



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
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May 14, 2024

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

Re: Nickolas Lopez Death Investigation

Dear Interim SAC Blackman:

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the shooting death of Nickolas Demar Lopez on October 4, 2023. The case was investigated under case number 2023-02705. The documentation considered for the purposes of this review was provided by the North Carolina State Bureau of Investigation in January 2024.¹ The purpose of this review was to examine whether the actions of Charlotte-Mecklenburg Police Department Officer Braylin Brown were unlawful in the incident leading to the death of Nickolas Lopez.

These events occurred on October 4, 2023, in the area of Frazier Avenue, Charlotte, North Carolina. At approximately 9:30 p.m., Officer Braylin Brown was dispatched to a “shots fired” call for service. Dispatch relayed that the 911 caller reported that a black male with a bald head, wearing a white shirt, blue jeans, and a cross-body bag fired approximately eight shots. When Officer Brown arrived on scene, a woman pointed toward a man matching this description who was walking away, and she told Officer Brown that the man had a gun. [1]. That man was later identified as the decedent. Officer Brown drew his service weapon while issuing multiple commands for the decedent to “show me your hands” and to “stop.” The decedent continued walking away from Officer Brown while briefly raising his hands, showing them to be empty. [2]. While Officer Brown was still catching up to the decedent to investigate, the decedent began to jog away from Officer Brown while reaching into a black cross-body bag with his right hand. [3]. As Officer Brown caught up to the decedent, Officer Brown pushed him, knocking the decedent off balance causing him to fall. As the decedent fell, his right hand emerged from the cross-body bag holding a firearm, which was briefly pointed at Officer Brown. [4]. The decedent hit the ground, rolled once with the gun still in his hand [5], and stood back up, now holding the gun in his left hand [6]. The decedent began to run, fell, and again stood back up still holding the

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.

gun in his left hand. As the decedent ran, the gun swung backward multiple times, [7], before Officer Brown fired three times, striking the decedent. While only one of Officer Brown's discharged cartridge cases was located on scene, his body-worn camera video and a round count of his service weapon confirmed that Officer Brown fired three times. After being struck, the decedent dropped his firearm, a Highpoint 380 ACP loaded with one round in the chamber and two rounds in the magazine. [8]. The gun was secured by Officer Brown until other officers arrived.

An autopsy conducted on the decedent determined he was shot three times. Once in the left buttock, once in the right buttock, and once in the left side of his lower back. The cause of death was determined to be injury of the heart, left lung, and left subclavian vein due to multiple gunshot wounds of the torso.

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. Moreover, the analysis “requires careful attention to the facts and circumstances of each particular case,” including “whether the suspect poses an immediate threat to the safety of the officers or others,” as well as “the severity of the crime at issue” and whether the suspect “is actively resisting arrest or attempting to evade arrest by flight.” Id. at 396.

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 Nickolas Demar Lopez

Officer Braylin Brown

Officer Braylin Brown was interviewed by SBI agents on October 12, 2023, at the SBI District Office in Harrisburg, North Carolina. In that interview, Officer Brown stated that he had been employed with CMPD since January 30, 2023. Prior to his employment with CMPD, he worked with the Chester County, South Carolina Sherriff’s Office.

Officer Brown recalled that on October 4, 2023, at approximately 9:30 p.m., a “shots fired” call for service came out in the area of Frazier Avenue. Dispatch relayed that the 911 caller stated the suspect was a black male with a bald head, wearing a white shirt, a black cross-body bag, and blue jeans. Officer Brown advised that the notes to the call stated that eight shots had been fired.

Officer Brown recounted that he arrived at Frazier Avenue in approximately two to three minutes. He was in uniform and driving a marked Ford Explorer with an exposed light bar, but he did not activate his blue lights or siren while driving to the call. Officer Brown recalled that while he was on his way to the call, dispatch advised that the suspect was walking towards Fifth Street and then updated that the suspect was in the middle of Frazier Avenue.

When Officer Brown arrived in the area, he drove up Frazier Avenue and parked his patrol vehicle in the street. He advised that he saw a person matching the description provided by dispatch walking away from 5th Street on Frazier Avenue. That person was later identified as the decedent, Nickolas Lopez. Officer Brown recalled that the decedent appeared to be visually

upset with a nearby heavysset black female. Officer Brown believed the female was wearing a pink shirt, but he was not sure. He recalled that the female looked like she was trying to take something away from the decedent. The decedent became visually upset, threw his hands up, and was backing away from the female.

