



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 18, 2024

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

Re: Nerin Funez-Reyes Death Investigation; Complaint No. 2024 0922 1930 04

Dear Chief Jennings:

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the September 22, 2024, shooting death of Nerin Funez-Reyes. The case was investigated under case number 2024 0922 1930 04. The documentation considered for the purposes of this review was provided by CMPD in November 2024. The purpose of this review was to examine whether the actions of Officers Joshua Heater and Kenneth Kludy were unlawful in the incident leading to the death of Nerin Funez-Reyes.

This incident occurred at approximately 7:29 p.m. on the evening of September 22, 2024, in the 200 block of Arrowood Road in Charlotte, North Carolina. Earlier that day, at 4:16 p.m., Officers Heater and Kludy responded to a call for service on nearby Kingsford Drive involving an assault and communicating threats where a suspect allegedly pointed a firearm at a witness, threatened to kill him, and ultimately discharged the firearm into the ground before leaving in a black Honda Accord. These officers obtained a description of the suspect as well as a description of the suspect vehicle.

At 7:25 p.m., dispatch advised of another call for an assault at the same Kingsford Drive address. The caller advised that a subject in a black Honda Accord had fired a gun and was still in possession of the firearm. Officers Heater and Kludy assigned themselves to the call believing it to be related to the call they had responded to at 4:16 p.m. While Officers Heater and Kludy were driving to Kingsford Drive, other officers monitoring surveillance video in real time advised that a car matching the description of the suspect's vehicle drove out of the apartment complex and was in the left turn lane of Nations Ford Road, waiting to turn onto Arrowood Road. Officers Heater and Kludy located and stopped the suspect's vehicle.

Officers Heater and Kludy both approached on the driver's side of the decedent's vehicle where Officer Heater asked the decedent his name and if he was coming from the area of

Kingsford Drive. Officer Heater also inquired whether the decedent had any firearms in the vehicle, which the decedent denied. Officer Heater then asked the decedent for consent to check the vehicle for firearms and the decedent responded, "Never." At that point, Officer Heater told the decedent to step out of the car. Officers then opened the driver's door while the decedent turned to his right, retrieving a 9mm FEG PJK-9HP firearm [1], and turned back to point the firearm at Officer Heater, then Officer Kludy. [2] [3] [4]. In response, Officers Heater drew his service weapon and fired six times. Officer Kludy drew his weapon and fired seven times.

An autopsy conducted on the decedent found the decedent suffered six gunshot wounds with the cause of death being a gunshot wound to the right side of his head.

As you know, this letter specifically does not address issues relating to tactics, or whether officers followed correct police procedures or directives of CMPD or other agencies.

I personally responded to the scene of this incident and monitored the investigation along with a senior Assistant District Attorney (ADA). I reviewed the investigative file as provided by CMPD. 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. N.C.G.S. §14-51.3 provides that a person is justified in the use of deadly force and does not have a duty to retreat in any place he or she has the lawful right to be if he or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another.

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 Nerin Funez-Reyes

Officer Joshua Heater

Officer Joshua Heater was interviewed by investigators on September 27, 2024, at the CMPD Law Enforcement Center located at 601 East Trade Street. During that interview Officer Heater stated that he was hired by CMPD on October 26, 2020. He recalled that on the afternoon of September 22, 2024, he and Officer Kludy were dispatched to a call for service regarding an assault with a deadly weapon on Kingsford Drive. The complainants told the officers that an intoxicated subject by the name of "Dennis" destroyed one of their phones and then pointed a gun at them while threatening to kill them. One of the complainants then pushed "Dennis" and "Dennis" fired a round into the ground at their feet. The complainants gave officers a description of "Dennis" and stated that he got into a black Honda Accord and left the area before police arrived.

Officer Heater recounted that he and Officer Kludy took the report and then left the area to answer a breaking and entering call for service a short distance away. Officer Heater recalled that while finishing up the breaking and entering call for service, he and Officer Kludy heard another assault with a deadly weapon call come from at or near the address of the earlier call. Officer Heater believed the male who had fired the gun earlier had returned because he had instructed the complainants to call 911 if the subject returned.

Officer Heater stated that as he and Officer Kludy began driving on Arrowood Road toward Kingsford Drive, dispatch relayed a description of the suspect and advised that the suspect vehicle was a black Honda Accord. Officer Heater further recalled that as he and Officer Kludy approached the intersection of Arrowood Road and Nations Ford Road, officers in the Real Time Crime Center relayed that the Honda Accord was observed leaving the area of the call and was currently on Nations Ford Road waiting to turn left onto Arrowood Road. Officer Heater advised that he and Officer Kludy observed the suspect vehicle in front of them and positioned themselves to make a U-turn to stop the vehicle after it passed them. Officer Heater stated that he could tell the car matched the description of the subject vehicle and could see that the driver matched the description of the suspect previously relayed by dispatch.

Officer Heater explained that he and Officer Kludy initiated a traffic stop on the decedent who pulled over relatively quickly after they turned on their lights and siren. The decedent was the sole occupant of the vehicle, and Officer Heater described him as a Hispanic male. Officer Heater further advised that the decedent had glossy eyes, that he could smell alcohol, and that he saw an open alcohol container in the vehicle. Officer Heater recalled that he asked the decedent if his name was Dennis and the decedent said, “No.” The decedent then reached into his glovebox, retrieved his passport, and handed it to Officer Heater.

