



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

SPENCER B. MERRIWEATHER III
DISTRICT ATTORNEY

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

December 11, 2023

Interim Special Agent in Charge Brandon Blackmon
North Carolina State Bureau of Investigation
5994 Caldwell Park Dr.
Harrisburg, North Carolina 28075

Re: Trinity Scot Deese Death Investigation

Dear Interim SAC Blackmon:

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the shooting death of Trinity Scot Deese on August 25, 2023. The case was investigated under case number 2023-02359. The documentation considered for the purposes of this review was provided by the North Carolina State Bureau of Investigation on November 12, 2023.¹ The purpose of this review was to examine whether the actions of Charlotte-Mecklenburg Police Department Officer Claude Neer were unlawful in the incident leading to the death of Trinity Scot Deese.

The shooting occurred at approximately 12:30 a.m. on Friday, August 25, 2023 at the apartment of the decedent and his wife, T.D.², located on Roundstone Way in Charlotte. At 12:25 a.m., T.D. placed a harrowing call to 911 to report that she had been stabbed multiple times by her husband and was about to die. T.D. reported to the 911 operator that her husband was still present in the home and the husband's voice could be heard in the background of the call. T.D. informed the operator that she could no longer fight back or hide. Meanwhile, the decedent also placed a call to 911, explained that he was deaf and could not hear the operator, but informed the operator he had stabbed his wife "a bunch of times" and that she was "in a lot of pain." Afterward, the decedent stopped talking to the operator, seeming to walk away from the phone while leaving the line open. T.D. then informed her 911 operator that the decedent grabbed

¹ The North Carolina State Bureau of Investigation does not routinely provide verified 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.

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.

another knife. The 911 call recorded T.D. pleading “please don’t” and “I can’t do this,” the decedent’s response of “Sorry, I love you,” and T.D.’s pained screams. Shortly afterward, the voices of Officers Neer and Shomette could be heard entering the apartment while T.D. continued to scream. Officer Neer announced himself as a police officer and commanded the decedent to make himself known, followed by the sound of four gunshots.

Body-worn camera footage from Officers Shomette and Neer recorded Officer Shomette arriving first at the apartment to the sounds of T.D.’s screams coming from inside. After pounding on the door while announcing himself as police, Officer Shomette attempted to kick the door open. Upon his arrival, Officer Neer was able to breach the door and entered the apartment, followed by Officer Shomette. When T.D.’s screams could be heard coming from the back of the apartment, Officer Neer made his way to the back bedroom where blood was visible on the carpet. Upon entering the back bedroom, Officer Neer’s body-worn camera captured the decedent in the process of stabbing T.D. as she lay on the bathroom floor. [1] [2]. Officer Neer fired his weapon four times, striking the decedent and causing him to fall on top of T.D. After the decedent has been shot, T.D. can be seen pulling a knife from her body. Shortly thereafter, Officers Neer and Shomette removed T.D. from the bathroom and placed the decedent in handcuffs.

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. 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 definitively 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 Trinity Scot Deese

Officer Claude Neer

Officer Claude Neer was interviewed by SBI agents on August 30, 2023 at the SBI District Office in Harrisburg, North Carolina. In that interview, Officer Neer stated he had worked with CMPD for less than a year but had approximately eight years of prior law enforcement experience. He was assigned to permanent third shift and worked patrol.

Officer Neer recalled that the initial call for service concerned a domestic assault that was subsequently upgraded to an assault with a deadly weapon. Officer Neer knew a female had called 911 saying she was being stabbed and that her husband also called 911 saying he had stabbed his wife. Officer Neer recounted that Officer Shomette arrived at the scene before he did. Upon his arrival, Officer Shomette announced over the radio that he could hear screaming from the apartment. Officer Neer knew if there was screaming coming from inside the apartment, he and Officer Shomette would be going inside. Officer Neer stated that Officer Shomette had attempted to kick the door open prior to Officer Neer's arrival, but Officer Neer was finally able to force the door open on his second kick.

