



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

SPENCER B. MERRIWEATHER III
DISTRICT ATTORNEY

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February 28, 2023

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

Re: Brenda Grice Donahue Death Investigation

Dear SAC Canty:

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the shooting death of Brenda Grice Donahue on August 19, 2022. The case was investigated under case number 2022-02382. The documentation considered for the purposes of this review was provided by the North Carolina State Bureau of Investigation on December 12, 2022.¹ The purpose of this review was to examine whether the actions of Charlotte-Mecklenburg Police Department Officer Brandon Graham were unlawful in the incident leading to the death of Brenda Grice Donahue.

These events occurred at the residence of the decedent and her husband located at 8930 St. Croix Lane in Charlotte at approximately 5:30 p.m. Shortly before these events, the decedent's husband petitioned a magistrate for the decedent to be involuntarily committed. An order for the involuntary commitment of the decedent was granted by a magistrate and signed at 4:18 p.m. Officers Brandon Graham, Lauren Ehlke, and Kristian Kurtzke were dispatched to serve the involuntary commitment order on the decedent and take her into custody for a mental health examination. Upon their arrival at the residence, the officers were met by the decedent's husband. The officers informed him why they were there, and he went upstairs to inform the decedent that the police were there to see her. When he returned, he informed the officers that the decedent told him to tell them she was sleeping. He informed the officers she was in the bedroom at the top of the stairs. The husband then allowed the officers into the home, and they went up the stairs to take the decedent into custody. Body-worn camera footage shows Officer Ehlke was the first officer up the stairs, followed by Officer Kurtzke, and then Officer Graham.

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.

Officer Ehlke knocked on the bedroom door and identified herself as a police officer and asked the decedent to open the door. The decedent replied, “You’re not coming in this door.” As Officer Ehlke began to respond to the decedent, the decedent fired a gunshot through the door, striking Officer Ehlke. [1] [2] [3] [4] [5]. The bullet lodged in Officer Ehlke’s body-worn camera. [6]. Officer Ehlke was not injured and retreated from the home. Officer Kurtzke drew his firearm and retreated to the dining area at the foot of the stairs. [7]. Officer Graham drew his firearm and retreated down a second flight of stairs where he had a semi-obscured view of the decedent’s bedroom door overhead. [8]. The decedent then fired a second shot through the bedroom door. Officer Graham kept his position while pointing his firearm in the direction of the bedroom door. The available evidence suggests that shortly thereafter, the decedent exited the bedroom and pointed her gun over the banister down at Officer Graham, who fired two shots, striking the decedent once in the head. The decedent’s gun fell over the banister, landing on the floor next to Officer Graham. [9]. Neither Officers Ehlke nor Kurtzke fired their weapons during the incident. After taking necessary precautions, the officers began rendering medical aid to the decedent until they were relieved by firefighters and paramedics. The decedent was taken to Atrium Health Medical Center, where she was pronounced deceased on August 25, 2022.

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 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 Brenda Grice Donahue

Officer Brandon Graham

Officer Brandon Graham was interviewed by SBI agents on August 22, 2022, at the SBI District Office in Harrisburg, North Carolina. In that interview, Officer Graham stated that he has worked with CMPD since February 24, 2020. Officer Graham recalled that he met Officers Ehlke and Kurtzke at the scene of the shooting incident when he arrived at approximately 5:30 p.m. on Friday, August 19, 2022. He was in his police uniform. Officer Graham said he turned his body-worn camera on as he and the two other officers approached the front door of the residence. Officer Ehlke knocked on the front door, but there was no answer, and the officers saw no movement inside the house. The officers then walked around the house but did not see any lights or movement.

Officer Graham said the officers had begun walking back to their patrol cars when they saw a man standing at the open garage door. The man told Officer Ehlke that he would let the officers in through the front door. The man went back inside the garage, and the officers went to the front door. Officer Graham recalled that the man came to the front door and said, "She said she's asleep." Officer Ehlke informed the man they had paperwork instructing them to take the decedent to the hospital. Officer Graham stated that the man opened the door, and the officers entered the house.

Officer Graham described the scene as a split-level house with the front door located on the second floor. There was a stairwell that led to a bedroom on the third floor. The officers were informed that the decedent was in the bedroom on the third floor. The bedroom door was closed. Officer Graham recalled that all three officers went up the staircase to the bedroom on the third floor and were standing on the staircase because there was nowhere else to go. Officer Ehlke was standing at the top of the staircase by the bedroom door, Officer Kurtzke was standing behind Officer Ehlke, and Officer Graham was standing behind Officer Kurtzke. Officer Graham said Officer Ehlke knocked on the closed bedroom door, and the decedent said something to the effect of, "I'm not going to the hospital." Officer Ehlke explained that they had paperwork that said they had to take her to the hospital, at which point the decedent fired a gunshot through the bedroom door, according to Officer Graham

Officer Graham recalled that none of the three officers had their weapons drawn at the time the decedent fired. Officer Graham saw a bullet hole in the door as he started moving down the stairs so Officers Kurtzke and Ehlke could get out of the way. He repositioned on the main floor, heard one or two more gunshots, and advised over the radio that shots had been fired.

Officer Graham said he believed the decedent was still in the upstairs bedroom behind the closed door, so he aimed his handgun at the door at the top of the stairs. Officer Graham stated that he could only see the top of the door from where he was standing because the banister prevented him from seeing the rest of the door.

Officer Graham held his position and watched the top of the door. He heard no other gunshots from the decedent. Officer Graham said he saw the door open, and the decedent started walking out of the room with a gun in her right hand. He described the decedent's handgun as a 1911-style handgun with brown grips. Officer Graham said the decedent leaned over the banister, brought the gun in a downward motion, and pointed the gun at Officer Graham. He stated that he and the decedent locked eyes as she pointed the handgun at him over the banister. Officer Graham said he fired at the decedent, but it had no effect. He and the decedent were still making eye contact, and she extended her arm and handgun further, at which point he fired a second round. Officer Graham said his second round hit the decedent, and she fell behind the banister rail as her gun fell over the banister and landed to the left of where he was standing. Officer Graham believed there was less than a second between his two shots, and the decedent did not say anything after she was shot.

Officer Graham did not know where his round hit the decedent, so he pointed his gun in her direction for approximately five seconds while looking, listening, and watching the door. He saw the decedent's gun lying to his left under a dog grate and advised over the radio that shots had been fired and the subject was down.

Officer Graham recalled that he moved up to the second floor with his gun still drawn while Officer Kurtzke followed him. Officer Graham saw Officer Ehlke was standing by the front door. Officer Ehlke said she was hit but she was uninjured. Officer Graham told her to check under her vest and asked Officer Kurtzke to help Officer Ehlke check for injuries. After determining that Officer Ehlke had not been shot, Officer Graham told her to keep the decedent at gunpoint while he holstered his duty weapon, put his medical gloves on, and went to provide aid.