Officer Heater recalled that the decedent denied having a gun in the car and, when Officer Heater asked if he could check, the decedent replied, “Never.” Officer Heater recalled that he asked the decedent to step out of the car and, at that point, the decedent fully turned his body “like he was grabbing for something,” then turned back toward Officer Heater with a black gun in his hand. Officer Heater recounted that he believed the gun was initially pointed directly at him before the decedent then turned the gun toward Officer Kludy. Officer Heater stated that he believed his life and the life of his partner were in imminent danger, so he drew and fired his service weapon to protect his partner and himself. Officer Heater believed there was an exchange of gunfire between officers and the decedent because Officer Kludy was struck by gunfire. Officer Heater believed Officer Kludy fired as well, but he did not know how many times.

Officer Heater advised that he stopped firing once the decedent stopped moving and the threat was over. At that point, Officer Kludy told him he was hit, and he saw Officer Kludy limping and bleeding from the leg. Officer Heater stated he notified dispatch that shots had been fired and called for assistance. Officer Heater explained that he continued to hold a secure position behind the decedent’s vehicle until other officers arrived to take over, and then he began providing aid to Officer Kludy.

Officer Kenneth Kludy

Officer Kenneth Kludy was interviewed by investigators on October 4, 2024, at the CMPD Law Enforcement Center located at 601 East Trade Street. Officer Kludy stated that he was hired by CMPD on February 24, 2020. He recalled that on the afternoon of September 22, 2024, he was partnered with Officer Heater in vehicle PDA 768 with Officer Heater driving and Officer Kludy as the passenger.

Officer Kludy recounted that he and Officer Heater had been dispatched to an apartment complex off Kingsford Drive earlier that afternoon where two males reported that a male named “Dennis” broke one of their phones, pointed a gun at them while threatening to kill them, then discharged the gun into the ground. Officer Kludy recalled that he could see the projectile hole in the ground and saw a discharged cartridge case on scene but did not collect it at the time. Officer Kludy stated that the males reported that the suspect left the scene in a black Honda.

After completing the call, Officer Kludy reported that he and Officer Heater responded to a breaking and entering call. While they were finishing up the breaking and entering call, they heard a new assault call come out at the same Kingsford Drive address. Since they were close by, they dispatched themselves to the call and began driving west on Arrowood Road toward Nations Ford Road. Officer Kludy advised that the comments to the call noted that the suspect from the earlier assault call was on scene, still possessed a firearm, and was sitting in a black Honda Accord.

Officer Kludy recalled that while he and Officer Heater were in route to the call, officers from the Real Time Crime Center relayed over the radio that they observed a black Honda Accord pull out of the area of Kingsford Drive and that it was currently at the intersection of Nations Ford Road and Arrowood Road, waiting to turn left onto Arrowood Road. Officer Kludy reported that the suspect car drove by him, and the officers turned around and conducted a traffic stop on the suspect vehicle.

Officer Kludy explained that when he approached the decedent's car, he saw a 40-ounce beer bottle in the back seat and an open container of alcohol in the cupholder. He advised that they began speaking with the decedent, and he appeared to be under the influence of an intoxicant. Officer Kludy recalled they asked the decedent if he went by the name of "Dennis" and the decedent said, "No." They then asked the decedent whether he had a gun in the car and the decedent said, "No" or, "Never." Officer Kludy recalled they next asked the decedent to step out of the vehicle, and the decedent turned around and reached to his right side. Officer Kludy advised that when the decedent turned back, he had a black pistol in his hand. Officer Kludy recalled that the pistol was sitting on the decedent's knee pointed in Officer Kludy's direction. At that point Officer Kludy felt a burning sensation in his leg and believed had been shot. Officer Kludy did not recall seeing a muzzle flash from the decedent's gun, but he explained that, because the decedent pointed a firearm and he felt the pain in his leg, he perceived a deadly threat to himself, his partner, and the public, and he fired at the decedent from the rear side of the car through the driver's seat. He recalled that Officer Heater began firing as well while moving in front of the car to a grassy area on the passenger side of the car.

Officer Kludy stated that he stopped firing once the decedent was no longer attempting to exit the car or point the firearm at the officers. He then holstered his firearm, let his partner know that he had been hit, and retreated to the rear of the vehicle. He began applying a tourniquet to his left leg while Officer Heater maintained coverage on the decedent. Once additional officers arrived to take over for Officer Heater, Officer Heater began providing Officer Kludy with medical assistance until Medic arrived.

A.L.¹

A.L. resided in a nearby apartment and was able to see the events, albeit from a distance. A.L.'s perception of the events was that the police officers approached the decedent's vehicle and that the decedent started shooting at the officers who then retreated. A.L. stated that the decedent "did not listen and then shot the cop."

H.L.

H.L. also resided at a nearby apartment with a view of the scene from a distance. H.L. saw officers stop the decedent's car and approach on foot. H.L. stated that the decedent shot twice at the officer and the officer yelled for help. H.L. recalled that both officers returned fire, then retreated to their car until other officers arrived.

