



R. ANDREW MURRAY
DISTRICT ATTORNEY

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

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

January 30, 2017

Director Bob Schurmeier
North Carolina State Bureau of Investigation (SBI)
512 North Salisbury Street
Raleigh, NC 27604

Major Charles Ward
North Carolina State Highway Patrol
North Carolina Department of Public Safety
512 North Salisbury Street
Raleigh, NC 27604

Re: Daniel Harris Death Investigation

Dear Director Schurmeier and Major Ward:

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the shooting death of Daniel Harris on August 18, 2016. The case was investigated under SBI case number 2016-01922. The purpose of this review was to examine whether the conduct of Trooper Jermaine Justus Saunders was unlawful. The critical inquiry in this case is whether *it reasonably appeared* to Trooper Saunders that deadly force was necessary. This letter specifically does not address issues relating to tactics or whether the trooper followed correct police procedures or Highway Patrol Directives.

In this case – after a high-speed chase and several attempts by Trooper Saunders to stop Harris, including twice using the trooper’s vehicle to spin out Harris’ car – Harris eventually brought his car to a stop, jumped out of the car and charged Trooper Saunders with a metal object in his hand. Trooper Saunders, who had taken a “felony stop” position consisting of exiting his patrol vehicle and drawing his service gun, had only seconds to decide why Harris was running at him, what the metal object was in Harris’ hand and how to protect himself and prevent his gun from being compromised. The credible witness accounts and physical evidence, including the location of Harris’ body behind the trooper’s car, shows that Trooper Saunders retreated from Harris before firing the shot that killed Harris. There is no evidence that Harris being deaf played any role in this incident.

Assistant District Attorney Bill Stetzer, supervisor of my office's Homicide Team, personally responded to the scene of this incident and watched the interviews of the pertinent witnesses. I personally reviewed the investigative file as provided by the SBI. Finally, consistent with my office's Officer-Involved Shooting Resulting in a Fatality Protocol, this case was presented to the District Attorney's Office Homicide Prosecution Team, which is comprised of the District Attorney's 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 the Highway Patrol or other police agencies within the jurisdiction.

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 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. The fact that a shooting may be controversial does not mean that criminal prosecution is warranted. Even if the DA believes a shooting was avoidable or an officer did not follow expected procedures or norms, that does not make it criminal. In these circumstances, remedies (if any are appropriate) may be pursued by administrative or civil means. The DA 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

Under North Carolina law, the burden of proof is on the State to prove beyond a reasonable doubt that a defendant did not act in self-defense. 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 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 529.

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. They are entitled to the same protections of the law as every other individual. An imminent

threat to the life of a police officer entitles the officer to respond in such a way as to stop that threat.

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. As we examine the conduct of Trooper Saunders in this shooting, we must examine whether it was reasonable for him to believe deadly force was necessary.

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.

D. The officer-involved shooting of Daniel Harris

The facts, as ascertained through the personal observations of my on-call ADA and from reviewing the investigative files provided by the SBI are as follows:

On August 18, 2016, at approximately 6:10 p.m., Trooper Saunders was on duty and in a marked State Highway Patrol vehicle when he observed a blue Volvo pass him at 88 mph. Trooper Saunders immediately activated his blue lights and began to follow the blue Volvo. The driver of the blue Volvo, who was subsequently identified as Harris, fled from the trooper for several miles, reaching speeds of more than 100 mph. Multiple witnesses on I-485 and Rocky River Road observed portions of the chase.¹ They described reckless driving, high rates of speed and debris coming off of the blue Volvo. Witnesses described the blue Volvo swerving in and out of traffic and barely missing other vehicles on several occasions. The accounts of witnesses who saw the events leading to this shooting are addressed below. Harris wrecked the Volvo once on his own and Trooper Saunders spun the Volvo out two other times as he attempted to end the chase. At each of these points, Trooper Saunders confronted Harris at gunpoint, trying to get him out of the vehicle. Harris fled, driving the heavily damaged Volvo until [he stopped on a residential street](#). It was there that Harris charged Trooper Saunders and was killed. Three individuals other than Trooper Saunders witnessed the actual shooting. Their accounts are also discussed below.²

¹ A [map](#) showing the route of the chase is attached here.