Officer Brown recounted that he activated the blue lights on his patrol vehicle to identify himself as the police. He stated that as he exited his car, he heard someone say, "he's got a gun." Officer Brown believed it was the female in the pink shirt who said that, but he was not sure. He advised that he drew his service weapon as he exited his vehicle. He explained that he drew his weapon for officer safety because he was outnumbered, it was dark, and he was in "a violent area." Officer Brown activated his weapon light that was attached to his handgun so he could see.

Officer Brown recalled that he approached the decedent and gave commands to "stop," but the decedent ran between the buildings. Officer Brown pursued the decedent on foot. Officer Brown explained it was extremely dark and that he was using his weapon light to see. He stated that he could not see the decedent's hands, but he could see the cross-body bag the decedent was wearing. Officer Brown advised that he chased the decedent between the houses and caught up to him before he got to the lighted area behind the houses. Officer Brown recounted that he grabbed the decedent with his left hand to knock him off balance. As the decedent was falling, Officer Brown saw a gun in the decedent's hand for the first time. Officer Brown believed the decedent's gun had been in the cross-body bag because he did not see the gun when he first got out of his patrol vehicle. Officer Brown stated that the gun "flagged him," meaning it pointed in his direction. He recalled that he gave the decedent multiple commands to "drop it."

Officer Brown advised that he stopped pursuing the decedent once he saw the gun pointed in his direction because he had no cover. The decedent rolled or stumbled over to the sidewalk area where there were outside apartment lights. The decedent fell and started to get up. Officer Brown stated that he continued to give the decedent commands to "drop it."

Officer Brown explained that as the decedent was standing up, the decedent was bringing the gun up in his direction. Officer Brown recounted that his vision focused on the barrel of the gun as the decedent was standing up. He believed the decedent had the gun in his left hand. The decedent was standing up to face Officer Brown but was not completely upright. Officer Brown stated he was giving consistent commands for the decedent to "drop it." Officer Brown stated that he knew the decedent heard him.

Officer Brown recalled that as the decedent was standing up with the gun pointed in his direction, Officer Brown fired three times in quick succession. Officer Brown estimated he was approximately 15 yards from the decedent when he fired three shots. His recollection was that the decedent dropped and did not say anything.

Officer Brown stated that he advised "shots fired" over the radio. Officer Brown recounted that he kneeled behind the decedent, saw that he had been hit, and called for a medic on the radio. Officer Brown saw a black semi-automatic handgun lying close to the decedent and put his foot on the gun to secure it. He then handcuffed the decedent behind his back. Officer Brown reported that the decedent was not responsive and had agonal breathing, but given the injuries he had observed, he believed performing CPR would have done more damage.

Officer Brown recalled that additional officers started to arrive on scene within minutes. During that time, he kept his foot on the handgun and stayed with the decedent. Officer Brown explained he did not know most of the officers who responded because officers were responding from other divisions. He advised that he alerted the closest officer to the presence of the gun and then Officer Greene walked him back to the patrol cars.

Officer Brown advised that he did not know the decedent and had not had any previous encounters with him. Officer Brown stated that he felt the need to use deadly force because he thought the decedent was going to kill him. Officer Brown recalled that he saw the barrel of the decedent's gun pointed at him and Officer Brown begged the decedent to drop the gun. Officer Brown explained he fired more than one time because they are trained to fire until the threat is neutralized.

L.M.

L.M. was interviewed by SBI agents on October 5, 2023.² Prior to the shooting, L.M. called 911 to report that she observed a person, later determined to be the decedent, firing shots into the air on Frazier Avenue. She reported approximately six gunshots. L.M. could not recall the exact time she heard the gunshots but stated that it was just prior to her 911 call.

L.M. advised that she did not know the decedent but had seen him around Frazier Avenue before. L.M. described the individual who fired the gun as a black male, wearing a white shirt and a cross-body bag. L.M. reported seeing the muzzle flash from the gun when the decedent was shooting it. She observed the decedent put the gun into his pants after he fired the shots. She then called 911 to report the gunshots being fired.