¹ Civilian 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.

E. Video evidence

Body-worn camera (BWC) video

Body-worn camera video was collected from both Officers Heater and Kludy. This video evidence establishes that both Officers Heater and Kludy approached the decedent's vehicle on the driver's side. Officer Heater asked the decedent whether he was coming from the area of Kingsford Drive which the decedent denied. Officers Heater and Kludy both asked the decedent his name, to which he replied, "Nerlin." Officer Heater then inquired if his name was "Dennis," and the decedent reached across the car into the glove compartment, where he retrieved his passport and handed it to Officer Heater. An open can of beer was visible in the center cupholder.

Officer Heater then asked the decedent if there were any firearms in the car, and the decedent vigorously shook his head in the negative. Officer Heater asked the decedent if the officers could check the vehicle for a firearm and the decedent replied, "Never," at which point Officer Heater asked the decedent to step out of the car. Officer Kludy opened the decedent's driver door, while the decedent turned to his right and reached with his right hand into the area between the driver and passenger seats. The decedent then turned back to face the officers while holding a firearm in his right hand and pointing it at Officer Heater, then fully extending his right arm through the window of the open driver's door with the barrel of the firearm pointed directly at Officer Heater. Officer Heater quickly drew his weapon and began to fire. The decedent then turned the firearm in the direction of Officer Kludy, who also drew his service weapon and fired. These events unfolded extremely quickly, with approximately eight seconds elapsing between the time. Officer Heater asked the decedent to step out of the car and the completion of all gunfire. Officer Heater then requested immediate assistance and informed dispatch that shots had been fired, while Officer Kludy informed Officer Heater that he had been hit. Officer Heater then moved Officer Kludy away from the decedent's vehicle where Officer Kludy began applying a tourniquet to his leg while Officer Heater maintained a secure position behind the decedent's vehicle until additional assistance arrived.

F. Physical evidence

Round counts conducted on the service weapons belonging to Officers Heater and Kludy determined that Officer Heater fired six rounds and Officer Kludy fired seven rounds. Similarly, six discharged cartridge cases identified as being fired from Officer Heater's weapon were found on scene. Seven discharged cartridge cases identified as being fired from Officer Kludy's weapon were collected from the scene.

The 9mm FEG PJK-9HP firearm in the possession of the decedent was tested and determined to be in good operating condition. The magazine of that firearm contained three live cartridges. There was not a round in the chamber of the weapon. Two discharged cartridge cases located between the windshield and hood of the decedent's Honda Accord were determined to have been fired from the decedent's weapon; however, it cannot be determined with certainty *when* these rounds were fired from this weapon. Therefore, while it is without question that the

decedent pointed the gun at Officers Heater and Kludy, it cannot be determined whether he fired the gun during these events. Similarly, a piece of copper jacketing collected from Officer Kludy's pants was analyzed, and it was determined that it was not fired from the decedent's weapon.

G. Autopsy report

An autopsy conducted by the Medical Examiner's Office revealed that the decedent suffered six gunshot wounds and a graze wound. The gunshot wounds were located on the front of his left thigh, the left hand, the right hand, the right forearm, the left shoulder, and the right side of the head above the ear. The graze wound was located on the left chest. The cause of death was determined to be the gunshot wound of the head.

H. Conclusion

It is undisputed that Officers Heater and Kludy fired at the decedent. The central issue in this review is whether these officers were justified under North Carolina law in using deadly force in the protection of themselves or another. A police officer – or any other person – is justified in using deadly force if 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 evidence establishes that Officers Heater and Kludy stopped the decedent while investigating allegations of an assault by pointing a gun and communicating threats. The decedent was alleged to have been armed, to have threatened to kill an individual, and to have fired the weapon into the ground. Although the decedent denied having a weapon in the car, when asked to exit the vehicle, he turned and retrieved the firearm in his right hand. He then turned back toward Officer Heater and fully extended his right arm through the open driver's door window with the barrel of the firearm pointed directly at Officer Heater at close range. The decedent then turned the gun in the direction of Officer Kludy. In response, Officers Heater and Kludy drew and fired their service weapons multiple times, killing the decedent.

Although it is uncertain whether the decedent fired his weapon during this encounter or whether Officer Kludy was struck by a ricocheting bullet fired by Officer Heater, it is without question that the decedent pointed a firearm directly at a police officer at close range. Under these circumstances, a reasonable police officer would justifiably believe that they or their partner were in imminent danger of great bodily harm or death.

The available evidence in this case tends to confirm these officers acted in self-defense or defense of others. The video from the body-worn cameras and the physical evidence on scene substantiate that Officers Heater and Kludy were reasonable in their belief that the decedent posed an imminent threat of great bodily harm or death to one or both of them when they fired their weapons, killing the decedent. Accordingly, the State will not pursue criminal charges related to the death of Nerin Funez-Reyes.

If you have any questions, please contact me directly.

Sincerely,

A handwritten signature in cursive script that reads "Spencer B. Merriweather III". The signature is written in black ink and is positioned below the word "Sincerely,".