Upon entering the apartment and announcing his presence, Officer Neer reported hearing screaming coming from the back bedroom. After making his way to that bedroom, he saw the female victim lying on her back in the attached bathroom. The decedent was on top of her. Officer Neer stated that he saw the decedent stab the female at least once and the decedent was about to stab her again when Officer Neer fired his weapon four times, striking the decedent. Officer Neer recalled that the man did not drop the knife after being shot but did fall off of the woman. The decedent rolled over with the knife going underneath the decedent. Officer Neer stated that he could see over a dozen stab wounds on the front of the female's body.

Officer Neer recounted that he knew when responding to the call that there was a knife in use, and dispatch had conveyed that both the man and woman had said there had been a stabbing. Officer Neer stated that the man was an imminent threat to the woman, that she was clearly injured, and that he believed that if he did not shoot, the decedent would have killed her.

Officer Nathan Shomette

Officer Nathan Shomette was interviewed by SBI agents on August 25, 2023, at the Charlotte-Mecklenburg Police Headquarters located at 601 East Trade Street. In that interview, Officer Shomette stated that around midnight, he was dispatched to the scene of a stabbing. While responding to the scene, dispatch advised that a man had also called reporting that he stabbed his wife. It was Officer Shomette's understanding that the first caller was the wife of the second caller.

Officer Shomette recounted that upon arriving at the door to the apartment, he could hear screaming that sounded like a woman coming from inside the apartment. Officer Shomette knocked and identified himself as law enforcement and tried to force entry into the apartment but was unsuccessful. Officer Shomette said Officer Neer arrived and successfully forced entry into the apartment and, upon entry, the screaming stopped.

After clearing a room to the right of the doorway, Officer Shomette heard a loud scream and Officer Neer continued into the apartment. Officer Shomette recalled that he saw Officer Neer standing and facing a bathroom in the rear bedroom. Officer Shomette could see that someone was moving inside the bathroom but could not make out any detail. Officer Shomette saw that Officer Neer had his weapon drawn, and pointing into the bathroom, and he recalled Officer Neer fired his weapon two times.

Officer Shomette stated that he went to Officer Neer's location outside the bathroom door and observed a black female lying on the bathroom floor, nude, with numerous stab wounds to her lower abdomen, upper right chest, and her left arm. Officer Shomette also observed the decedent lying beside the female. The decedent had blood coming out from underneath him.

Officer Shomette first observed a large kitchen knife on the floor of the bathroom and later discovered a second, smaller, fixed blade knife on the bathroom floor after the decedent was moved. Officer Shomette recounted that he handcuffed the man and located a gunshot wound to the left side of his chest. Officer Shomette grabbed clothing from the floor of the bathroom and applied pressure to the wound. The man was unresponsive and his breathing was agonal.

Officer Shomette reported that Fire Department personnel arrived and rendered aid to the female. Medic pronounced the decedent deceased upon their arrival.

T.D.

T.D., the decedent's wife and stabbing victim, was interviewed on August 25, 2023, at 4:06 a.m. while in the Intensive Care Unit. T.D. reported that she and the decedent had been together ten years, married for four, and had two young daughters. At the time of the incident, their daughters were staying with the decedent's parents in another city.

T.D. recounted that the decedent had been hearing voices for approximately one year, and he had started medication within the last month. His family had a history of schizophrenia, but the decedent had not been diagnosed with the disorder.

T.D. stated that on the evening of August 25th, after she and the decedent had a difficult conversation, she went to her bedroom where she had been sleeping, while the decedent was

sleeping on the couch. T.D. closed the bedroom door but did not go to sleep, saying she was afraid of the decedent and thought he might be violent. T.D. stated that a short time later, the decedent opened the bedroom door and told her, “You are a love killer” and began stabbing her with a knife. T.D. stated that she rolled off the bed and onto the floor where the decedent continued to stab her. T.D. recalled that the knife the decedent was using to stab her broke, at which point he stopped stabbing her and left the room.

T.D. stated that she located her cell phone and called 911. She recalled that the decedent also called 911 from the living room, and both parties spoke with 911 simultaneously. She stated that the decedent then returned to the bedroom with a second knife and began to stab her again. She described the knife as being flimsy and that it kept bending as he stabbed her. She reported that the decedent then retrieved a third knife, and T.D. crawled into the bathroom on the floor where the decedent was trying to slit her throat or stab her in the neck.