Officer Graham said he and Officer Ehlke stepped over the decedent and dragged her into the bedroom, where they had more room to administer assistance. The decedent was not moving or speaking. Officer Graham applied pressure on the decedent's head wound with a towel and felt for a pulse, but he could not feel a pulse. Officer Ehlke began chest compressions. Because the decedent then started breathing a little on her own, Officer Graham said, the officers did not give mouth-to-mouth resuscitation. Officers Ehlke and Kurtzke switched positions for compressions, and Officer Graham continued to hold pressure on the decedent's head wound. Officer Graham stated that the officers continued CPR until the fire department arrived, which was approximately three minutes later. At this time, the decedent was still having agonal breaths, Officer Graham said. Once the fire department arrived and took over medical care for the decedent, Officer Graham walked outside and turned his body-worn camera off.

Officer Graham stated that he felt compelled to shoot because the decedent had shot at them, came out with a gun, and pointed the gun at him. He said it was apparent to him that the decedent intended to kill law enforcement officers or anyone else in the house. Officer Graham said he fired two gunshots during the incident, and he fired the second round because his first

round had no effect and did not stop the decedent, who was still pointing the gun at Officer Graham after he fired the first round. Officer Graham believed the decedent intended to kill him.

Officer Lauren Ehlke

Officer Lauren Ehlke was interviewed by SBI agents on August 24, 2022, at the SBI District Office in Harrisburg, North Carolina. In that interview, Officer Ehlke stated that she has worked with CMPD since 2019. She volunteered to be assigned to this call for service on August 19, 2022, because CMPD policy requires that the transporting officer and the subject of an involuntary commitment order be the same sex, and she was the only female officer working this shift at that time.

Officer Ehlke recalled that she met Officers Kurtzke and Graham on St. Croix Lane. Officer Ehlke said the three officers approached the home and received no answer at the door. As they were about to leave, a man opened the garage door and identified himself as the decedent's husband. The decedent's husband advised officers he would let them in through the front door. Officer Ehlke stated that the man opened the front door and said he would let his wife know the police were there. He then walked up the stairs and knocked on the closed door at the top of the stairs. Officer Ehlke said she heard the husband's voice and a female voice, but she could not hear what was said. The husband then returned to the front door and told the officers that the decedent said she was asleep. Officer Ehlke explained to the decedent's husband that they had an order that said they had to take the decedent to the hospital, and he stepped aside and said the decedent was upstairs.

Officer Ehlke recalled that the three officers went up the stairs. Officer Ehlke was at the top of the stairs, Officer Kurtzke was standing behind her, and Officer Graham was standing behind Officer Kurtzke. Officer Ehlke was standing sideways at the door with her left shoulder facing the door. This position would not have been her preference, she said, but there nowhere else to stand because of the stairway. Officer Ehlke stated that she knocked on the door at the top of the stairs, and the decedent asked, "Who is it?" Officer Ehlke told the decedent her name and that she was with the CMPD, and the decedent responded that she was not coming out. Officer Ehlke said she began to reply but did not finish her explanation because she heard a gunshot and felt an impact on her chest. Officer Ehlke looked down at her chest, saw the hole in the door, and realized she had been shot.

Officer Ehlke recounted that she turned around and ran down the stairs and outside of the residence. She heard an additional gunshot as she was running outside. Officer Ehlke yelled for Officers Kurtzke and Graham but did not hear a response. She tried to use her radio but did not hear anything. Officer Ehlke went back inside to check on Officers Graham and Kurtzke and saw the decedent's body lying at the top of the stairs, she said. The decedent's chest was rising and falling rapidly, so she knew the decedent was not dead. Officer Ehlke also saw Officer Graham on the bottom floor at the bottom of the stairs holding his handgun fully extended. She did not know where Officer Kurtzke was at that time. Officer Ehlke said Officer Graham could not see the decedent from where he was standing because the decedent was on the ground. Officer Ehlke stated that she did not see Officer Graham shoot the decedent, nor did she hear his gunshot.

Officer Ehlke recalled that she saw blood on Officer Graham's head. Officer Graham instructed Officer Ehlke to check to make sure she was not struck. Officer Ehlke recalled that

someone helped her open her uniform shirt to ensure she had not been shot. After determining that she had not been injured, Officer Ehlke went back inside the residence, put her gloves on, and went up the stairs to provide medical aid to the decedent. Officer Ehlke said she called for paramedics on the radio as soon as she saw the gunshot wound to the decedent's head. Officer Ehlke recalled that Officer Graham applied pressure to the wound while she and Officer Kurtzke took turns performing compressions until the fire department arrived, at which point firefighters took over medical assistance.

Officer Ehlke said she instructed Officer Graham to go to the patrol cars, and Officer Graham told her that the decedent's gun had fallen downstairs. Officer Ehlke said she located the decedent's gun under a baby gate at the bottom of the stairs. Another officer stood by with the decedent's gun, and Officer Kurtzke left the residence.

Officer Ehlke said she never fully unholstered her duty weapon. When she went back in the house and saw the decedent on the ground, she did not believe she was going to be shot at again.

At some point, Officer Ehlke saw her body-worn camera lying on the outside deck with the decedent's projectile lodged in it. She put the camera back on her chest until another officer collected it from her. Officer Ehlke said she believed the decedent's projectile would have gone through Officer Kurtzke's head had it not been stopped by Officer Ehlke's body-worn camera. Officer Ehlke recalled that she was afraid for her life, and she would have absolutely felt the need to use deadly force had she had been in Officer Graham's position.

Officer Kristian Kurtzke

Officer Kristian Kurtzke was interviewed by SBI agents on August 29, 2022, at the SBI District Office in Harrisburg, North Carolina. In that interview, Officer Kurtzke said he received a call regarding an involuntary commitment sometime after 3 p.m. He met with Officer Ehlke and waited for Officer Graham to get the paperwork from the district office. Once Officer Graham had the paperwork in hand, the three officers approached the residence and knocked on the door. When no one came to the door, the officers started to leave, but they engaged with the decedent's husband at the garage, and the husband went through the garage and opened the front door for the officers.

Officer Kurtzke said the husband went up the stairs to talk with the decedent, and then returned and told officers they could come inside. All three officers walked up the stairs to the door to engage with the decedent. Officer Ehlke was the first one to the door, followed by Officer Kurtzke, and then Officer Graham. Officer Ehlke informed the decedent through the closed door that they had commitment papers and the decedent had to go with them to the hospital. Officer Kurtzke recalled that the decedent responded to Officer Ehlke, but he said it was unclear what she said. Then, the first gunshot came through the door.

Officer Kurtzke said all three officers moved to take cover and, as they were moving away from the door, a second gunshot came through the door. Officer Graham went down the stairs to the bottom floor, Officer Ehlke went out the front door of the residence, and Officer Kurtzke went to the nearby landing on the second floor and then jumped from that landing to the first floor. Officer Kurtzke then moved to a doorway to take cover.

Officer Kurtzke said the decedent exited the room she was in and looked for the officers over the railing of the stairs. Officer Graham then fired two gunshots with a slight pause between them at the decedent from approximately 10 feet away, according to Officer Kurtzke. Officer Kurtzke said he did not fire because he did not have a clear view and could not tell whether the decedent had anything in her hands at the time. After Officer Graham's shots, Officer Kurtzke saw the decedent fall, and he saw something fall from her hands.