Spencer B. Merriweather III
District Attorney

Exhibits

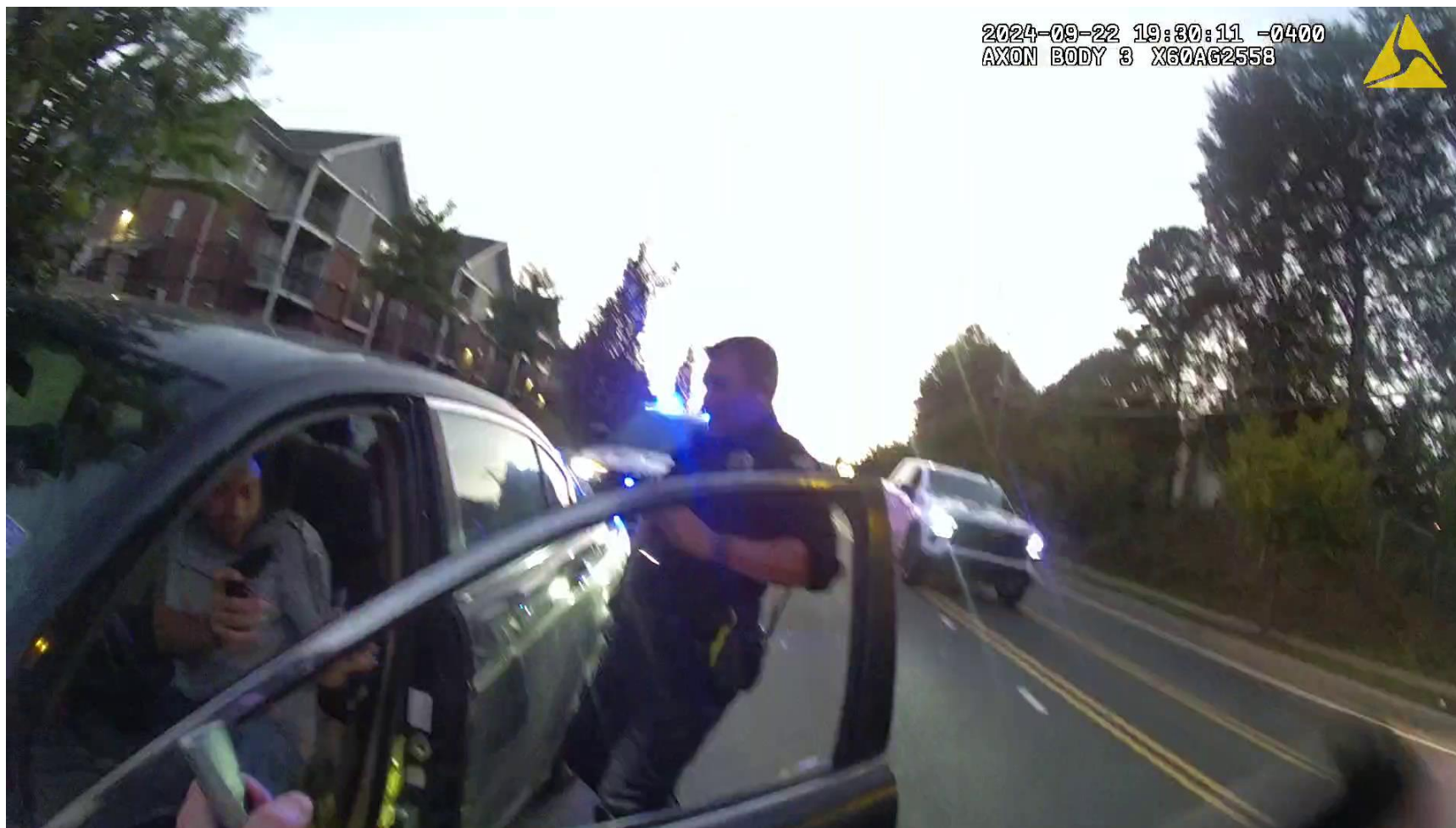
The decedent's firearm collected from the driver's side floorboard.

[Return](#)



After retrieving the firearm, the decedent pointed the gun at Officer Heater.

[Return](#)



After retrieving the firearm, the decedent pointed the gun at Officer Heater.

[Return](#)



After pointing the gun at Officer Heater, the decedent turned the gun toward Officer Kludy.

[Return](#)



Exhibit A

Mecklenburg County Medical Examiners' Office



3440 Reno Avenue, Charlotte, NC 28216

Telephone 704-336-2005

Fax 704-336-8353

REPORT OF AUTOPSY EXAMINATION

DECEDENT

Document Identifier: B24-5617

Name: Nerin Funez Reyes

Age: 37

Race: Honduran

Sex: Male

AUTHORIZATION

Authorized By Jonathan Privette, MD. Received From Mecklenburg County

IDENTIFICATION

Body Identified By Papers

ENVIRONMENT

Date of Exam: 9/30/24 Time of Exam: 0930

Persons Present: Kelsey Clark

CERTIFICATION

Cause of Death: GUNSHOT WOUND OF THE HEAD

Manner of Death: HOMICIDE

Pathologist Jonathan Privette, MD

Date Finalized: December 10, 2024

SUMMARY AND INTERPRETATION

The decedent is a 37-year-old male who was shot by Law Enforcement.

