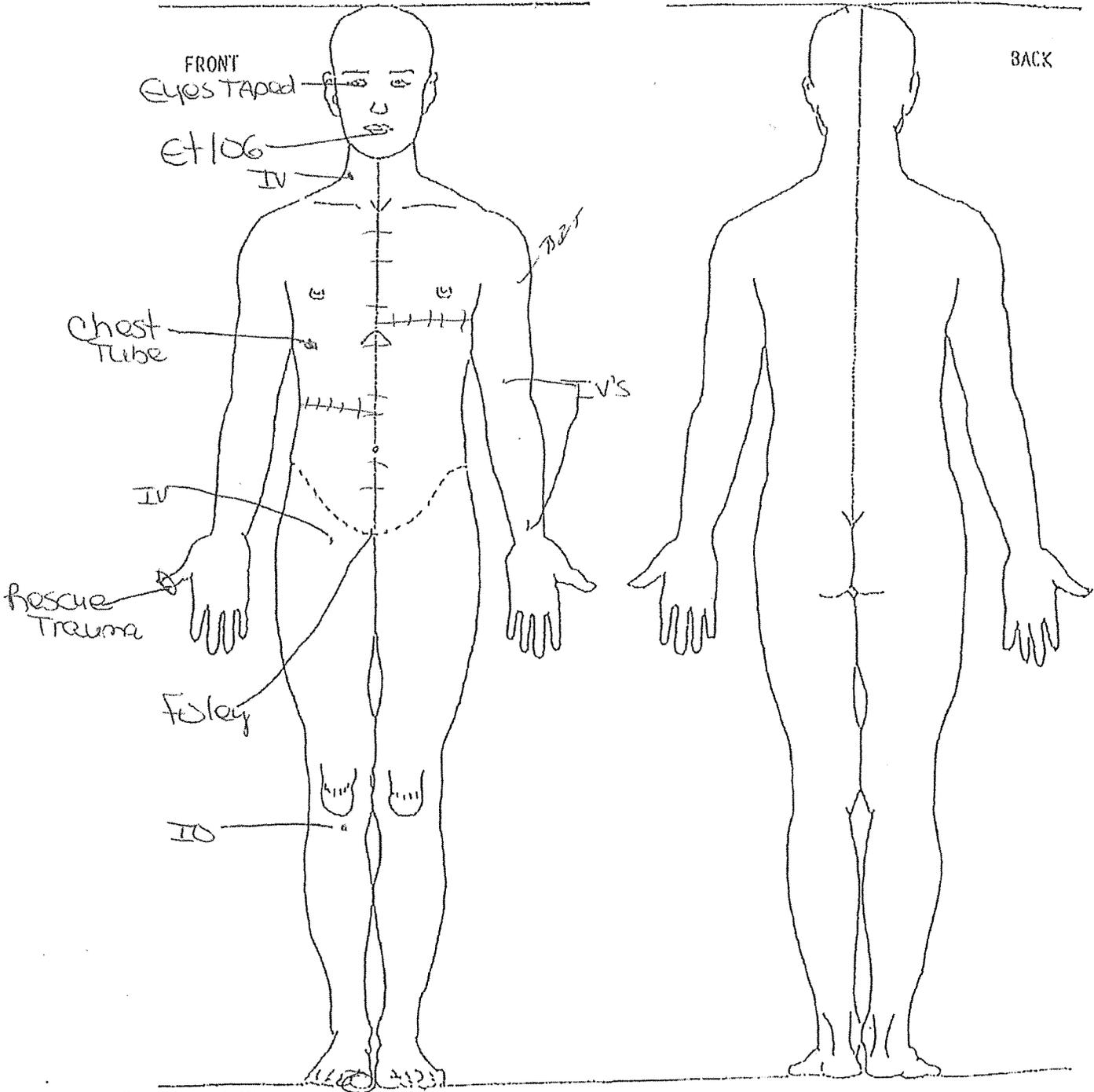
JP/km

DID#: 38212162

State of North Carolina
Office of the Chief Medical Examiner
Chapel Hill, North Carolina 27599-7580

Name of Decedent: Kewon Boston
Autopsy # B22-3949
Examined By: JDP Date: 6-27-22

BODY DIAGRAM: ADULT (Front/Back)



DCIMR 1917 (4/97)
Medical Examiner

This form may be photocopied.