Officer Kurtzke then went to check on Officer Ehlke, who stated that she had been hit in her body-worn camera. Officer Kurtzke helped Officer Ehlke check her vest and did not see any marks or rounds in her vest. Officer Kurtzke then kept the decedent's husband from re-entering the residence while Officers Ehlke and Graham checked on the decedent.

Officer Kurtzke said the decedent was on the landing in front of the bedroom door, and the officers dragged her into the room to have more room to provide her with medical care. Officer Ehlke started to do chest compressions on the decedent while Officer Graham applied pressure to the wound. When Officer Kurtzke was relieved by another arriving officer at the front door, he went upstairs to help Officers Ehlke and Graham provide medical assistance, which they did until fire personnel arrived.

J.W.²

J.W., the decedent's husband, was interviewed on August 19, 2022, at the Charlotte-Mecklenburg Police Department located in uptown Charlotte. In that interview, J.W. said he applied for the involuntary commitment order on the morning of August 19, 2022. J.W. said the decedent was an alcoholic and that she had locked herself in her room and been drunk for five days. When police arrived, he met them at the garage door and told them he would let them in the front door. J.W. recalled that the police told him they were there to take the decedent to the hospital. J.W. said in his interview that the decedent had multiple cameras placed around the house and could monitor the premises from her bedroom and likely already knew the police were there. He said he went up to the decedent's bedroom to tell her the police were there to see her, and the decedent told him to tell officers she was sleeping. After informing the officers of the decedent's response, he allowed the officers through the front door. J.W. said Officer Ehlke went up the stairs and knocked on the door, and the decedent shot through the door. Officer Ehlke ran from the house, and he went outside and grabbed her to check to see whether she had been shot, J.W. said. His recollection was that Officer Ehlke informed him that she had been shot in the "microphone." J.W. was not present in the home to see the decedent exit the bedroom, he did not hear the additional gunshots, and he did not see the decedent again until after she had been shot. Based on the position of the decedent's body, J.W. said he believed she had been shot in the head while looking over the banister. J.W. saw the officers performing CPR on the decedent and noted that they never stopped until other emergency personnel arrived and took over the rendering of medical assistance.

² Witnesses who did not identify themselves publicly in media interviews or otherwise are not identified by name in this document. To name those who did not publicly identify themselves could have a chilling effect on witness cooperation in other cases

F. Physical evidence

Two spent rounds from Officer Graham's service weapon were located at the scene. In addition, a round count of Officer Graham's remaining ammunition corroborated that he fired twice during the encounter. The decedent's semi-automatic .380 Lorcin pistol was found on the ground underneath the banister where Officer Graham said it had fallen. Two discharged .380 casings were found in the decedent's bedroom. An additional 9mm Luger pistol was found on the decedent's bed.

Two holes were found in the bedroom door. The trajectory of the first hole matches the projectile that struck Officer Ehlke's body-worn camera. The second travelled through the door and lodged in the banister outside the bedroom. [10].

G. Video evidence

Officer Ehlke's body-worn camera and video was destroyed during the incident. Body-worn camera video of the incident was obtained from cameras worn by Officers Graham Kurtzke. Both cameras recorded the officers lining up on the stairs with Officer Ehlke standing sideways at the bedroom door when a projectile is fired through the door, striking her body-worn camera and knocking it off her chest. The officers then flee down the stairs with Officer Kurtzke taking a position in the dining room and Officer Graham taking a position on the bottom floor underneath the stairs. A second, and possibly a third, shot can be heard as Officers Graham and Kurtzke hold those positions.

Officer Kurtzke's video shows Officer Kurtzke jumping over the banister from the dining room to the bottom floor. Shortly after he lands, his camera captures the audio of Officer Graham's two gunshots and briefly shows Officer Graham's position at the time of his shots: gun drawn, arms extended, aiming at the top of the stairs. Immediately after the shooting, Officer Graham informs Officer Kurtzke that he can no longer see the decedent but says that the decedent pointed the gun straight at him over the awning [*sic*], which is consistent with his statement to investigators. The decedent cannot be seen on either body-worn camera prior to the shooting.

H. Autopsy report

The Mecklenburg County Medical Examiner's Office performed an autopsy on Brenda Donahue on August 26, 2022. The decedent was treated at Atrium Health Carolinas Medical Center until she was pronounced deceased on August 25, 2022. The cause of death was determined to be a single gunshot wound to the decedent's head. A copy of the Report of Autopsy Examination is attached as Exhibit 1.

I. Conclusion

It is undisputed that Officer Graham fired his service weapon twice at the decedent. The central issue in this review is whether Officer Graham was justified under North Carolina law in using deadly force in the protection of himself 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 body-worn camera video, statements of the other officers, and the physical evidence corroborate the account of Officer Graham.

The evidence in this case is clear that the decedent fired twice through the bedroom door with the first projectile striking Officer Ehlke and lodging in her body-worn camera. Fortunately, Officer Ehlke was uninjured and was able to flee the residence. The corroborated evidence also suggests the decedent exited the bedroom, gun in hand, and was pointing it over the banister at Officer Graham when he shot the decedent.

The evidence in this case clearly shows that Officer Graham acted in defense of his own life and the life of Officer Kurtzke when he shot and killed the decedent. Consequently, the evidence would certainly be insufficient to prove to a jury beyond a reasonable doubt that Officer Graham did not act in defense of himself or another. Similarly, as the decedent had already shot at Officer Ehlke, striking her body-worn camera in her chest area, the evidence clearly demonstrates that Officer Graham was indeed reasonable in his belief that the decedent posed an imminent threat of great bodily harm or death to himself and Officer Kurtzke. Accordingly, I will not be seeking charges related to the death of Brenda Donahue Grice.