Autopsy examination reveals multiple gunshot wounds, hepatosteatorosis, hepatic fibrosis, healing abrasion.

Please see separate report for toxicology details.

Based on the history and autopsy findings, it is my opinion that the cause of death in this case is a gunshot wound of the head.

DIAGNOSES

- Multiple gunshot wounds
- Hepatosteatorosis
- Hepatic fibrosis
- Healing abrasion

EXTERNAL DESCRIPTION

Length: 72 inches

Weight: 168 pounds

Body Condition: Intact

Rigor: 2+

Livor: Posterior

Hair: Black

Eyes: Brown

Teeth: Natural

Body Development: Normal

Body Nourishment: Normal

Clothing: None

Accompanies the body: Two blankets

Identifying Marks: None

Medical Intervention: Airway, ECG leads, gel bandages, catheters, blood pressure cuff, surgical incision secondary to tissue harvest

INJURIES

The following gunshot wounds are lettered for convenience of description. The lettering is not intended to indicate the order of which the injuries occurred.

GUNSHOT WOUND A

Entrance location: Anterior, medial, left thigh

Inches above the heel: 31-1/2 inches

Wound characteristics: The entrance gunshot wound measures 1/2-inch and exhibits 3/4-inch marginal abrasion. There is surrounding ecchymosis. Soot and/or stippling are not grossly identified.

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

Bullet retained: No

Exit wound location: Anterior, left thigh

Inches above the heel: 32-1/2 inches

Wound characteristics: The exit gunshot wound measures 7/8-inch and exhibits irregular borders.

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

GUNSHOT WOUND B

Located at the left hand are two related gunshot wounds. Trajectory is difficult to assess due to the location of the injuries. The wound on the palmar surface of the left hand is at the thenar prominence and measures 1-1/4-inches and exhibits irregular borders. The wound on the posterior surface of the hand is located at the base of the thumb and measures 3/4-inch and exhibits irregular borders. Both wounds are approximately 3/4-inch below the wrist. These injuries result in skin and soft tissue injuries of the left hand.

GUNSHOT WOUND C

Entrance location: Posterior, right hand

Inches below the wrist: 1 inch

Wound characteristics: The entrance gunshot wound measures 2-1/4 inches. The skin tags point distally. Soot and/or stippling are not grossly identified in association with this injury. There is 5/8-inch skin laceration adjacent to the entrance wound.

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

Bullet retained: No

Exit wound location: Anterior, right forearm

Inches above the wrist: 1-1/4 inches

Wound characteristics: The exit gunshot wound measures 1-inch and exhibits irregular borders.

Trajectory in the anatomical position: Back to front, upward

GUNSHOT WOUND D

Entrance location: Ulnar surface of the right forearm

Inches above the wrist: Centered 3-1/4 inches

Wound characteristics: The entrance gunshot wound measures 2-1/2 inches. Skin tags point distally. Soot and/or stippling are not grossly identified in association with this injury.

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

Bullet retained: No

Exit wound location: Right forearm

Inches above the wrist: 5-3/4 inches

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

Trajectory in the anatomical position: Left to right and upward

GUNSHOT WOUND E

Entrance location: Posterior/upper, left shoulder

Inches above the heel: 61-1/2 inches

Inches R/L of midline: 8 inches left of anterior midline

Wound characteristics: The entrance gunshot wound measures 3/4-inch and is healing. Soot and/or stippling are not grossly identified in association with this injury.

Injuries: The wound track lacerates the skin and soft tissue of the left shoulder, fractures the left scapula.

Bullet retained: Yes

Trajectory in the anatomical position: Left to right, slightly back to front

GUNSHOT WOUND F

Entrance location: Right head

Inches above the heel: 69-1/2 inches

Inches R/L of midline: 5-3/4 inches right of anterior midline

Wound characteristics: The entrance gunshot wound measures 1/4-inch and exhibits 5/8-inch marginal abrasion. Soot and/or stippling are not grossly identified in association with this injury.

Injuries: The wound track lacerates the skin and soft tissue of the head, fractures the skull, lacerates the bilateral cerebrum and brainstem. Associated injuries include intracranial hemorrhages.

Bullet retained: Yes

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

GRAZE GUNSHOT WOUND

Located at the left, lateral torso at a point 51 inches above the heel and 9-1/2 inches left of anterior midline is a 1-inch graze gunshot wound. Soot and/or stippling are not grossly identified in association with this injury. Trajectory is difficult to assess due to the superficial/healing nature of the wound.

OTHER INJURIES

There is healing abrasion at the left knee.

INTERNAL EXAMINATION

Body Cavities

Organ positions: Normal

Abnormal fluid collections: See Injuries

Adhesions: None

Cardiovascular System

The heart is absent secondary to tissue harvest.

Respiratory System

The lungs are absent secondary to tissue harvest.

Gastrointestinal System

Grossly unremarkable

Liver

Liver Weight: 2910 grams

The parenchyma is fatty and fibrotic.

Spleen

Spleen Weight: 210 grams

The spleen has been biopsied.

Pancreas

Grossly unremarkable

Urinary

The kidneys are absent secondary to tissue harvest.