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

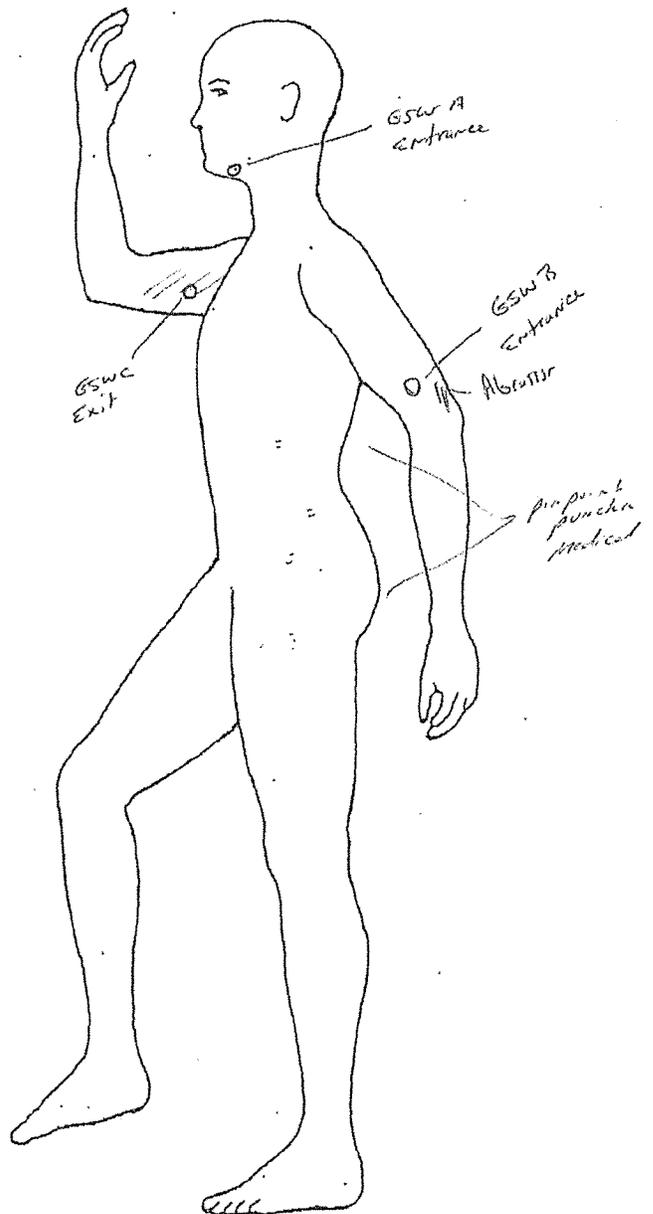
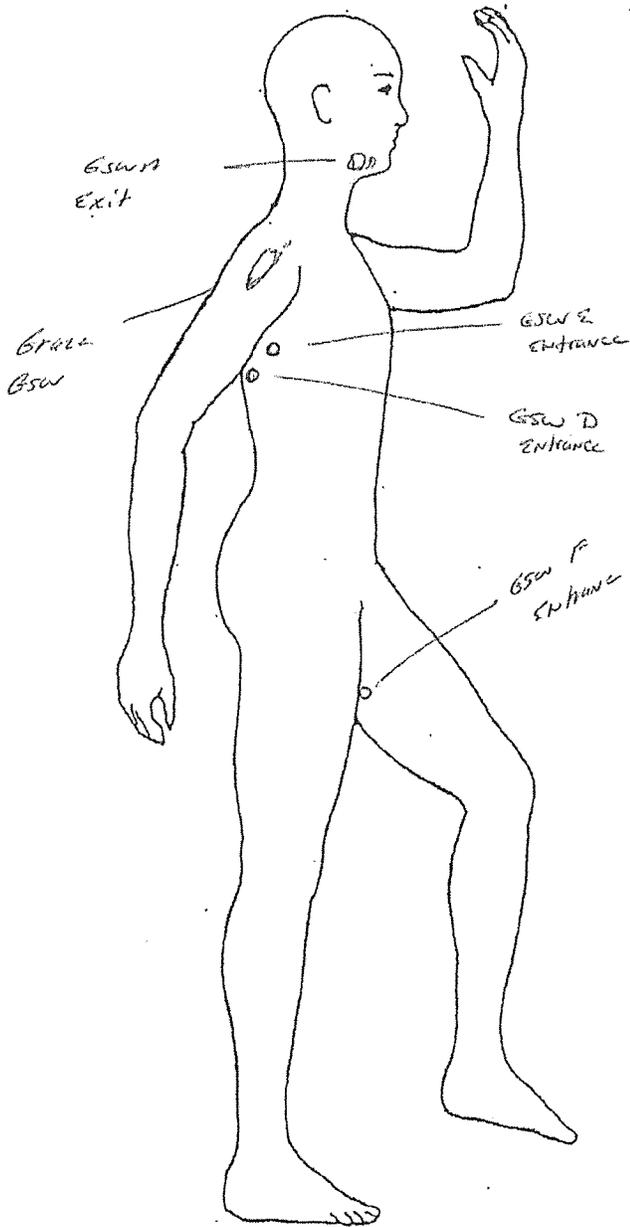
Name of Decedent: _____