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

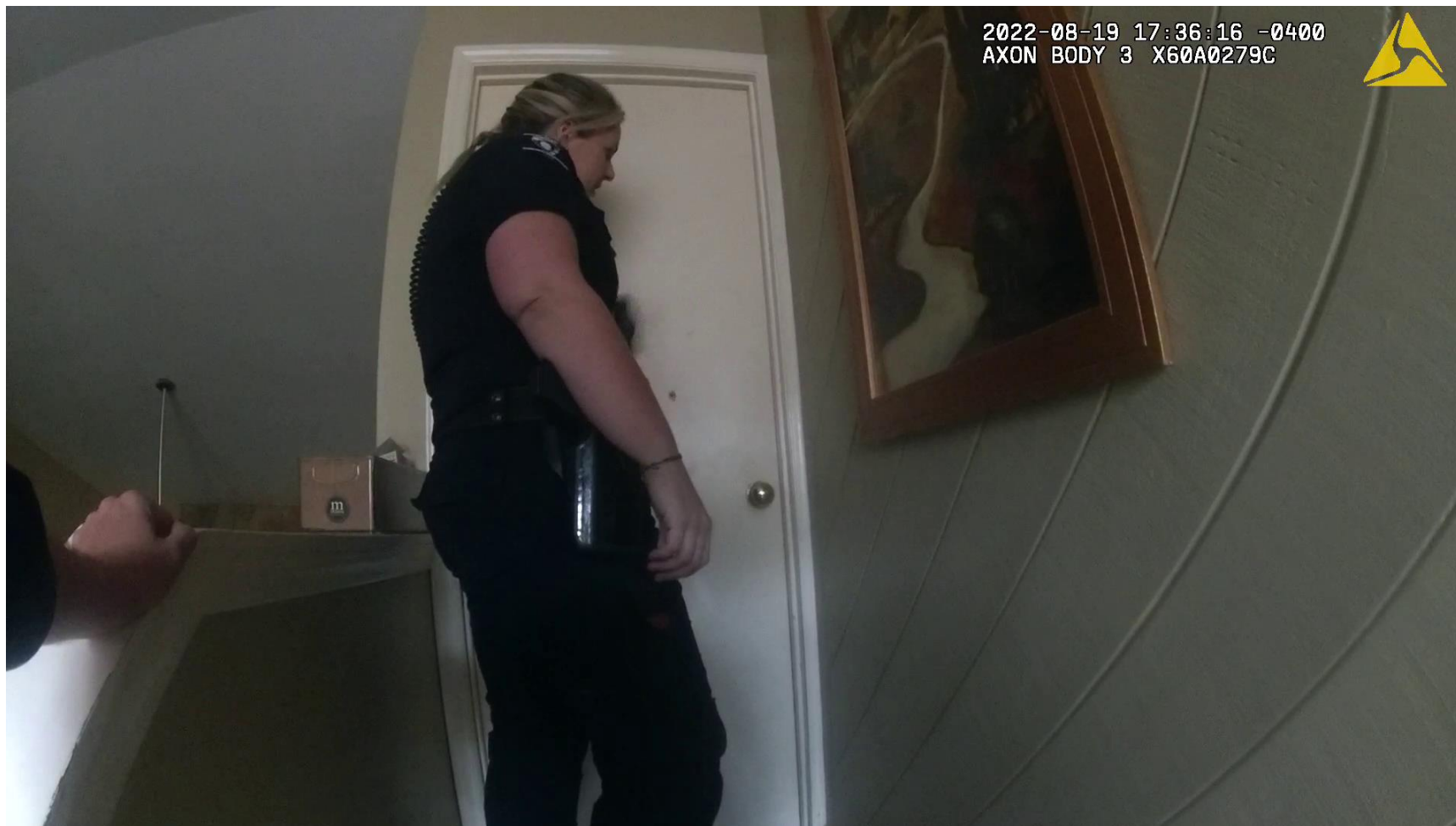
The decedent fires through the door striking Officer Ehlke's body-worn camera.

[Return](#)



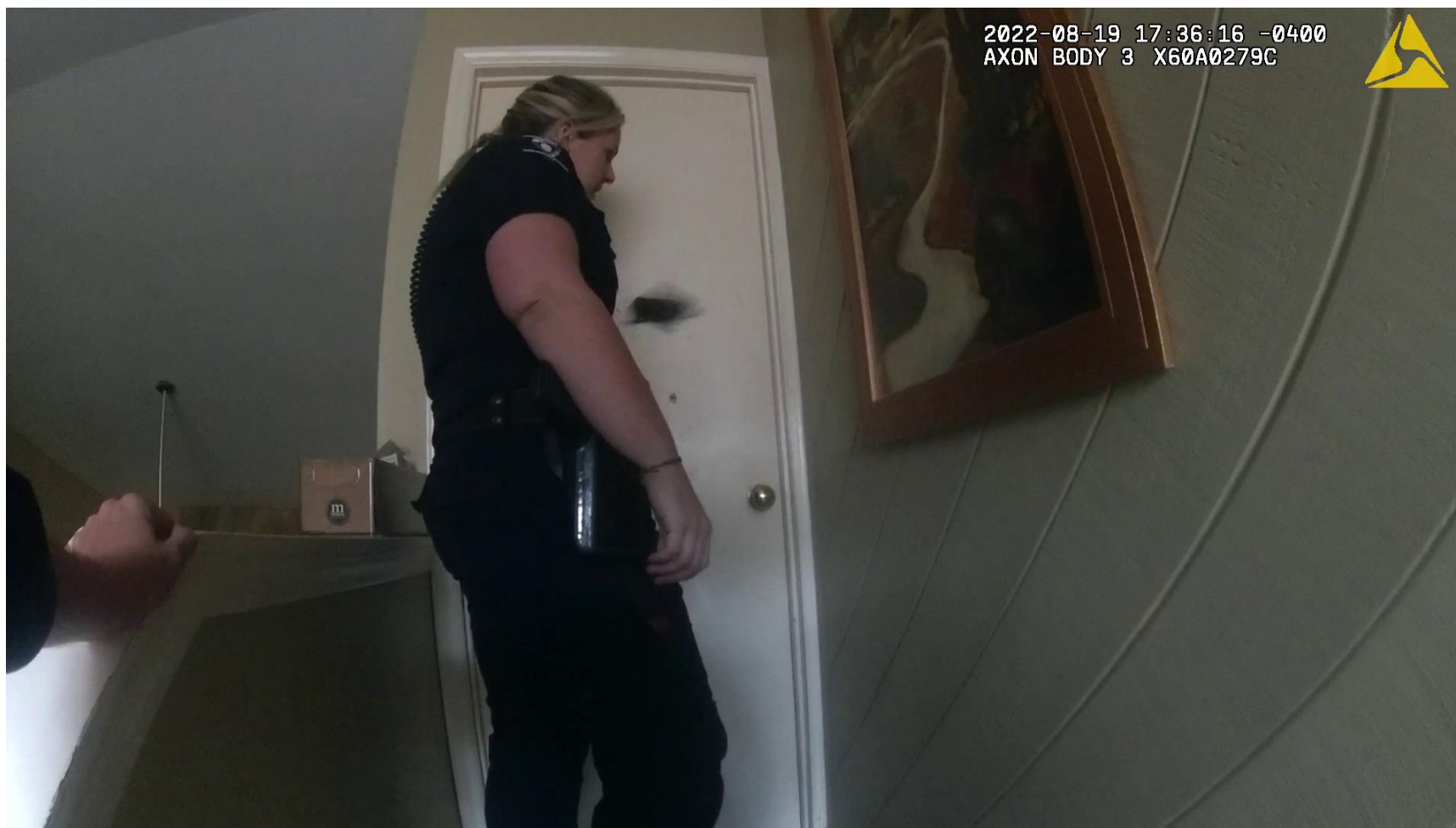
The decedent fires through the door striking Officer Ehlke's body-worn camera.