L.M. recalled that a CMPD officer arrived. The decedent was standing in the street having a verbal confrontation with an older lady who lives down the street. L.M. stated that when the CMPD officer arrived on scene, the decedent was standing with his hands up and then started walking away and almost fell near the tree next to Frazier Avenue. The decedent then began walking away at a faster pace and tried to go onto a porch, but the residents on the porch told the decedent to go away.

L.M. said the decedent then took off running around the corner of the apartment building and the officer began chasing him. L.M. advised that once the officer ran past her, she followed. L.M. observed the officer push the decedent down and the decedent got back up and tried running again. The decedent then fell again and his hands were flailing all around. L.M. stated that she never saw the decedent pull the gun out of his pants, but she knew he had one on him because she had previously seen him shooting it.

L.M. stated she heard the officer yelling at the decedent to drop the weapon. She then heard the officer fire three shots. The CMPD officer was standing behind 138-A Frazier Avenue when the shots were fired. He was using a handgun with a flashlight on it. L.M. recalled that the decedent fell and the officer approached him and turned him over. L.M. indicated that there were

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.

people from her party and from the neighborhood that went back to where the shooting occurred and saw the decedent's gun.

C.M.

C.M. was interviewed by SBI agents on the morning of October 5, 2023. C.M. stated that at approximately 9:30 p.m., she was outside listening to music when she heard three to five gunshots prior to the officer's arrival. After hearing those gunshots, C.M. saw a woman go to the street and begin arguing with the decedent. She recalled that the decedent and the woman exchanged a variety of profane words to one another before the police arrived.

C.M. recounted that when the police arrived, the officer exited his vehicle and the decedent tripped as he walked away from the officer. C.M. stated the officer was dressed in his patrol uniform and the lighting in the area was dark. She described the decedent as a black male, in his late 30s, wearing a white t-shirt. C.M. stated the decedent had his hands in the air as he walked away from the officer. She recalled that the decedent stopped in front of her residence and she told him to get out of her yard.

C.M. recalled that the decedent fell and a lady yelled, "he got a gun," referring to the decedent. C.M. recalled that her cousin yelled, "don't run" at the decedent; however, the decedent started running after he turned the corner around a building. C.M. reported she heard approximately two to three gunshots. She did not recall any commands given by the officer.

E. Video evidence

Officer Brown's body-worn camera (BWC)

Officer Brown's BWC recorded the events leading up to the shooting. The video shows that, as Officer Brown exits his car, a witness is pointing out the decedent while informing Officer Brown that the decedent has a gun. When the decedent is first seen on camera, he is in the grass on the side of Frazier Avenue, walking away from Officer Brown.

Officer Brown draws his service weapon and instructs the decedent three times to "show me your hands." Frame-by-frame analysis of the video shows the decedent very briefly raises his hands then lowers them again while continuing to walk away from Officer Brown. The decedent's hands appear to be empty at this time.

Officer Brown then instructs the decedent to "stop" and to "show me your hands." At this point, the decedent begins to flee from Officer Brown. Further frame-by-frame analysis of the video shows the decedent appear to reach into the cross-body bag on his right side and retrieve a gun with his right hand while running from Officer Brown. Officer Brown then catches up to the decedent and knocks him off balance, causing the decedent to fall. As the decedent falls, his firearm points backwards and directly at Officer Brown. While the decedent is rolling and trying to get back up, Officer Brown tells him five more times to "stop" in quick succession. The decedent then rights himself, now holding the gun in his left hand, and again begins to flee, only to stumble and fall once more. The decedent gets back up and begins to flee again while

swinging the weapon in his left hand. Officer Brown gives the decedent commands to “drop the gun, drop it, drop it, drop it” before firing three times in quick succession.

Officer Brown then advises over the radio that shots have been fired and rolls the decedent from his side onto his back revealing the decedent’s gun which has fallen by the decedent’s left knee. Officer Brown advises over the radio that he needs EMS, puts on his gloves, and detains the decedent in handcuffs.

The body-worn camera video shows these events unfolded extremely quickly with only approximately 16 seconds passing between the time Officer Brown exited his car and the firing of his weapon.

F. Physical evidence

Officer Brown’s BWC clearly shows he fired three times, corroborating the results of a round count conducted on his service weapon which showed three missing rounds. Only one of Officer Brown’s discharged cartridge cases were able to be located at the scene.