Autopsy # B22-3949

Examined By: [Signature] Date: 6/27/22

BODY DIAGRAM:

PROFILE (Left/Right)



DEHNR 3461 (4/97)
Medical Examiner

This form may be photocopied.

PAGE ___ OF ___

State of North Carolina

Name of Decedent: _____

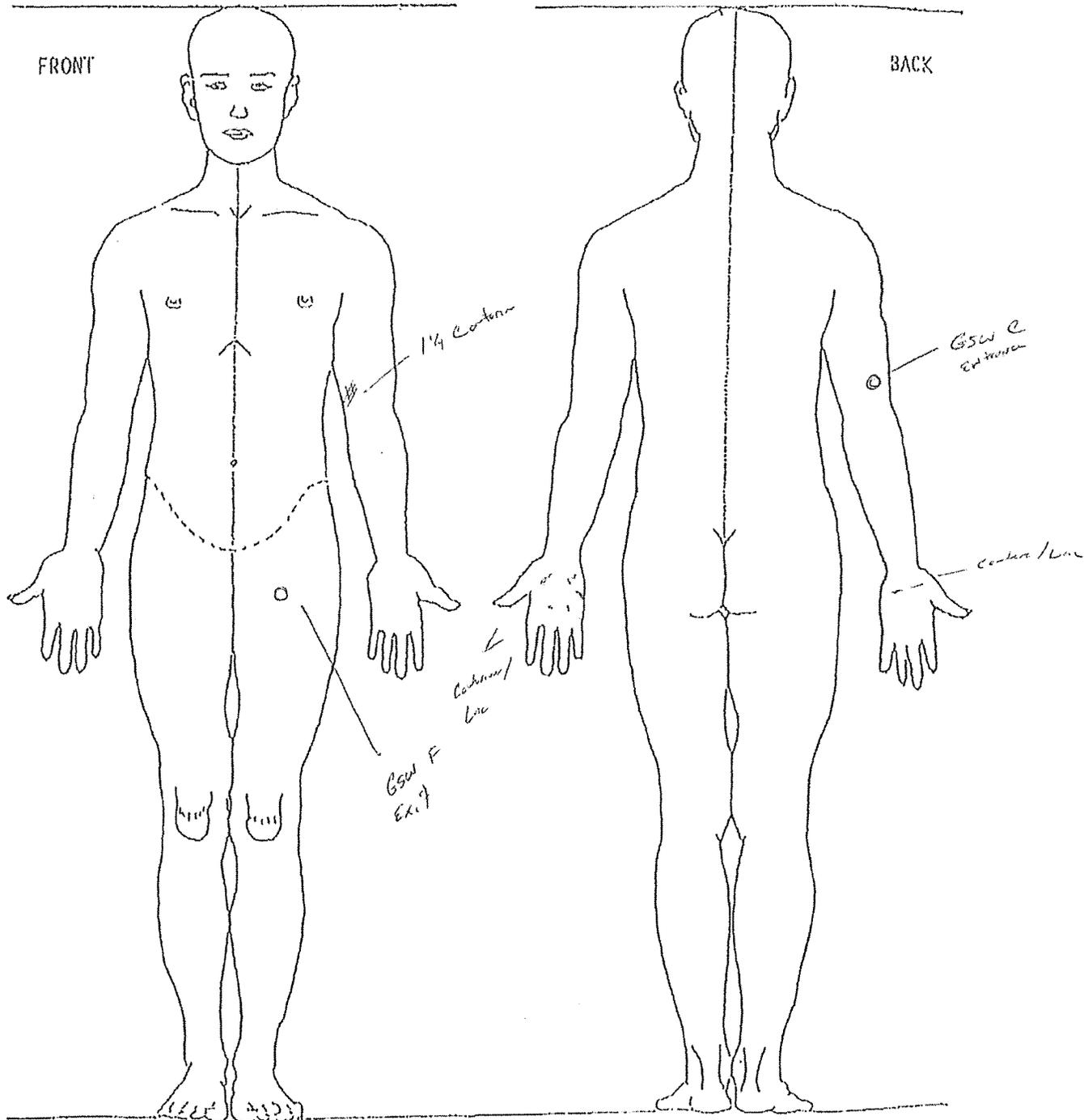
Office of the Chief Medical Examiner

Autopsy # B22-3749

Chapel Hill, North Carolina 27599-7530

Examined By: [Signature] Date: 6/27/12

BODY DIAGRAM: ADULT (Front/Back)



DEMR 1917 (4/97)
Medical Examiner

This form may be photocopied.

From: noreply@dhhs.nc.gov
Sent: Tuesday, November 8, 2022 1:02 PM
To: [Blackman, Brandon](#)
Subject: No Reply: OCME Toxicology F202204857

TOXICOLOGY REPORT

Office of the Chief Medical Examiner Toxicology Folder: T202207824
Raleigh, NC 27699-3025 Case Folder: F202204857
Date of Report: 25-oct-2022
DOD: 26-jun-2022
Page: 1

Brandon Blackman
S.B.I.
525 Caldwell Park Drive
Harrisburg, NC 28075

DECEDENT: Kevin Eugene Boston
Status of Report: Approved
Report Electronically Approved By: Sandra Bishop-Freeman, PhD

* * *

** Comments Concerning This Report **
Specimen kit was received with at least one leaking
container.
** End of Comments Concerning This Report **

=====

SPECIMENS received from Jonathan Privette on 01-jul-2022

S220023889: 18.0 ml Blood CONDITION: Postmortem
SOURCE: Chest Cavity OBTAINED: 27-jun-2022

** Comments Concerning This Specimen **
Unless otherwise noted, all testing on this specimen was
performed by NMS Labs. The Test Panel includes abused and
therapeutic drugs, some of which are not tested at OCME(THC,
LSD) but the results must be reported. Other drugs may

appear due to add-on testing directed by OCME. Contact the lab for a full list.

** End of Comments Concerning This Specimen **

11-Hydroxy-THC -----	1.1 ng/mL	10/25/2022
Delta-9 Carboxy THC -----	15 ng/mL	10/25/2022
Delta-9-THC -----	4.3 ng/mL	10/25/2022
Ethanol -----	None Detected	10/25/2022

** Comments Concerning This Result **

Analysis was performed by OCME.

