



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

SPENCER B. MERRIWEATHER III  
DISTRICT ATTORNEY

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June 14, 2024

Chief Johnny Jennings  
Charlotte-Mecklenburg Police Department  
601 East Trade Street  
Charlotte, NC 28202

Re: Dennis Bodden Homicide Investigation; Complaint No. 2024 0514 1520 00

Dear Chief Jennings:

In its discretion as the investigating agency, CMPD has decided not to charge Pineville Police Sergeant Adam Roberts in the killing of Dennis Bodden. In making this determination, CMPD requested a consultation with my office, pursuant to N.C.G.S. 7A-61. Please allow this letter to serve as a record of our consultation. As you know, even in consultation, the purpose of the District Attorney's review of an officer-involved shooting or fatality is not to assess the propriety of tactical decisions. Rather, the District Attorney must decide whether an officer's actions amount to a violation of criminal law. Where tactical transgressions exist, remedies, if appropriate, may be pursued by administrative or civil means. The District Attorney has no administrative or civil authority in these matters. Such relief primarily resides in the purview of municipal governments, police departments, and civil courts. As such, this consultation will focus on whether a crime could be proven beyond a reasonable doubt to a unanimous jury of twelve citizens.

Based upon the information provided to my office, Dennis Bodden was a graduate of Rutgers University with a degree in biochemistry and a graduate of the Cardozo School of Law. Tragically, Mr. Bodden's mental health reportedly began to deteriorate during the COVID-19 pandemic, and that condition may very well have contributed to the events that ultimately led to his death. While the circumstances surrounding his death are especially jarring, there is no likelihood that twelve jurors would unanimously agree that the actions of Sergeant Roberts, in firing his gun, constituted a violation of criminal law. Therefore, I concur with your agency's decision not to seek criminal charges against Sergeant Adam Roberts. While the appropriateness of Sergeant Roberts' tactics may be ripe for other authorities to evaluate, such questions exceed the purview of the District Attorney, as a matter of criminal law, and are beyond the scope of this consultation.

On May 14, 2024, the decedent, Dennis Bodden, was first engaged by police in the parking lot of the Johnston Road Plaza shopping center in Pineville. The Pineville Police Department (PPD) received a shoplifting call for service from the Food Lion at 10120 Johnston Road. PPD Sergeant Adam Roberts, who was in uniform, working off-duty at the nearby McMullen Creek Shopping Center, informed dispatch he would respond to the call. He drove to the parking lot of the Food Lion where he saw the decedent walking towards Johnston Road holding a bag containing various grocery items.

Sergeant Roberts' body-worn camera shows that the decedent was wearing a yellow raincoat with the hood cinched over his head and, although not visible to Sergeant Roberts at the time, the decedent was wearing headphones over his ears underneath the hood of the raincoat. Sergeant Roberts exited his patrol car and stated, "Stop, police," twice at a moderate volume as he approached the decedent from behind. As Sergeant Roberts was about to lay hands on the decedent, the decedent turned around and let out a startled yell, appearing to have been frightened by Sergeant Roberts' presence. The body-worn camera shows that Sergeant Roberts drew his Taser and instructed the decedent to get on the ground. The decedent began walking away as Sergeant Roberts repeatedly told him to "get on the ground." Sergeant Roberts then informed dispatch that the decedent "has already tried to push off on me," although the body-worn camera video shows no substantial contact between the decedent and Sergeant Roberts up to this point. The decedent continued walking in the direction of Johnston Road while Sergeant Roberts identified himself as a police officer and repeatedly told the decedent to "get on the ground."