[Return](#)



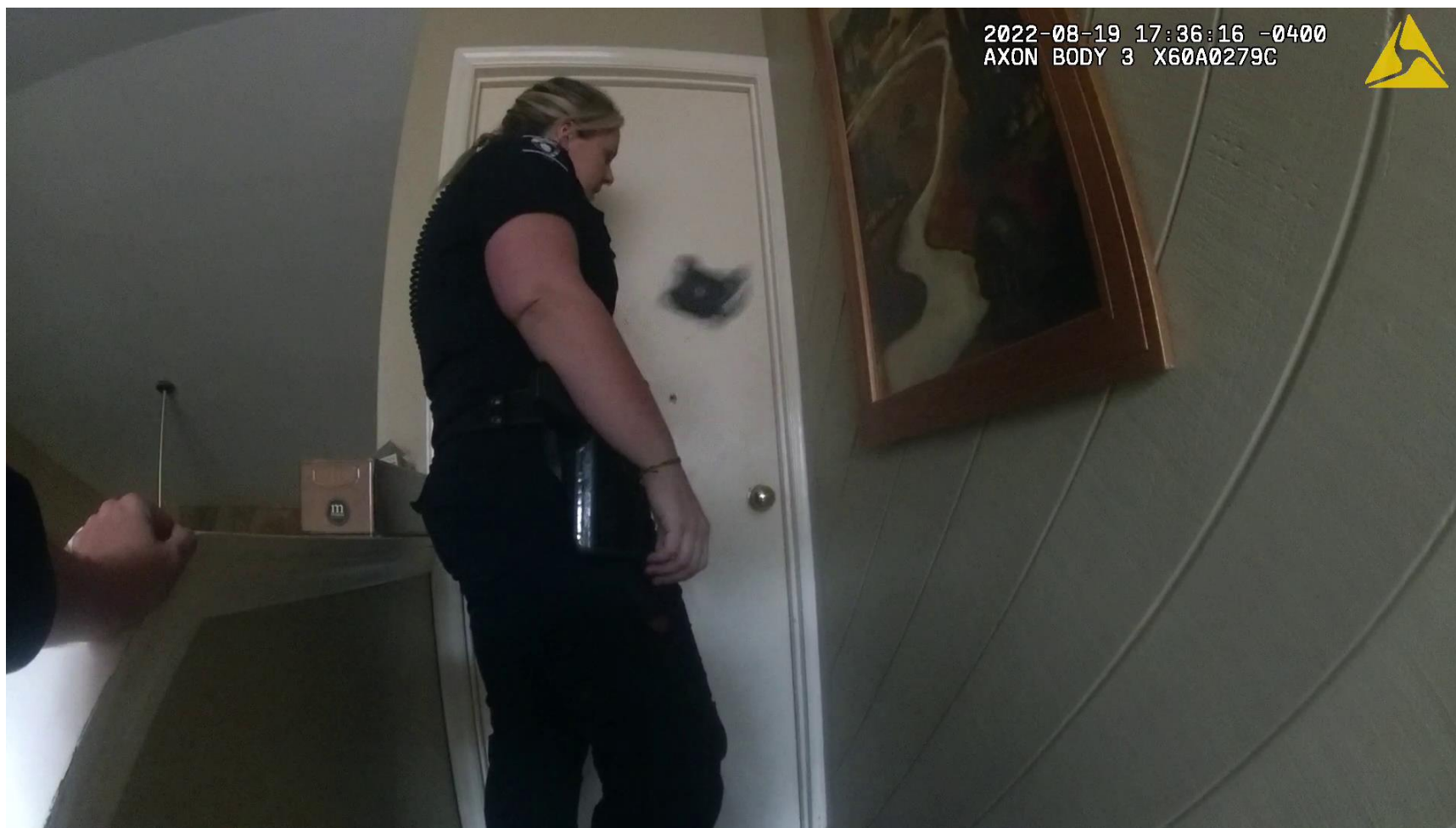
The decedent fires through the door, striking Officer Ehlke's body-worn camera and knocking it from her chest.

[Return](#)



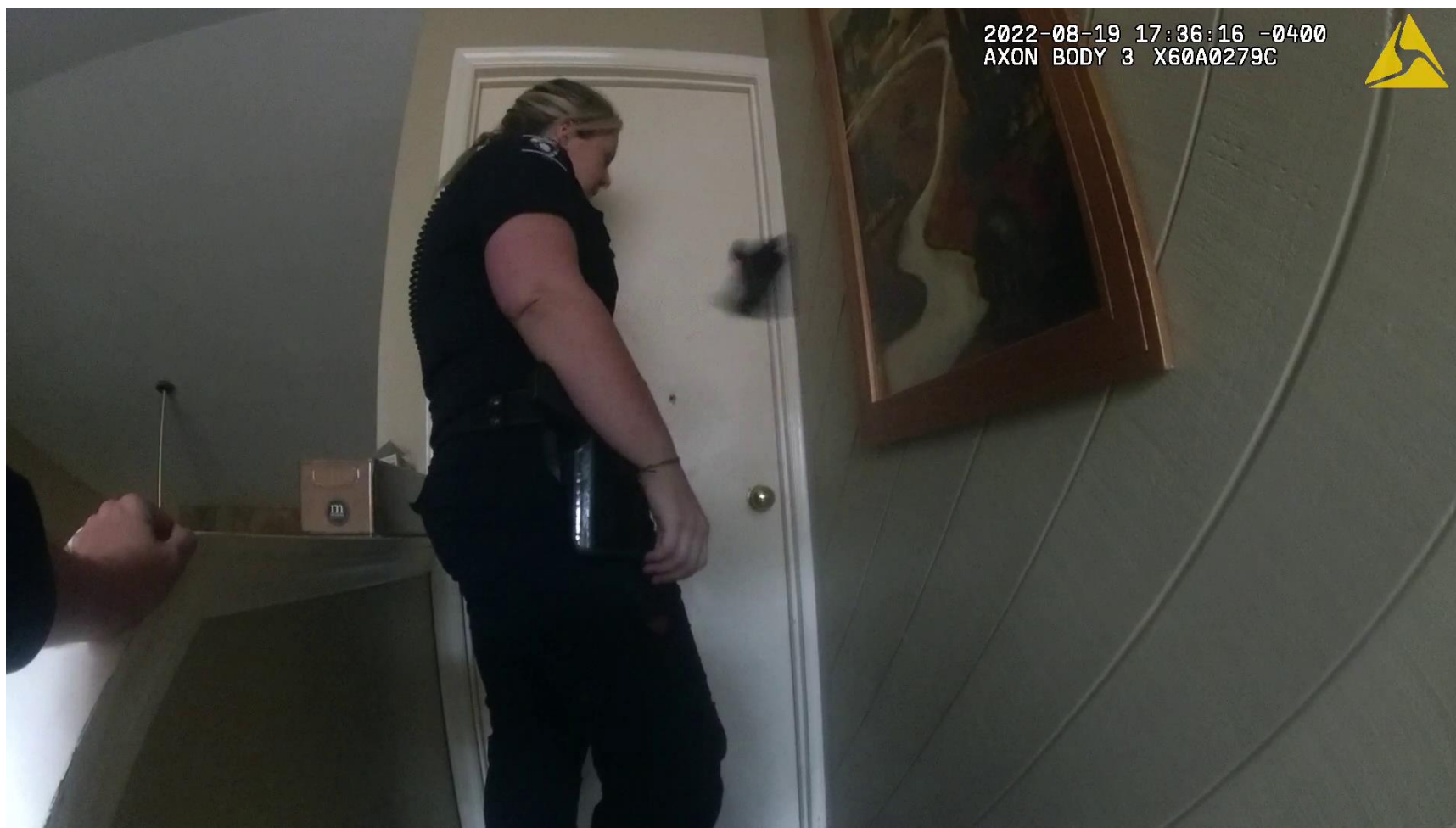
The decedent fires through the door, striking Officer Ehlke's body-worn camera and knocking it from her chest.