** End of Comments Concerning This Result **

TOXICOLOGY REPORT

Office of the Chief Medical Examiner Toxicology Folder: T202207824
Raleigh, NC 27699-3025 Case Folder: F202204857

Date of Report: 25-oct-2022

DOD: 26-jun-2022

Page: 2

Decedent: Kevin Eugene Boston

* * *

SPECIMENS received from Jonathan Privette on 01-jul-2022 (Continued)

Ketamine -----	2.3 mg/L	10/25/2022
Midazolam -----	0.016 mg/L	10/25/2022

S220023890: 3.0 ml Vitreous Humor CONDITION: Postmortem
SOURCE: Eye OBTAINED: 27-jun-2022

S220023891: Liver CONDITION: Postmortem
SOURCE: Liver OBTAINED: 27-jun-2022

Accredited by the American Board of Forensic Toxicology, Inc.

110822 13:02 * * * END OF REPORT * * * B202203949

REPORT OF INVESTIGATION BY MEDICAL EXAMINER

OCME USE ONLY	DECEDENT: Kevin Eugene Boston First Middle Last Suffix
Case Number F2022 04857	RESIDENCE: 5910 Monroe Rd. D-1 Charlotte, NC Mecklenburg Number and Street City, State County
Date Received JUN 29 2022	AGE: 45 years SEX: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unknown
<input type="checkbox"/> Res <input type="checkbox"/> NR	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

INFORMATION ABOUT OCCURRENCE

	DATE	TIME	ADDRESS OR FACILITY	COUNTY
ONSET OF INJURY OR ILLNESS	6/26/2022	1257	5200 Tuckaseegee Rd 28208	Mecklenburg
DEATH	6/26/2022	1638	CMC Main OR	Mecklenburg
VIEW OF BODY	6/28/2022	1130	<input type="checkbox"/> Scene of Death <input type="checkbox"/> Hospital <input type="checkbox"/> Funeral Home	
ME NOTIFIED	6/26/2022	1750	<input checked="" type="checkbox"/> Morgue MCMEO <input type="checkbox"/> Not Viewed	
LAST KNOWN TO BE ALIVE	6/26/2022	Bef. 1638	LAW ENFORCEMENT AGENCY: SBI OFFICER: Blackman TELEPHONE: 919-417-2248	

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: _____ Where: _____

PROBABLE CAUSE OF DEATH: Pending

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

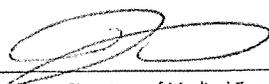
This section "OCME REVIEW ONLY"		SDC
1. _____ DUE TO _____	<input checked="" type="checkbox"/> None	
2. _____ DUE TO _____	<input type="checkbox"/> AL	
3. _____ DUE TO _____	<input type="checkbox"/> Dictated	
4. _____	<input type="checkbox"/> COG	

CONTRIBUTING CONDITIONS
MANNER OF DEATH:
 Natural Accident Homicide Suicide Undetermined

Reviewer: _____ Date: 10/26
Information in this block supersedes that contained in space at left.

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.



Signature of Medical Examiner

Jonathan Privette MD

Print Name of Medical Examiner

6/28/2022

Date

MECKLENBURG
County of Appointment

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: _____ Noted in Summary (Pg 4)
- TOXIC AGENT(S) SUSPECTED: Alcohol Others: _____
- 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: Officer Involved Shooting Unknown
- Type of Place: _____ Specific location: 5200 Tuckaseegee Rd
- DEATH: Type of place: Hospital Specific location: CMC Main OR
- Death occurred while in custody: Yes No Unknown
- If yes, was in: County Jail State Prison Federal Prison Police Presence
- Death 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: _____ Estimate
- BODY TEMPERATURE: Warm Cool Cold HAIR: Color: _____ Facial: _____
- EYES: Color: _____ Abnormalities: _____
- TEETH: LOWER: Natural Dentures None UPPER: Natural Dentures None
- PHOTOGRAPHS: Yes No RADIOGRAPHS: Yes No
- CLOTHING: _____ Not Clothed
- VALUABLES: _____ No Valuables

45 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