Reproductive

Grossly unremarkable

Endocrine

Thyroid gland: Normal

Adrenal glands: Normal

Neurologic

Brain Weight: 1190 grams

See Injuries

Immunologic System

Grossly unremarkable

Musculoskeletal System

See Injuries

MICROSCOPIC EXAMINATION

Sections submitted: None

Findings:

SPECIAL PROCEDURES

Radiographs reveal projectiles at the head and left shoulder. There are minute fragments at the right arm.

DISPOSITION OF PERSONAL EFFECTS AND EVIDENCE

The following items are released with the body:

None

The following items are preserved as evidence:

Projectile gunshot wound E

Projectile gunshot wound F

Blood stain card

END OF REPORT

JP/km

DID#: 40167906

State of North Carolina

Name of Decedent: Nelson Funes Reyes

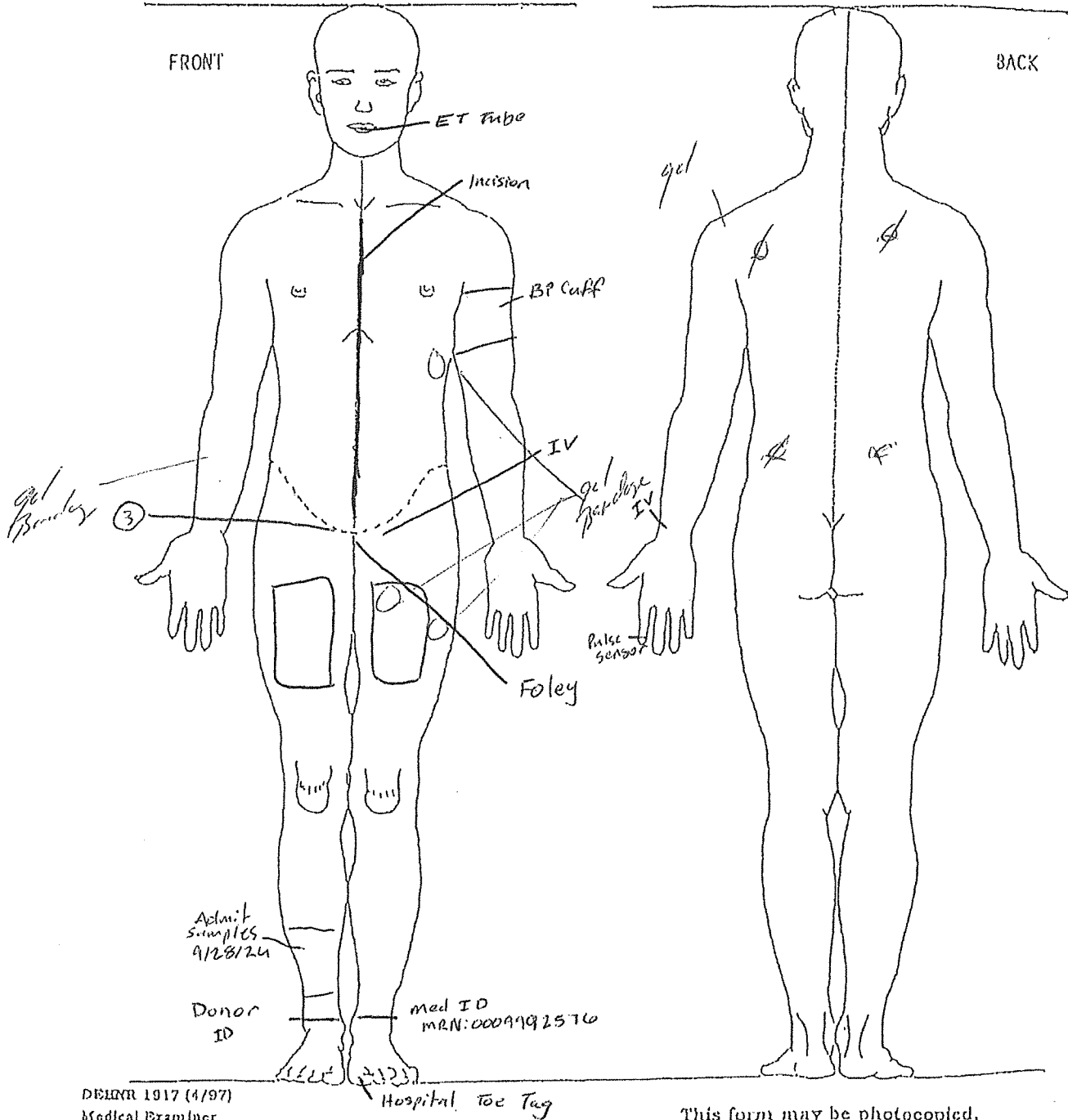
Office of the Chief Medical Examiner

Autopsy # B24-5617

Chapel Hill, North Carolina 27599-7580

Examined By: JDP KC Date: 9-30-24

BODY DIAGRAM: ADULT (Front/Back)



DEFORM 1017 (4/97)
Medical Examiner

This form may be photocopied.