The gun recovered from the decedent was a black and silver Hi-Point firearm, model CF380. The firearm was loaded with one round in the chamber and two rounds remaining in the magazine. The rounds were Hornady 380 caliber rounds. Inside the decedent’s cross-bag, investigators located 19 additional live rounds, including 380 caliber rounds manufactured by Tulammo and Hornady. A knotted plastic baggie containing various pills and suspected narcotics were also located on the decedent.

In the area of the earlier shooting that was the subject of this call, investigators located 5 spent Hornady and Tulammo 380 cartridge cases, consistent with the ammunition located in the decedent’s gun and bag.

G. Autopsy report

The Mecklenburg County Medical Examiner’s Office performed an autopsy on Nickolas Lopez on October 5, 2023. The autopsy determined that the decedent suffered three gunshot wounds. One to the left buttock, one to the right buttock, and one to the left side of the lower back. The cause of death was determined to be injury of the heart, left lung and left subclavian vein due to multiple gunshot wounds of the torso. A blood toxicology screening revealed the presence of amphetamines, Delta-9-THC, and blood ethanol of 190 mg/dL.

H. Conclusion

It is undisputed that Officer Brown fired his service weapon at the decedent three times. The central issue in this review is whether Officer Brown 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 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.

Graham v. Connor counsels consideration of the following factors: (1) "whether the suspect posed an immediate threat to the safety of the officers or others," as well as (2) "the severity of the crime at issue" and (3) whether the suspect "is actively resisting arrest or attempting to evade arrest by flight." Graham v. Connor, 490 U.S. 386, 396 (1989).

The evidence suggests the decedent had recently fired multiple shots in a densely populated area near uptown Charlotte resulting in Officer Brown being dispatched alone to investigate. Upon Officer Brown's arrival at the scene, a witness pointed out the decedent as having a gun. The decedent also matched the description of the shooter previously relayed to Officer Brown by dispatch. Based on this information, Officer Brown attempted to detain the decedent to investigate. The decedent fled, ignoring Officer Brown's commands to stop, and Officer Brown gave chase. During this encounter, the decedent not only possessed a firearm, but actually drew that firearm in his right hand while actively attempting to evade arrest by flight. Officer Brown reported that the gun was pointed directly at him as the decedent fell and that the gun was being raised in his direction again as the decedent was standing up. Officer Brown's BWC certainly corroborates that the decedent's gun was pointed directly at Officer Brown as the decedent fell the first time. Furthermore, it corroborates that the decedent was refusing to obey clear commands and was actively attempting to evade arrest by flight, all while wielding a firearm in an unpredictable manner.

No available evidence in this case would enable the State to prove to a jury beyond a reasonable doubt that Officer Brown did not act in defense of himself or others. The video from Officer Brown's body-worn camera, as well as his statement and the physical evidence on scene, corroborate that Officer Brown was reasonable in his belief that the decedent posed an imminent threat of great bodily harm or death to Officer Brown and the public when he fired his weapon, killing the decedent. Accordingly, the State will not pursue criminal charges related to the death of Nickolas Demar Lopez.

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:

A woman points out the decedent while informing Officer Brown that the decedent has a gun.

[Return](#)



The decedent very briefly raised his hands showing them to be empty while walking away from Officer Brown.

[Return](#)



The decedent jogs away from Officer Brown while reaching into the black cross-body bag.

[Return](#)



As the decedent fell, the gun he pulled from the bag was pointed in Officer Brown's direction.

[Return](#)



After falling, the decedent rolled while still holding the gun.

[Return.](#)



After rolling once on the ground, the decedent regained his footing, now holding the gun in his left hand while looking in the direction of Officer Brown

[Return](#)



The gun swung backward as the defendant attempted to run from Officer Brown.

[Return](#)



The decedent's Highpoint 380 ACP handgun, loaded with 1 round in the chamber and two rounds in the magazine.

[Return](#)



Exhibit 1



Mecklenburg County Medical Examiners' Office

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

REPORT OF AUTOPSY EXAMINATION

DECEDENT

Document Identifier: B23-6058
Name: Nickolas Lopez
Age: 44
Race: Black
Sex: Male

AUTHORIZATION

Authorized By Benjamin R. Daggett, MD. Received from Mecklenburg County.