Sergeant Roberts followed the decedent onto the sidewalk of Johnston Road and issued commands to "get on the ground" and "do not walk into traffic." When the decedent began to step onto Johnston Road, Sergeant Roberts grabbed the decedent's raincoat and pulled him back onto the sidewalk, where he again instructed the decedent not to walk into traffic. The decedent responded, "Sorry?" and proceeded to walk across the southbound lanes of Johnston Road. Sergeant Roberts then holstered his Taser, followed the decedent to the median, and brought the decedent to the ground in the median of Johnston Road. While the two were on the ground, the decedent bit Sergeant Roberts on the upper left arm. Sergeant Roberts stood up and deployed his Taser at the decedent, and the decedent fell to the ground. Sergeant Roberts deployed his Taser a second time, which also appeared to strike the decedent. The decedent then stood up and, leaving the bag of groceries behind, began to walk across the northbound lanes of Johnston Road with his headphones in his left hand. As the decedent reached Cedar Point Lane in Charlotte, he tossed the headphones at Sergeant Roberts. Sergeant Roberts continued to issue commands for the decedent to get on the ground while the decedent continued to walk away. Having discarded his headphones, the body-worn camera shows the decedent's hands were visibly empty. The decedent proceeded to walk on Cedar Point Lane, and Sergeant Roberts holstered his Taser and walked behind the decedent, later transitioning to walking backwards in front of the decedent. As Sergeant Roberts walked, he instructed Officer Randall Down over the radio of his location and waited for him to arrive.

Moments later, Officer Randall Down arrived on Cedar Point Lane. As Officer Down arrived on scene, Sergeant Roberts pushed the decedent's left shoulder with one hand and stated,

“You ain’t getting away, bro.” Sergeant Roberts continued walking backwards in front of the decedent. The video showed the decedent put his hand into the front pocket of his raincoat and immediately remove it, still clearly empty. A PPD press release, submitted to CMPD investigators and dated May 15, 2024, noted this action by the decedent, yet the shooting did not occur for quite some time after this, and Sergeant Roberts did not cite this “reach” as the reason for any of his subsequent actions. It is unknown whether this press release was subsequently published, as the version including this detail does not exist on PPD’s social media networks. A copy of this press release is attached as Exhibit 1.

Sergeant Roberts and the decedent then pushed each other and momentarily tussled, after which the decedent lunged at Sergeant Roberts with clenched fists [1], punching with his left hand. [2]. The decedent and Sergeant Roberts then briefly reengaged in a struggle, while Officer Down ran toward the two of them. The decedent then charged toward Officer Down, who unsuccessfully attempted to deploy his Taser on the decedent. The decedent and Officer Down momentarily engaged physically, before the decedent was able to grab the cord to Officer Down’s radio, ultimately pulling Officer Down’s radio away from his body. At one point, the cord from Officer Down’s radio was fully extended while within the grasp of the decedent. During this struggle between the decedent and Officer Down, Sergeant Roberts drew his firearm. The decedent, seeing Sergeant Roberts draw his weapon, stepped towards Sergeant Roberts and appeared to reach for the gun as Sergeant Roberts pulled it away. [3] [4] [5] [6]. Officer Down screamed, presumably at Sergeant Roberts, “Get him! Get him!” just before Sergeant Roberts fired his weapon three times, striking the decedent. After Sergeant Roberts fired the last shot, Officer Down screamed once more, “Get him!” The decedent walked a short distance before falling to the ground. As Sergeant Roberts and Officer Down placed the decedent in handcuffs, Sergeant Roberts’ body-worn camera recorded him stating, “I didn’t want him to hit you, get you. He’s already bit me real bad.”

Immediately after the shooting, CMPD investigators asked PPD, the lawful custodian of its officers’ body-worn camera recordings, to restrict access to the recordings from Sergeant Roberts and Officer Down, so that CMPD investigators could be sure the officers’ descriptions and explanations of their actions upon questioning would be derived solely from their recollections from the date of the incident and not impacted by what was subsequently perceived from viewing the recording. Just prior to Officer Down’s interview by CMPD investigators, PPD informed investigators that it did intend to allow these officers to view their body-worn camera recordings prior to being interviewed. I relayed my own concerns to PPD and discouraged allowing the officers to view the body-worn camera prior to their interviews. PPD maintained that it intended to allow the officers to view their body-worn camera footage, as the agency believed that to be consistent with best practices for law enforcement agencies in officer-involved shooting investigations.

### Sergeant Adam Roberts

Sergeant Roberts was interviewed by CMPD investigators at the Law Enforcement Center. He stated he had been employed with PPD for ten years. Sergeant Roberts chose not to

view his body-worn camera prior to the interview, and, while his recollection of the events occurring at the moment he fired his weapon is often in contradiction with the events captured on body-worn camera, the responses offered in his interview with investigators tended to show that they arose from his best recollection from the actual incident and were not tailored to what could have been revealed by a subsequent viewing of his body-worn camera recording.