T.D. recounted that she heard the police enter her home and screamed for their help. She recalled hearing two gunshots before the decedent fell off of her and onto the bathroom floor. She stated that the decedent did not speak to the officers, indicating he was deaf without his hearing aids, and she did not think he was wearing them during the incident. At some point during the encounter, she recalled hearing the police give multiple commands for the decedent to drop the knife.

E. Physical evidence

SBI agents conducted a round count on Officer Neer’s service weapon and documented thirteen unspent rounds in the magazine and one unspent round in the chamber, suggesting four fired rounds. Four fired casings were found on scene.

Two knives were located in the bathroom. [3] [4]. A wooden knife handle was located on the bedroom floor. [5]. A broken knife blade with suspected blood was located in the kitchen sink. [6].

F. Video evidence

Body-worn cameras (BWCs) worn by Officers Neer and Shomette corroborate the accounts of Officers Neer and Shomette. Officer Shomette arrived first at the apartment to the sounds of T.D.’s screams coming from inside. Officer Shomette pounded on the door while announcing himself as a police officer. He then unsuccessfully attempted to kick the door open. Upon his arrival, Officer Neer was able to breach the door and entered the apartment, followed by Officer Shomette. T.D.’s screams could be heard coming from the back of the apartment. Officer Neer made his way to the back bedroom, where a considerable amount of blood was visible on the carpet. Upon entering the back bedroom, Officer Neer’s body-worn camera captured the decedent in the process of stabbing T.D. as she lay on the bathroom floor. Officer Neer immediately fired his weapon four times, striking the decedent, who fell on top of T.D.

G. Call for service

At 12:25 a.m., T.D. called to 911 to report that she had been stabbed multiple times by her husband and was about to die. T.D. reported to the 911 operator that her husband was still present in the home. The decedent’s voice could be heard in the background of the call. T.D.

informed the operator that she could no longer fight back or hide. Meanwhile, the decedent also placed a call to 911. T.D. explained that he was deaf and could not hear the operator, but he informed the operator both that he had stabbed his wife “a bunch of times” and that she was “in a lot of pain.” T.D. then informed her 911 operator that the decedent grabbed another knife. T.D. could be heard pleading, “please don’t” and “I can’t do this,” followed by pained screams. Shortly afterward, Officers Neer and Shomette could be heard entering the apartment while T.D. continued to scream. Officer Neer announced himself as police and commanded the decedent to make himself known, followed by the sound of four gunshots.

911 operator notes, which were directed into the officers’ computers, informed responding officers that a female advised that she had been stabbed, that the suspect is on scene, and that he grabbed another knife. Dispatch also noted that the female was begging the male to stop.

H. Autopsy report

Although the report of the decedent’s autopsy is not yet finalized, this office consulted with Medical Examiner Jonathan Privette regarding his preliminary findings. Dr. Privette determined that the decedent suffered three gunshot wounds of the upper arm, armpit, and chest area, which struck the lungs and heart. Dr. Privette further noted that the decedent had pinpoint pricks on his right hand, which is consistent with grabbing a serrated knife blade.

I. Conclusion

It is undisputed that Officer Neer fired his service weapon four times at the decedent, killing him. The central issue in this review is whether Officer Neer 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 they, in fact, believed that they or another person was in imminent danger of great bodily harm or death from the actions of the person who was shot and if their belief was reasonable. The 911 recordings, T.D.’s injuries, the body-worn camera video, the statements of Officers Neer and Shomette, and the physical evidence all corroborate that the actions of Officer Neer were not only reasonable, but necessary. It is without question that the actions of these two officers saved the life of T.D. Accordingly, I will not be seeking charges related to the death of Trinity Scot Deese.

If you have any questions, please contact me directly.