IDENTIFICATION

Body Identified By ID/Papers

ENVIRONMENT

Date of Exam: 10/5/23 **Time of Exam:** 0930
Persons Present: Laura Luther

CERTIFICATION

Cause of Death: Injury of the heart, left lung and left subclavian vein due to multiple gunshot wounds of the torso.

Forensic Pathologist: Benjamin R. Daggett, MD
Date of Final Report: 1/25/2024

SUMMARY AND INTERPRETATION

The decedent is a 44-year-old male who was shot during an altercation with police. Autopsy examination reveals gunshot wounds with internal injuries to the left lung, left subclavian vein, stomach, small bowel, and mesentery.

Please see separate report for toxicology details.

It is my opinion, based on the circumstances surrounding death and finding at autopsy, that Mr. Nikolas Lopez died as a result of injury to the heart, left lung and left subclavian vein due to multiple gunshot wounds of the torso.

DIAGNOSES

1. Multiple gunshot wounds of the torso.
-- Left hemothorax, hemopericardium, and hemoperitoneum.
2. Ethanol and methamphetamine were identified in the decedent's blood and urine on toxicologic analysis.

EXTERNAL DESCRIPTION

Length: 67 inches

Weight: 172 pounds

Body Condition: Intact

Rigor: 3+

Lividity: Posterior

Hair: Black/shaved with a black beard

Eyes: Brown

Teeth: Natural upper and lower

Body Development: Normal

Body Nourishment: Normal

Clothing: None

Accompanies the body: A pair of handcuffs is present around the right wrist.

Identifying Marks: All tattoos and scars are as recorded on the body diagrams

Medical Intervention: As documented on the body diagrams.

Other: N/A

INJURIES

The body has several gunshot wounds caused by three projectiles. The wounds are described below in the order in which they were examined. For orientation purposes, the top of the head is designated as 12 o'clock.

GUNSHOT WOUND OF THE LEFT SIDE OF THE LOW BACK

Entrance: On the left side of the low back is a 0.3 x 0.2 inch entrance-type gunshot wound. A circular abrasion collar measuring up to 0.1 inch surrounds the wound. The wound is centered 27.6 inches below the vertex of the scalp and 2.0 inches to the left of midline. No muzzle imprint, soot, or stippling is present around the wound.

Path: The bullet passed through the soft tissue of the back before entering the peritoneal cavity between the apex of the left kidney and bottom of the twelfth rib. The bullet passed through the stomach and diaphragm before grazing the pericardium and left ventricle and entering the left lung at the hilum. The bullet exited the left lung at the apex, struck the left first rib posteriorly, and deflected into the left inferior subclavian vein. The bullet then embolized and came to rest in the inferior vena cava.

Exit: None

Bullet: A bullet is recovered from the inferior vena cava.

Course: With the body in standard anatomic position, the course of the bullet is primarily upward with deviation forward.

GUNSHOT WOUND OF THE LEFT BUTTOCK

Entrance: On the medial aspect of the left buttock is a 0.2 x 0.2 inch entrance-type gunshot wound. A circular abrasion collar measuring up to 0.1 inch surrounds the wound. The wound is centered 32.2 inches below the vertex of the scalp and 1.5 inches to the left of midline. No muzzle imprint, soot, or stippling is present around the wound.

Path: The bullet passed through the soft tissue of the left buttock before passing through the iliac crest, where it lacerated the left iliac blood vessels. The bullet passed through the mesentery three times and the small bowel twice.

Exit: None

Bullet: The bullet is recovered from the soft tissue of the anterior abdomen adjacent to the umbilicus.

Course: With the body in standard anatomic position, the course of the bullet is forward and upward.

GUNSHOT WOUND OF THE RIGHT BUTTOCK

Entrance: On the lateral aspect of the right buttock is a 0.3 x 0.3 inch entrance-type gunshot wound. A circular abrasion collar measuring up to 0.1 inch surrounds the wound. The wound is centered 31.7 inches below the midline and 5.7 inches to the right of midline. No muzzle imprint, soot, or stippling is present around the wound.

Path: The bullet passed through the soft tissues of the right buttock and right leg.

Exit: In the right inguinal canal is a 0.5 x 0.5 inch exit-type gunshot wound. The wound is centered 35 inches below the vertex of the scalp and 2.7 inches to the right of midline.