[Return](#)



The decedent fires through the door, striking Officer Ehlke's body-worn camera and knocking it from her chest.

[Return](#)



Officer Ehlke's body-worn camera, and the projectile lodged in the camera.

[Return](#)



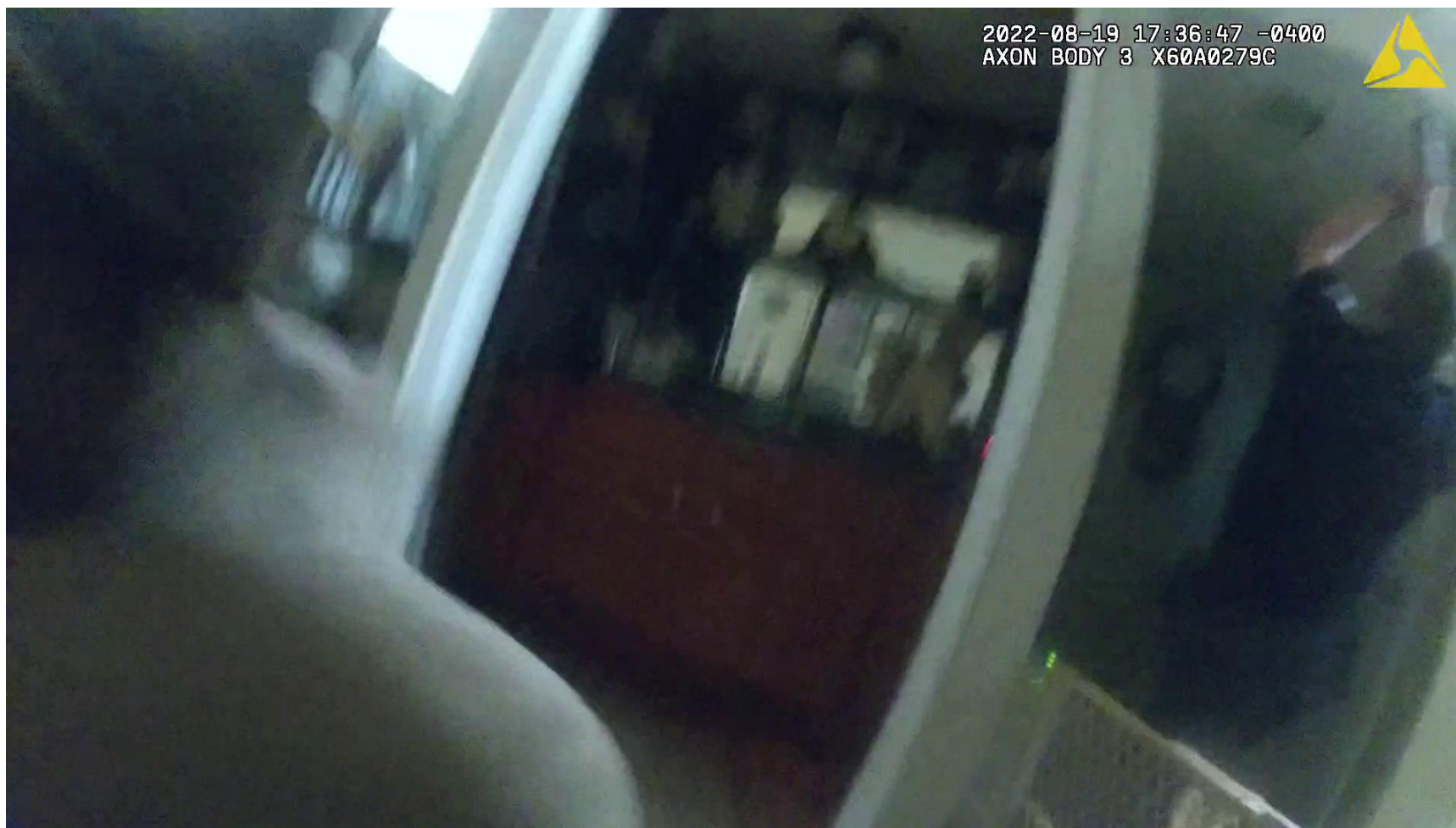
Officer Kurtzke took a position in the dining room. Officer Graham's firearm can be seen in the foreground.

[Return](#)



Officer Graham's position (right) on the bottom floor looking up at the decedent's bedroom.

[Return](#)



The decedent's firearm.

[Return](#)



The trajectory of the projectiles the decedent fired through the bedroom door.

[Return](#)



Exhibit 1

Mecklenburg County M E Office

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



REPORT OF AUTOPSY EXAMINATION

DECEDENT

Document Identifier B202205324
Autopsy Type ME Autopsy
Name Brenda Donahue
Age 60 yrs
Race White
Sex F

AUTHORIZATION

Authorized By James R. Lozano MD **Received From** Mecklenburg

ENVIRONMENT

Date of Exam 08/26/2022 **Time of Exam** 09:15
Autopsy Facility Mecklenburg County M E Office **Persons Present** Ms. Laura Luther

CERTIFICATION

Cause of Death
Gunshot wound of head

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

Digitally signed by

James R. Lozano MD 23 February 2023 00:44

DIAGNOSES

1. Mixed penetrating and tangential gunshot wound of left parietal head
 - Lacerations of bilateral cerebral hemispheres
 - Cerebral edema
 - Subdural, subarachnoid, intraparenchymal, and subgaleal hemorrhages
 - Radiating skull fractures and bilateral orbital roof fractures
2. Blunt force injury of right chest
 - Right rib fractures
 - Rupture of right breast implant
3. Hypertensive and atherosclerotic cardiovascular disease
 - Cardiomegaly (500 grams) with left ventricular hypertrophy
 - Four chamber cardiac dilation
 - Moderate calcified coronary artery atherosclerosis
4. Bilateral lobar pneumonia
 - Bilateral pleural effusions
 - Mediastinal lymphadenopathy
5. Hepatosplenomegaly
 - Fatty liver change
6. Status post tissue procurement of abdominal soft tissues, pelvic bones, lower extremity long bones, and posterior skin

IDENTIFICATION

Body Identified By
Papers/ID Tag

EXTERNAL DESCRIPTION

Length 67 inches
Weight 201 pounds
Body Condition Intact
Rigor None

Livor None
Hair Brown/grey
Eyes Hazel
Teeth Natural upper and lower, in fair repair



Received is the body of a well-developed, well-nourished white woman appearing compatible with the reported age of 60 years. The body has undergone procedures for postmortem tissue procurement of abdominal soft tissues, pelvic bones, bilateral lower extremity long bones, and posterior skin. The body is received unclothed and no personal effects accompany the body. Identifying marks and scars consist of well-healed breast augmentation scars under the right and left breasts. Evidence of medical intervention consists of a stapled left craniectomy incision; ventriculostomy catheter in the right frontal-parietal skull; intravascular lines in the right antecubital fossa and right forearm; and bandaged venipunctures on the dorsum of the right hand. Medical identification bands encircle the right wrist, left wrist, and right ankle, and morgue identification tags are affixed to the right and left great toes, identifying the decedent variously as "Donahue, Brenda", "Nashville, Trauma", and "Brenda Donahue".