Sergeant Roberts recalled that he was working off-duty at the McMullen Creek Shopping Center wearing his full police uniform when a call came from dispatch regarding a known shoplifter at Food Lion. Although he was working an off-duty job, he recounted that he added himself to the call because the decedent continued to steal and had pending felony warrants. Sergeant Roberts stated that as he pulled up to the Food Lion, employees were pointing at the decedent who was wearing a yellow raincoat. Sergeant Roberts advised he is 6'1" and 220 pounds and estimated the decedent as 6'5", describing him as being "built like a professional athlete." The Medical Examiner lists the decedent as 6'3" and 234 pounds.

Sergeant Roberts recalled that he parked his car and turned on his body-worn camera. The decedent was walking away from him. Sergeant Roberts stated that he announced himself, but the decedent kept walking. Sergeant Roberts said that when he put his hand on the decedent's back, the decedent made an aggressive turn while growling with clenched teeth. He described these as "pre-attack cues." Sergeant Roberts stated that this is when he realized the person was the subject of the dispatch call, who had outstanding felony warrants. Sergeant Roberts denied previous personal interactions with the decedent. He advised that he drew his Taser and followed the decedent at Taserpoint. Sergeant Roberts recalled giving the decedent commands to stop and get on the ground, but the decedent did not respond.

Sergeant Roberts recalled that he grabbed the back of the decedent's jacket and pulled him back when the decedent started to step into traffic on Johnston Road. He let the decedent go and the decedent walked across the street. Sergeant Roberts followed him to the median. Sergeant Roberts advised that he did not want the decedent to get hit by a car, so while they were in the median, he grabbed the decedent and used his bodyweight to get the decedent on the ground. Sergeant Roberts recalled that while they were on the ground, the decedent locked down on Sergeant Roberts' tricep with his teeth. Sergeant Roberts stated that he believed the decedent had ripped flesh from his arm and provided pictures showing the progression of the injury, which are attached as Exhibit 2. Sergeant Roberts advised that he disengaged with the decedent, pulled his Taser, and fired at the decedent. He stated the Taser was effective, but, when the decedent started to get up, he tased him again. After being tased a second time, he believed the decedent was able to rip the Taser wires out.

At this point, Sergeant Roberts recalled the decedent crossed the remaining lanes of Johnston Road while he informed dispatch the decedent had bitten him. Sergeant Roberts recounted that he was in pain from the bite. He recalled getting in front of the decedent while continuing to give him verbal commands. He stated that the decedent "target locked" on him while giving him the "thousand-yard stare," both of which he characterized as additional pre-attack indicators. He noted that it was raining and wet and that he was walking backwards in front of the decedent.

Sergeant Roberts recalled that when Officer Down arrived and got out of his patrol car, the decedent charged at Officer Down. Sergeant Roberts told Officer Down to “tase him.” Sergeant Roberts recalled that Officer Down was being assaulted, and he heard the Taser go off. Nevertheless, he clarified that he did not know whether Officer Down or the decedent had the Taser at the time it was deployed. He recounted that he drew his firearm because he thought the decedent was about to kill Officer Down. Sergeant Roberts explained that after he drew his firearm, the decedent charged at him and began to punch. Sergeant Roberts stated that the decedent tried to grab his gun to disarm him, and Sergeant Roberts fired. Sergeant Roberts was not sure whether the decedent was actually able to touch his firearm. Sergeant Roberts told investigators that he had never been so scared in his life and that he believed, when the decedent attempted to grab his gun, the decedent was going to kill him and then kill Officer Down.

Sergeant Roberts advised he had completed Crisis Intervention Training. He stated that he was worried about the decedent’s mental state, but he believed he needed to focus on the arrest first. Sergeant Roberts advised that he did not believe the decedent was in crisis or having a breakdown at the time of these events.

#### Officer Randall Down

Prior to Sergeant Roberts’ interview, Officer Randall Down was interviewed by CMPD investigators at the Law Enforcement Center. Officer Down informed investigators that, not only had he been allowed to view his own body-worn camera footage, PPD allowed him to view footage from Sergeant Roberts’ camera as well.