Bullet: None

Course: With the body in standard anatomic position, the course of the bullet is primarily leftward with deviation forward and downward.

ADDITIONAL INJURIES

The body also bears additional abrasion injuries on the face. There is a 0.8 x 0.3 inch abrasion superior and lateral to the left eyebrow. There is a 0.9 x 0.3 inch abrasion between the eyebrows. There is a 0.4 x 0.4 inch contused abrasion on the left side of the nose.

INTERNAL EXAMINATION

Body Cavities

Any injuries/hemorrhage as described in the INJURIES section above

Organ positions: Normal and present unless stated below

Abnormal fluid collections: See "Evidence of Injury."

Adhesions: None

Cardiovascular System

Heart Weight: 350 grams

Pericardium: See "Evidence of Injury."

Coronary arteries: Normal distribution with no atherosclerosis

Chamber and valves: Normal

Myocardium: Normal

Aorta and major branches: See "Evidence of Injury."

Respiratory System

Right Lung Weight: 450 grams

Left Lung Weight: 320 grams

Neck Soft tissues: Normal

Hyoid bone and laryngeal cartilages: Normal

Trachea and bronchi: See "Evidence of Injury." Uninjured tissue is unremarkable without obstructions.

Lung parenchyma: See "Evidence of Injury." Uninjured lung parenchyma appears grossly normal.

Pulmonary arteries: Unobstructed

Gastrointestinal System

See "Evidence of Injury."

Liver

Grossly unremarkable

Spleen

Grossly unremarkable

Pancreas

Grossly unremarkable

Urinary

Grossly unremarkable

Reproductive

Grossly unremarkable

Endocrine

Thyroid gland: Normal

Adrenal glands: Normal

Neurologic

Brain examination was not performed.

Immunologic System

Grossly unremarkable

Musculoskeletal System

Grossly unremarkable

OTHER PROCEDURES

Radiographs: Anterior and lateral full-body radiographs are performed to identify bony injuries and retained projectiles.

Evidence Collected: Bullet from adjacent to the umbilicus, a bullet from the inferior vena cava, and a blood card.

Cultures: None



MICROSCOPIC EXAMINATION

Sections submitted: None

Findings: N/A

DISPOSITION OF PERSONAL EFFECTS AND EVIDENCE

The following items are released with the body: None.

The following items are preserved as evidence: Bullet from adjacent to the umbilicus, a bullet from the inferior vena cava, and a blood card.