Sincerely,



Spencer B. Merriweather III
District Attorney

CC: Chief Johnny Jennings, Charlotte-Mecklenburg Police Department

Exhibits

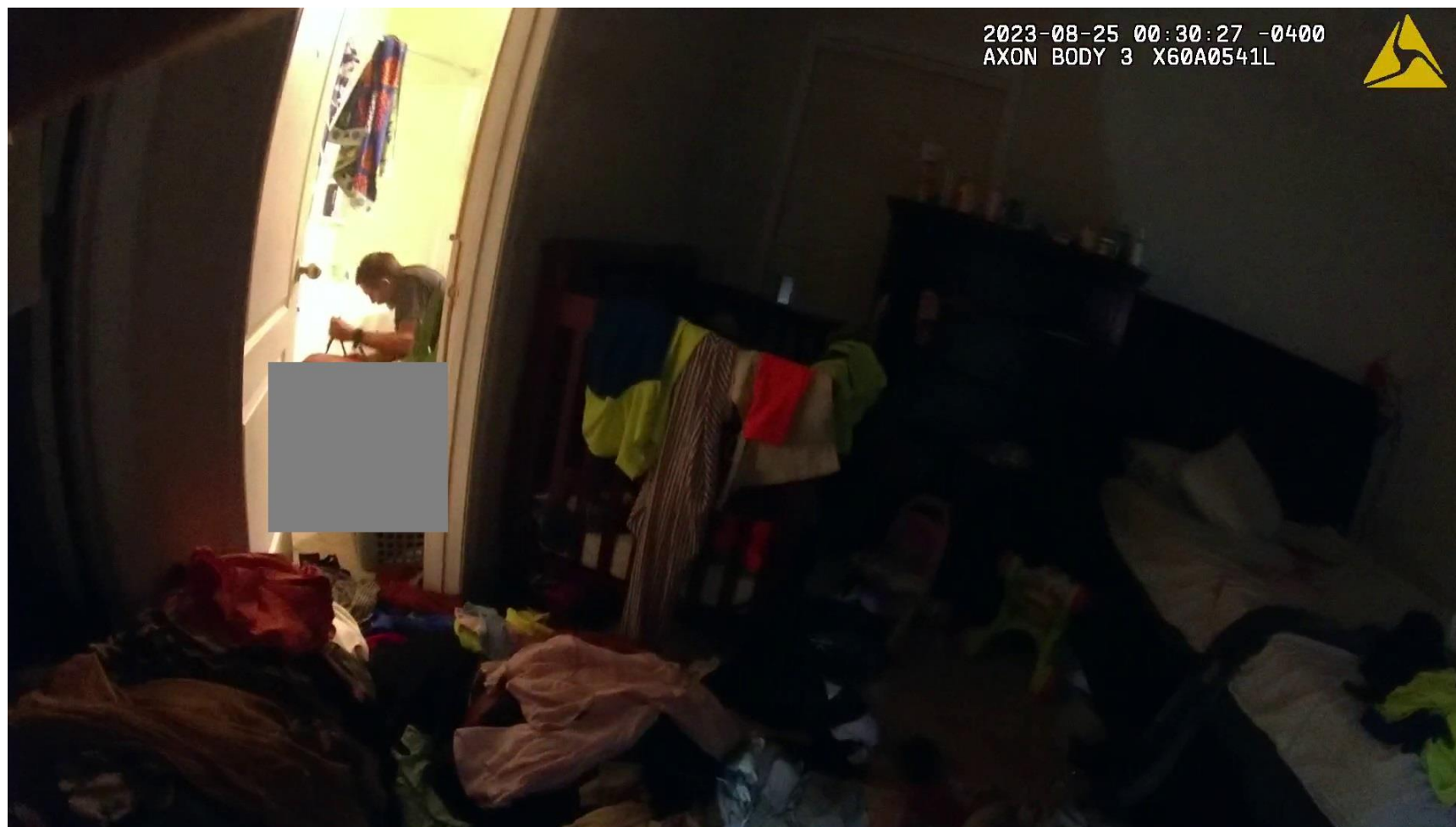
A knife in the decedent's right hand at the time of the shooting.

[Return](#)



A knife in the decedent's left hand at the time of the shooting.

[Return](#)



The first of two knives located on the bathroom floor.

[Return.](#)



The second of two knives located on the bathroom floor.

[Return.](#)



The wooden handle of a knife located on the bedroom floor.

[Return.](#)



The broken knife blade located in the kitchen sink.

[Return.](#)