During this interview, Officer Down stated that he was responding to assist Sergeant Roberts on a larceny in progress call. Sergeant Roberts advised over the radio that the subject had “pushed off on him” in the parking lot of the Food Lion, and, later, Sergeant Roberts advised that the subject had taken a bite out his arm. Officer Down recalled that Sergeant Roberts stated over the radio that he had crossed the street and was walking toward the 1000 building of a referenced apartment complex. As Officer Down arrived, he saw a black male subject wearing a yellow raincoat with Sergeant Roberts a few steps behind. The subject was walking toward the apartment building. Officer Down described Sergeant Roberts as looking disheveled and in pain. Officer Down recounted that he parked his car in front of the building the decedent was walking toward and exited his car. He saw Sergeant Roberts and the decedent grappling hand to hand. He did not see anything in the decedent’s hands at this time. Officer Down stated that, as he approached, the decedent shifted his attention to him, lunged toward him in an aggressive manner, and attempted to grab him. Officer Down advised that he drew his Taser and deployed it at the decedent. Officer Down believed his Taser made contact with the subject but stated it did not seem to faze the decedent. Officer Down stated that, after he deployed his Taser, the decedent got a grip on his radio cord, and he was concerned the decedent could have used the radio as a weapon. Officer Down advised that he heard the shots fired by Sergeant Roberts but did not see the shots fired and did not see what Sergeant Roberts or the decedent were doing when the shots were fired.

When asked why he didn't draw his firearm, Officer Down explained that what he encountered from the decedent was not "at the level of deadly force" although Officer Down explained that these events happened very quickly. Officer Down recalled that after the shots were fired, the decedent walked away from them and fell in the grass. He stated he holstered his Taser and helped render aid to the decedent.

### Private citizen

Two private citizens, a husband and wife, witnessed the events and made themselves known to the PPD. PPD took a joint written statement from these witnesses and provided that statement to CMPD. CMPD investigators interviewed the husband (the wife was unavailable at the arranged interview time). The account provided in the interview was consistent with available body-worn camera footage, as well as the written statement provided to PPD. The citizen stated that he and his wife followed the police officer in their car because the officer was on foot with no apparent back-up, and the citizen was concerned for the officer's safety. The citizen stated that he saw the decedent "attack" Sergeant Roberts and that he began to get out of his car to help Sergeant Roberts, but his wife stopped him. The citizen stated that, in his opinion, Sergeant Roberts "had no other choice" but to shoot the decedent.

### Conclusion

In its assessment of the reasonableness of an officer's use of deadly force, the Fourth Circuit of the U.S. Court of Appeals has characterized the applicable test as "whether the hypothetical reasonable officer in that situation would have had probable cause to believe that the suspect posed a threat of serious physical harm, either to the officer or to others. That determination must focus on the moment that deadly force was used, not the whole episode." Stanton v. Elliott, 25 F.4th 227 (4<sup>th</sup> Cir. 2022) (cleaned up).

Sergeant Roberts stated that he fired because the decedent attempted to grab his gun, and he believed the decedent was going to kill him and then kill Officer Down. While interest may naturally be drawn to the full length of the engagement between the decedent and Sergeant Roberts, the law expressly limits our assessment to the moment deadly force was employed. It is clear from Sergeant Roberts' body-worn camera footage that, at the moment Sergeant Roberts fired his gun, the decedent was either reaching for Sergeant Roberts' gun or, at least, could rationally have been perceived by a reasonable officer as reaching for his gun. This perception is further supported by at least one civilian witness, who suggested—rightly or wrongly—that Sergeant Roberts had "no other choice." With no probative evidence to refute that perception, no matter the mental condition from which the decedent may have suffered, the State would be left entirely unable to disprove that the decedent was attempting to disarm Sergeant Roberts of his weapon to arm himself with that same weapon.<sup>1</sup> Accordingly, there is no likelihood that a

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<sup>1</sup> A typographical error in a previously published version of this document has been corrected here.

unanimous jury would find beyond a reasonable doubt that the use of deadly force by Sergeant Adam Roberts constituted a violation of criminal law. As a result, I concur with CMPD's decision not to seek criminal charges against him.