END OF REPORT- Diagrams attached

BRD/km

DID #: 39137351

State of North Carolina

Name of Decedent: Nicholas Lopez

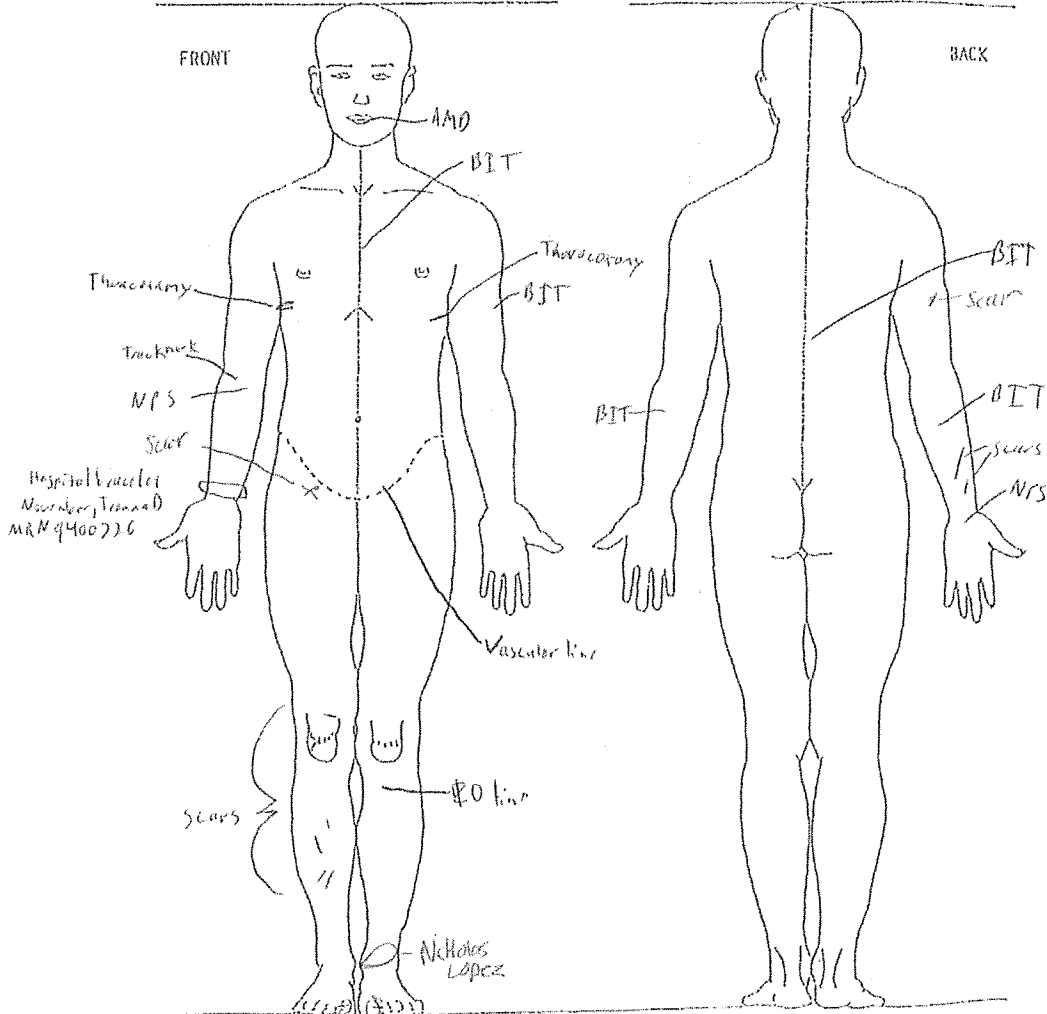
Office of the Chief Medical Examiner

Autopsy # B23-6058

Chapel Hill, North Carolina 27599-7580

Examined By: BBD, LL Date: 10-5-73

BODY DIAGRAM: ADULT (Front/Back)



DEMBR 1917 (4/97)
Medical Examiner

Nicholas Lopez

This form may be photocopied.