INJURIES

MIXED PENETRATING AND TANGENTIAL GUNSHOT WOUND OF HEAD:

There is a gaping 4-1/2" by 3/8" entrance gunshot wound with up to 1-1/2" skin splits and visible skull bone and brain matter on the left forehead/frontal scalp located 3" below the top of the head, 3" superior to and 4" anterior to the left ear canal. There is no soot or gunpowder stippling noted on the skin surrounding this wound. The wound track splits into penetrating and tangential gunshot wounds. The penetrating gunshot wound fractures and perforates the left part of the frontal bone; lacerates the left frontal lobe, left parietal lobe, right parietal lobe, and right occipital lobe, where a deformed bullet fragment is recovered. Deformed bullet and jacket fragments are recovered from the left and right cerebral hemispheres. The wound path is associated with radiating skull fractures; bilateral orbital roof fractures and periorbital ecchymoses; subdural, subarachnoid, and intraparenchymal hemorrhages. The tangential wound path continues through the left frontal and parietal bones and ends 1/2" below the top of the head and 5-1/2" superior to the left ear canal. A deformed bullet fragment is recovered from the wound path, which is associated with subdural and subgaleal hemorrhages. The wound direction is front-to-back and upward.

Additional Injuries:

There are fractures of the anterior right ribs. There is associated rupture of the decedent's breast implant above these fractures.

DISPOSITION OF PERSONAL EFFECTS AND EVIDENCE

The following items are released with the body

None

The following items are preserved as evidence

- Bloodstain card
- Deformed bullet and jacket fragments recovered from right and left cerebral hemispheres
- Deformed bullet fragment recovered from external scalp during autopsy

PROCEDURES

Radiographs

Anterior/posterior and lateral full body radiographs reveal radio-opaque projectile fragments in the skull cavity and head. Medical and surgical interventions and evidence of tissue procurement are readily identifiable.

INTERNAL EXAMINATION

Body Cavities

The pleural cavities exhibit mild effusions bilaterally. The peritoneal cavity exhibits changes of tissue and pelvic bone procurement.

Cardiovascular System

Heart Weight 500 grams

The pericardial sac is free of significant fluid and adhesions. The coronary arteries arise normally, follow the usual distribution and are patent, exhibiting moderate (up to 50%) narrowing by calcified atherosclerotic plaque without evidence of thrombosis. There is dilation of all four cardiac chambers; the chambers and valves otherwise bear the usual size-position relationships and are unremarkable. The myocardium shows no evidence of acute infarction, scarring or focal lesions; the left ventricular free wall measures 1.5 cm in thickness at a point located 1 cm below the mitral valve annulus. The aorta and its major branches are intact without significant atherosclerosis.

Respiratory System**Right Lung Weight** 950 grams**Left Lung Weight** 950 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 both lungs shows congestion, mild edema, and bilateral lobar consolidations. There is enlargement of the lymph nodes of the mediastinum. The pulmonary arteries are free of thrombi or emboli.

Gastrointestinal System

The gastrointestinal tract is intact throughout its length and is unremarkable.

Liver**Liver Weight** 2750 grams

The capsule is intact and the parenchyma exhibits extensive fatty change. The gallbladder is present, contains bile and is grossly unremarkable.

Spleen**Spleen Weight** 200 grams

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

Pancreas

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

Urinary**Right Kidney Weight** 200 grams**Left Kidney Weight** 225 grams

The kidneys are normally formed. The capsules strip with ease from the underlying smooth cortical surfaces. The renal architecture is intact without focal lesions. The bladder is empty.

Reproductive**Uterus Weight** 75 grams

The endometrium of the uterine cavity is tan and atrophic. The bilateral ovaries are atrophic. Otherwise, grossly unremarkable.

Endocrine

The thyroid gland and bilateral adrenal glands are grossly unremarkable.

Neurologic**Brain Weight** 1450 grams

Reflection of the scalp reveals the previously described gunshot injuries. The cerebral hemispheres are swollen and edematous, with flattened gyri and narrowed sulci. The vasculature at the base of the brain is intact and without significant atherosclerosis.

Skin

Gunshot injuries and tissue procurement features as previously described.

Immunologic System

Grossly unremarkable.

Musculoskeletal System

Gunshot injuries, blunt force chest injuries, and tissue procurement features as previously described.

MICROSCOPIC EXAMINATION

Microscopic Comment

Histologic examination is not performed.



SUMMARY AND INTERPRETATION

The decedent is a 60-year-old white woman who was shot by a law enforcement officer after reportedly shooting at law enforcement when they attempted to involuntarily commit her.

Autopsy examination reveals a single mixed penetrating and tangential gunshot wound to the head resulting in fatal injury to the brain. There are fractures of the anterior right ribs with associated rupture of the right breast implant into the soft tissue of the right breast.

Postmortem toxicology is not performed. Please see separate report (T2022-11339) for further toxicology details.

Based on the history, autopsy findings, and results of postmortem toxicology, it is my opinion that the cause of death in this case is Gunshot wound of head.