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



Exhibits:

The decedent lunged at Sergeant Roberts with empty hands balled into fists.

[Return](#)





The decedent punched towards Sergeant Roberts with his left hand.

[Return](#)



The decedent appears to reach for Sergeant Roberts' gun.

[Return](#)



The decedent appears to reach for Sergeant Roberts' gun.

[Return](#)





The decedent appears to reach for Sergeant Roberts' gun.

[Return](#)



The decedent appears to reach for Sergeant Roberts' gun.

[Return](#)



# Exhibit 1





# PINEVILLE

## Police Department

### For Immediate Release

Date: May 15, 2024  
Incident: Officer-Involved Shooting (incident date 05/14/2024)  
Location: 10000 block of Cedar Circle Drive in Charlotte, N.C.  
Contact: Captain Corey Copley (ccopley@pinevillenc.gov)

On 05/14/2024 at 1510 hours, Pineville Police responded to the Food Lion grocery store, located at 10120 Johnston Road, regarding a shoplifting in progress. A Pineville Police sergeant, in full police uniform and marked police car, was working off-duty at the McMullen Creek Shopping Center and only minutes away from the Food Lion. Upon the sergeant's arrival, the sergeant made contact with the shoplifting suspect in the upper parking lot area of Food Lion. The suspect, **Dennis Bodden DOB 02/22/1978 of Charlotte**, is very well known to Pineville Police as being a chronic shoplifting suspect at this Food Lion and having violent tendencies towards police and the public. Mr. Bodden was holding a homemade bag full of allegedly stolen food items and several full wine bottles. The sergeant identified himself as the police and provided numerous lawful commands for Mr. Bodden to stop. Mr. Bodden refused to follow these lawful commands and continued walking away from the sergeant with the homemade bag of grocery items. The sergeant continued to follow Mr. Bodden on foot up to the roadway of Johnston Road, where there was heavy traffic afoot. The sergeant continued with verbal commands to stop, while also keeping Mr. Bodden from walking out into traffic several times. While trying to prevent Mr. Bodden from walking out into traffic, Mr. Bodden became physically confrontational with our sergeant and escalated to a physical threat towards our sergeant. By this time, the physical confrontation ended up on the ground, in the median of Johnston Road and that is where our sergeant was bitten in the arm by Mr. Bodden. Our sergeant deployed less lethal force in using his department issued Taser on Mr. Bodden. The Taser was only effective for a few seconds and Mr. Bodden stood back up and began walking towards Cedar Circle Drive, which was across the street from Food Lion. Our sergeant continued to follow Mr. Bodden towards his apartment while continuously calling for back-up assistance from officers and that he had deployed his Taser.

An on-duty Pineville Police officer arrived as the first back-up officer along the 10000 block of Cedar Circle Drive. Mr. Bodden continued to not follow lawful verbal commands from both of the officers. Mr. Bodden reaches into his pocket while walking towards officers with active resistance. At that time, the back-up





# PINEVILLE

## Police Department

Pineville officer deployed his Taser, which would have been the second deployment of less lethal force during this incident. Mr. Bodden lunged and charged at the Pineville officers continuing to actively assault the officers. Mr. Bodden was able to obtain one of the officer's police radio from his outer carrier police vest, attached with a shoulder mic. Mr. Bodden was then held at gunpoint and lunged towards the sergeant's service weapon, which was out of its holster and pointed at Mr. Bodden. The sergeant perceived an increased level of an imminent threat to himself and the back-up officer, discharging his service weapon at Mr. Bodden.

Immediate medical attention was given to Mr. Bodden by the sergeant and by arriving Pineville Police officers. Medical attention continued until Medic arrived on scene and took over patient care. In addition, both Pineville Police officers were taken to the hospital for injuries, but were not shot.

Two parallel investigations are taking place at this time. CMPD Homicide Division is overseeing and conducting the criminal investigation, while Pineville Police's Internal Affairs Division is investigating internally. At this time, there has not been a weapon discovered on the person of Mr. Bodden.

Our Pineville Police sergeant is on paid administrative leave, pending the outcome of this investigation.

# Exhibit 2

ADN 05/21/24







FROM 05/21/24

From 05/21/2011