State of North Carolina

Name of Decedent: _____



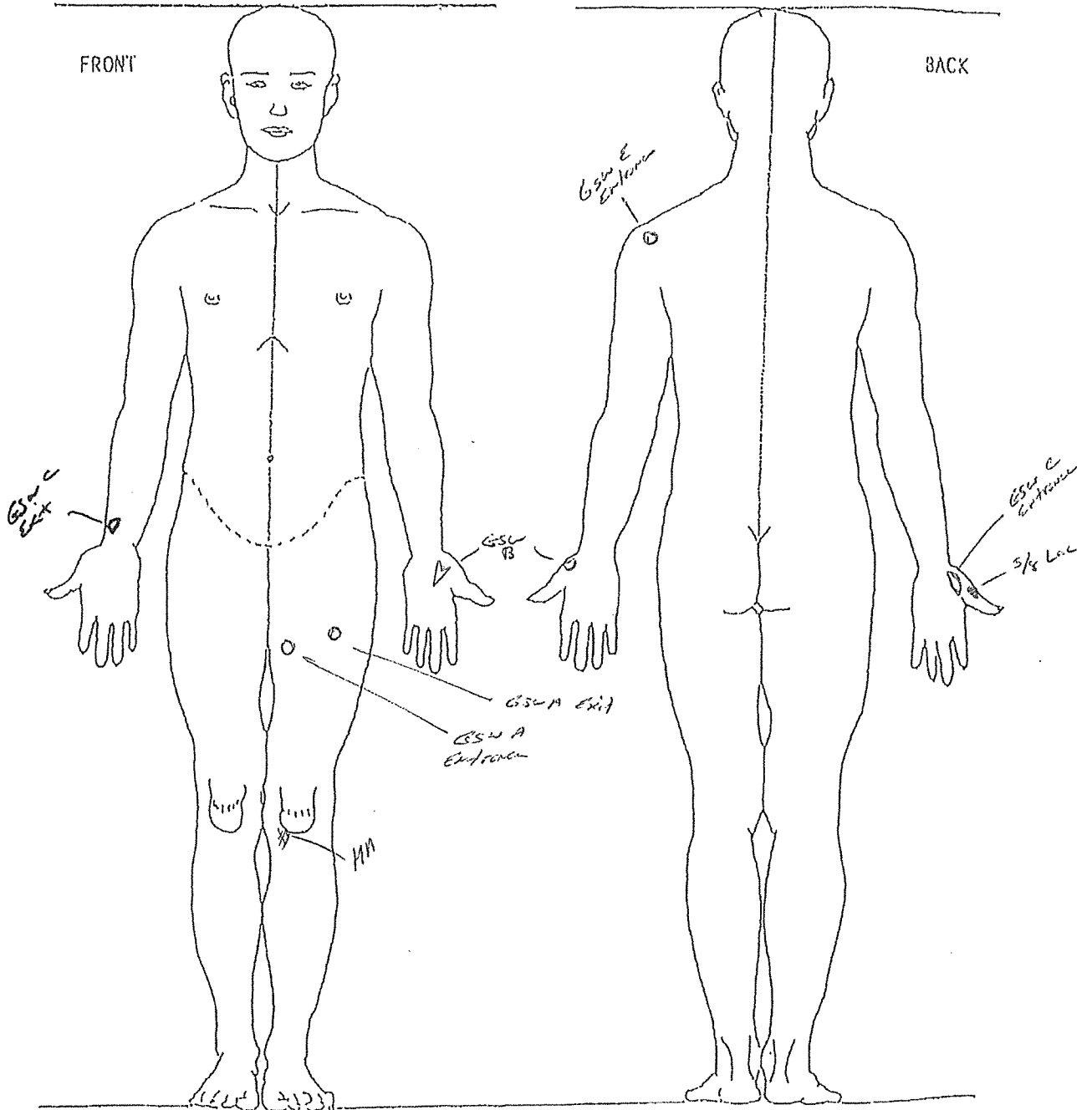
Office of the Chief Medical Examiner

Autopsy # B27-5617

Chapel Hill, North Carolina 27699-7580

Examined By: [Signature] Date: 9/30/24

BODY DIAGRAM: ADULT (Front/Back)



DEHR 1917 (4/97)
Medical Examiner

This form may be photocopied.