DIAGRAMS

1. Body Diagram: Adult (Front/Back)
2. Body Diagram-Injuries: Head (Left/Right)

State of North Carolina

Office of the Chief Medical Examiner

Chapel Hill, North Carolina 27599-7580

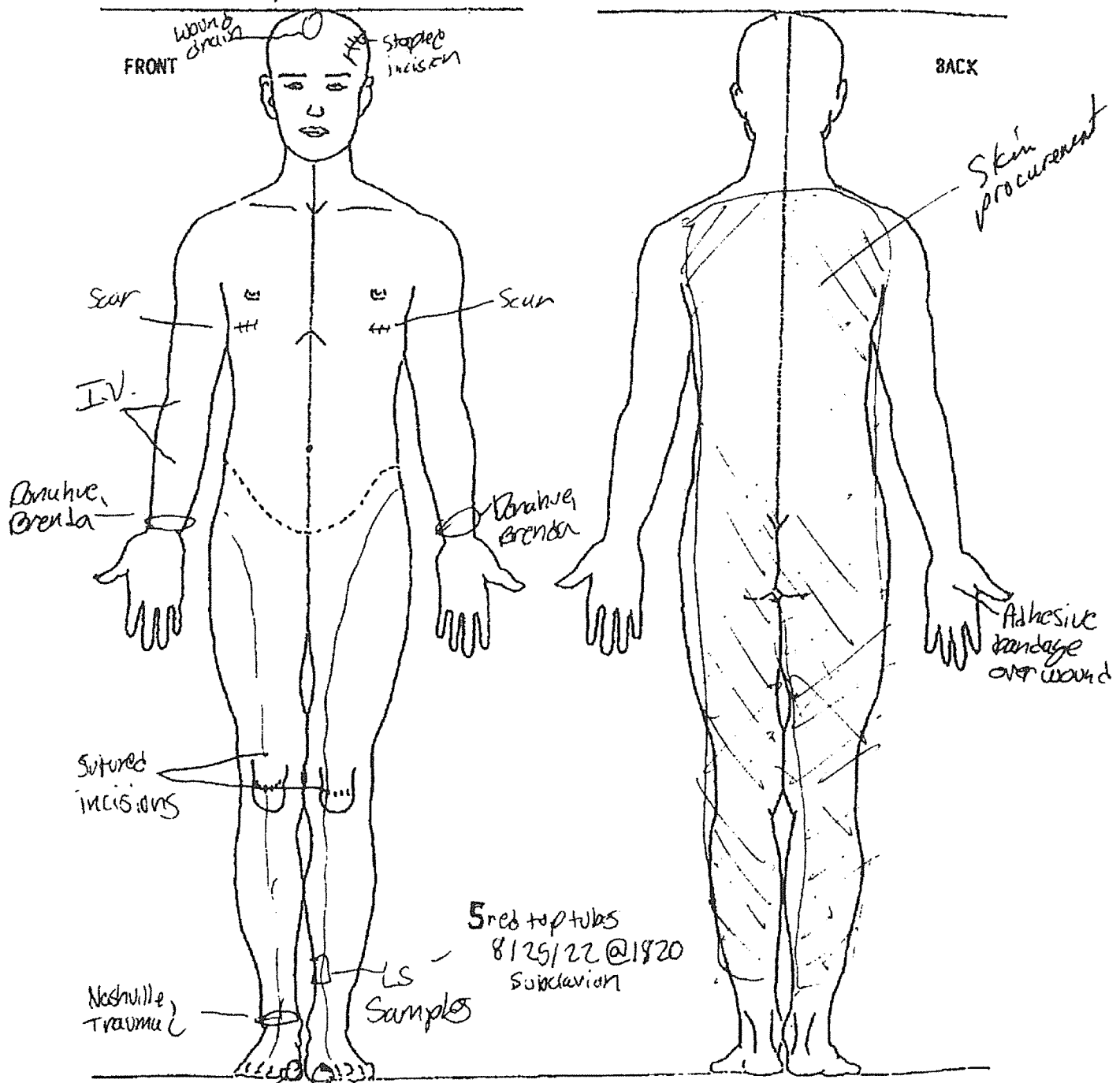
Name of Decedent: Brenda Donahue

Autopsy # 1322-9324

Examined By: JRL,LL Date: 8-26-22



BODY DIAGRAM: ADULT (Front/Back)



DEMR 1817 (4/97)
Medical Examiner

Donahue, Brenda
Brenda Donahue

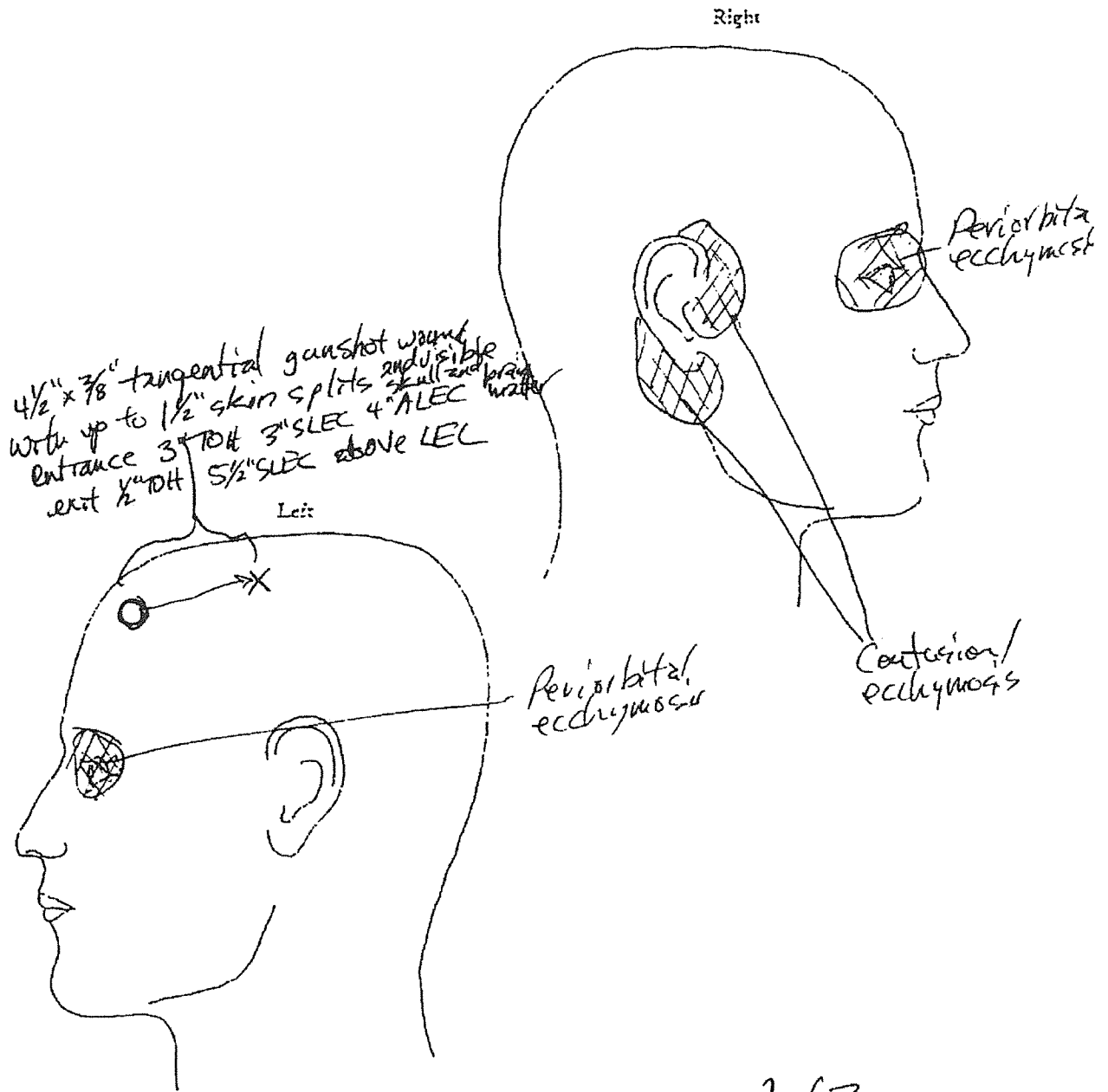
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State of North Carolina
Mecklenburg County Medical Examiner
Charlotte, NC 28216

B 22-5324 Donahue, Brenda
Examined By: JM Date: 8/26/2022

BODY DIAGRAM: HEAD (left/right)



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