State of North Carolina

Name of Decedent: Nicholas Lopez

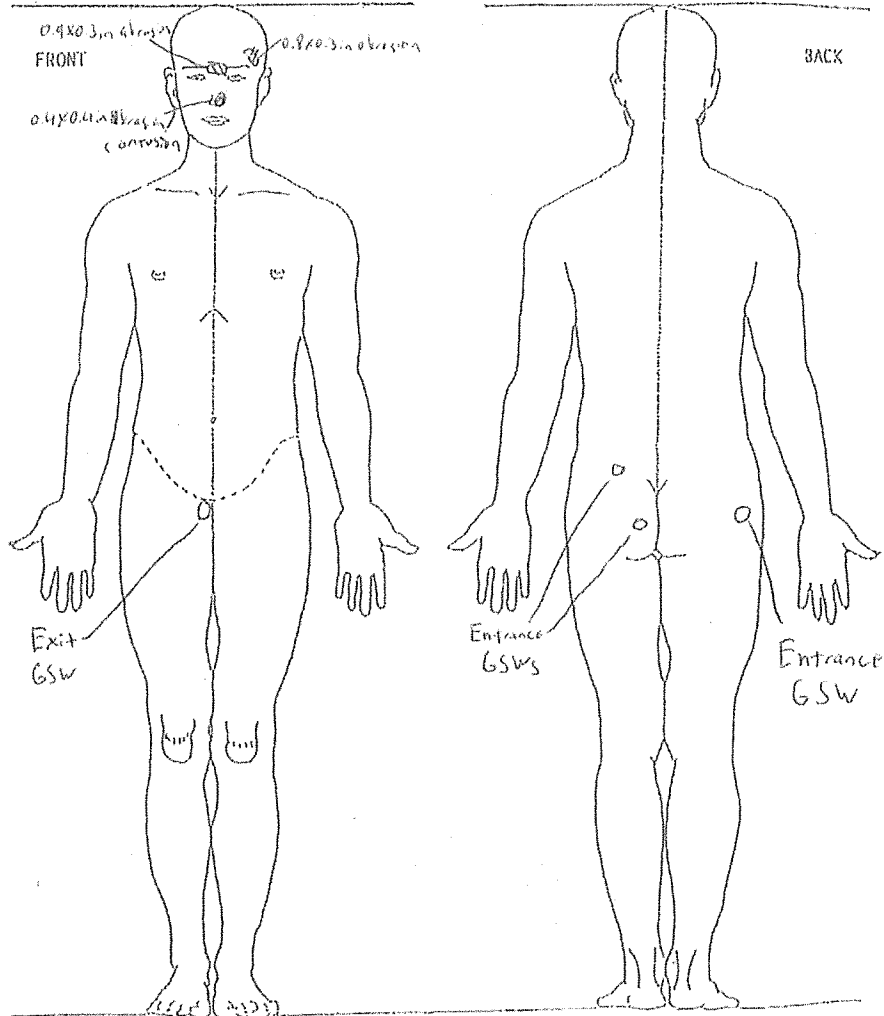
Office of the Chief Medical Examiner

Autopsy # B23-6058

Chapel Hill, North Carolina 27599-7580

Examined By: BRD, LL Date: 10-5-23

BODY DIAGRAM: ADULT (Front/Back)



DEFORMER 1917 (4/97)
Medical Examiner

This form may be photocopied.

Ross, Luke G.

From: Alderman, Jeremy
Sent: Friday, January 26, 2024 2:24 PM
To: Ross, Luke G.
Subject: Fwd: No Reply: OCME Toxicology F202309448

Jeremy Alderman
Assistant Special Agent in Charge
North Carolina State Bureau of Investigation
5994 Caldwell Park Drive,
Harrisburg, North Carolina 28075
Office: (704) 454-5264
jalderman@ncsbi.gov

Begin forwarded message:

From: noreply@dhhs.nc.gov
Date: January 26, 2024 at 11:02:55 AM EST
To: "Alderman, Jeremy" <Jalderman@ncsbi.gov>
Subject: No Reply: OCME Toxicology F202309448

[You don't often get email from noreply@dhhs.nc.gov. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

TOXICOLOGY REPORT

Office of the Chief Medical Examiner Toxicology Folder: T202312175
Raleigh, NC 27699-3025 Case Folder: F202309448
Date of Report: 21-jan-2024
DOD: 04-oct-2023
Page: 1

Jeremy Alderman
5994 Caldwell Park Drive
Harrisburg, NC 28075

DECEDENT: Nicholas Demara Eugene Lopez
Status of Report: Approved
Report Electronically Approved By: Sandra Bishop-Freeman, PhD

* * *

=====

SPECIMENS received from Benjamin Daggett on 12-oct-2023

S230037765: 5.0 ml Vitreous Humor CONDITION: Postmortem
SOURCE: Eye OBTAINED: 05-oct-2023

Ethanol ----- 250 mg/dL 01/21/2024

S230037766: 17.0 ml Blood CONDITION: Postmortem
SOURCE: Aorta OBTAINED: 05-oct-2023

**** 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 -----	None Detected	01/21/2024
Amphetamine -----	0.063 mg/L	01/21/2024
Delta-9 Carboxy THC -----	None Detected	01/21/2024
Delta-9-THC -----	0.93 ng/mL	01/21/2024
Ethanol -----	190 mg/dL	01/21/2024

**** 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: T202312175
Raleigh, NC 27699-3025 Case Folder: F202309448

Date of Report: 21-jan-2024

DOD: 04-oct-2023

Page: 2

Decedent: Nicholas Demara Eugene Lopez

SPECIMENS received from Benjamin Daggett on 12-oct-2023 (Continued)

Methamphetamine -----	0.38 mg/L	01/21/2024
Other Organic Acids/Neutrals	None Detected	01/21/2024
Other Organic Bases -----	None Detected	01/21/2024

S230037767: 2.0 ml Blood CONDITION: Postmortem
SOURCE: Iliac vein OBTAINED: 05-oct-2023

S230037768: 19.0 ml Urine
SOURCE: Urinary Bladder

CONDITION: Postmortem
OBTAINED: 05-oct-2023

Accredited by the American Board of Forensic Toxicology, Inc.

012624 11:02 * * * E N D O F R E P O R T * * * B202306058