PAGE ____ OF ____

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

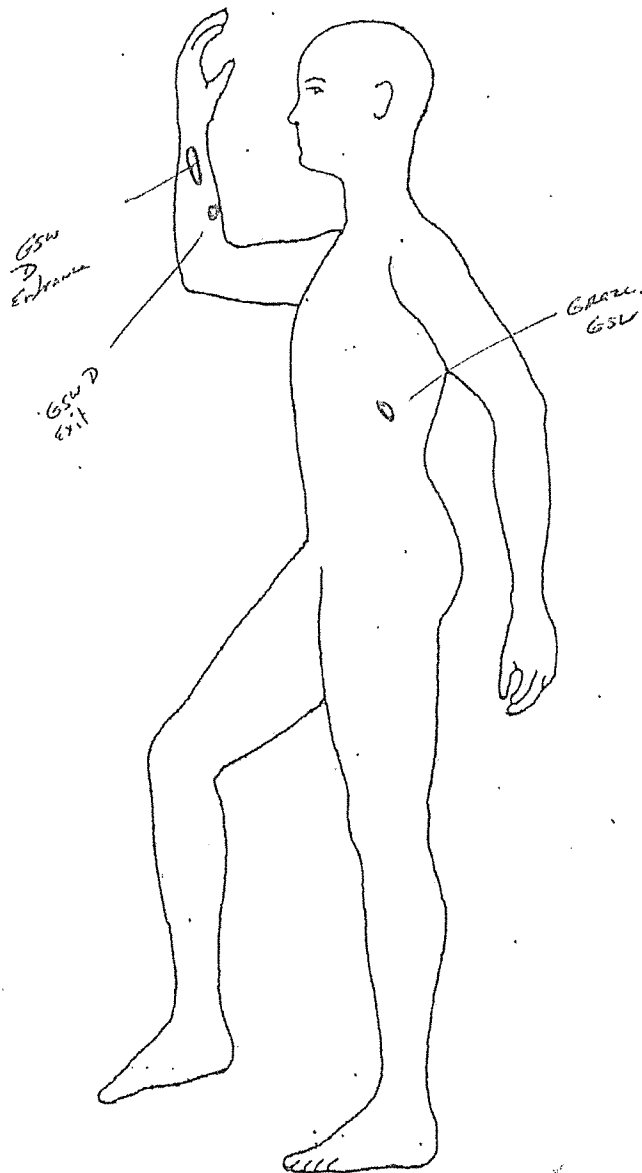
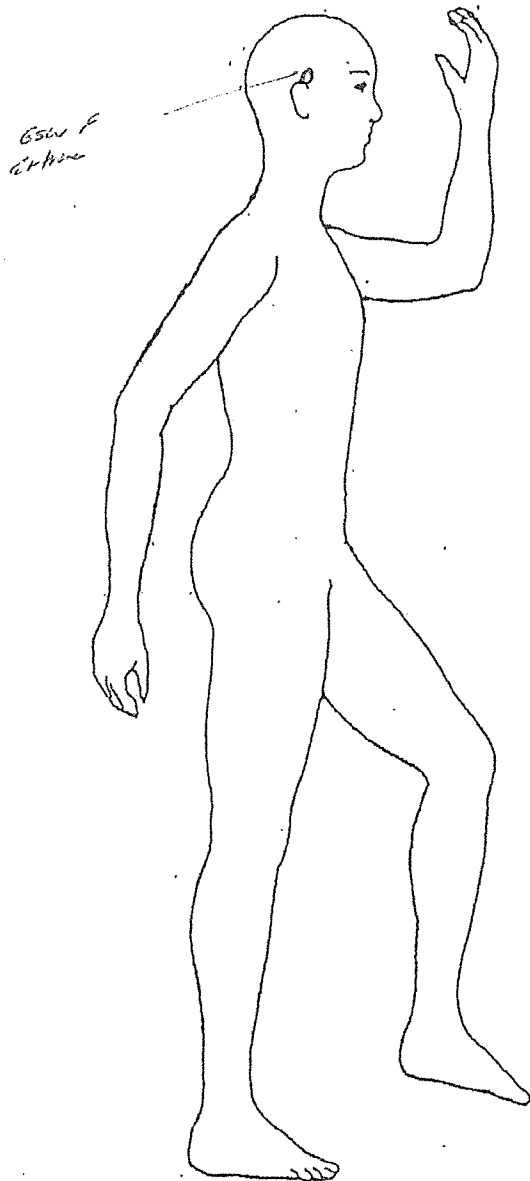
Name of Decedent: _____

Autopsy # B24-5617

Examined By: [Signature] Date: 9-30-24

BODY DIAGRAM:

PROFILE (Left/Right)



Bunting, William C.

From: Balcome, Kelly E.
Sent: Tuesday, December 17, 2024 7:43 AM
To: Bunting, William C.
Subject: FW: No Reply: OCME Toxicology F202408204

-----Original Message-----

From: noreply@dhhs.nc.gov <noreply@dhhs.nc.gov>
Sent: Monday, December 16, 2024 4:04 PM
To: Balcome, Kelly E. <kelly.e.balcome@nccourts.org>; Merriweather, Spencer B. <spencer.merriweather@nccourts.org>
Subject: No Reply: OCME Toxicology F202408204

T O X I C O L O G Y R E P O R T

Office of the Chief Medical Examiner
Raleigh, NC 27699-3025

Toxicology Folder: T202411090
Case Folder: F202408204
Date of Report: 07-oct-2024
DOD: 24-sep-2024
Page: 1

Spencer Merriweather
District Attorney's Office 26
700 E Trade Street
Charlotte, NC 28202

DECEDENT: Nerin Nohel Funez Reyes
Status of Report: Approved
Report Electronically Approved By: Kaitlin Stauring, MSFS

* * *

** Comments Concerning This Report **
No analyses requested, specimen(s) held.
** End of Comments Concerning This Report **

=====
SPECIMENS received from Jonathan Privette on 03-oct-2024

S240032412: Plastic Bag CONDITION:
SOURCE: Other OBTAINED:

** Comments Concerning This Specimen **

Plastic bag containing five test tubes of blood.
** End of Comments Concerning This Specimen **

Accredited by the College of American Pathologists,
Laboratory Accreditation Program.

121624 16:03

* * * E N D O F R E P O R T * * *

B202405617