² A transcript of Trooper Saunders’ interview is attached to this report as exhibit 1. That was the only transcript provided by the State Bureau of Investigation. When other witnesses are quoted herein, it is from an audio or video recording of their interview. In cases in which interviews were not recorded, the quotations are from SBI investigative supplements.

Trooper Jermaine Saunders

- Trooper Saunders agreed to be interviewed by the North Carolina SBI. That interview took place on August 23, 2016.
- Trooper Saunders was not wearing a body-worn camera. The vehicle he was driving was not equipped with a camera system.
- In his interview, Trooper Saunders said that on August 18, 2016, he was working a 3 p.m. to 12 a.m. shift. He was wearing his North Carolina State Trooper uniform and driving a marked vehicle. At approximately 6 p.m., Trooper Saunders was observing traffic on the inner loop of I-485. At approximately 6:10 p.m., he observed Harris' vehicle traveling at 88 mph in a 70 mph zone. Trooper Saunders immediately activated his blue lights and siren and began following Harris in an attempt to conduct a traffic stop.
- Trooper Saunders began following Harris near Prosperity Church Road at Exit 26. He eventually caught up to him at Mallard Creek Road at Exit 28, where Harris was in the far left lane.
- Once Trooper Saunders caught up to Harris and got behind his vehicle, Harris immediately moved over to the far right lane of travel.
- Harris initially slowed to 70 mph, leading Trooper Saunders to believe he was going to stop. However, Harris continued at that speed for approximately one-quarter of a mile, according to Trooper Saunders. It was at this time that Trooper Saunders radioed "10-61" to his Central Communications dispatcher, meaning "suspicious vehicle."
- Trooper Saunders told the SBI that Harris traveled an additional one-quarter of a mile and then sped up to well over 100 mph while again changing lanes. Trooper Saunders then called in over the radio "10-43," which means a vehicle chase. He notified dispatch of the color, make and model of the vehicle, as well the Colorado license plate. Central Communications did not provide any details to Trooper Saunders regarding the registered owner of the vehicle prior to the tragic conclusion of the following sequence of events.
- Harris continued weaving in and out of traffic, nearly causing additional vehicles to wreck. Harris continued to drive in a dangerous manner and passed multiple vehicles. It was for these reasons that Trooper Saunders felt it was important to end the chase. He tried to do so by attempting a Precision Immobilization Technique (PIT maneuver) when no other vehicles were near.
- A Precision Immobilization Technique (PIT) maneuver enables the pursuing vehicle to force the fleeing driver to abruptly turn sideways, causing the vehicle to spin out and stop.
- According to the North Carolina Department of Public Safety, a "PIT maneuver begins when the pursuing vehicle pulls alongside the fleeing vehicle so that the front fender is aligned with the rear fender of the target vehicle. The pursuer gently makes contact with the target vehicle's side, and then steers sharply into the target. As soon as the target vehicle's rear tires lose traction and start to skid, the pursuer brakes quickly while continuing to turn in the same direction until clear of the target vehicle. The target vehicle

will turn in the opposite direction, in front of the pursuer, and will either spin out or exit the roadway.”³

- Trooper Saunders attempted this PIT maneuver near the University Boulevard exit (Exit 33). He continued to attempt these PIT maneuvers, but none were successful in ending the pursuit.
- As Trooper Saunders and Harris approached the Rocky River Road exit (Exit 36), traffic began to increase. Harris continued to drive dangerously, including cutting so closely in front of another vehicle that Trooper Saunders thought the Volvo struck it. Harris then lost control of his vehicle, ran off the roadway, spun around and came to a stop in a grassy area after nearly hitting a tree.
- At this time, based on the fact that Harris was committing the offense of Felony Flee to Elude, Trooper Saunders performed a “felony stop,” meaning that he exited his vehicle, took cover behind the driver’s side door, drew his service weapon and gave verbal commands over his loud speaker to the driver of the wrecked vehicle. Trooper Saunders estimated he was approximately 5-10 yards from the wrecked vehicle. He could see Harris clearly, and there was nothing obstructing Harris’ view of Trooper Saunders.
- After being stationary for about one to one and a half minutes, while Trooper Saunders continuously gave commands, Harris stepped on the gas pedal and headed back toward the Rocky River Road ramp. At this time, there were no other uniformed officers or troopers present on scene to assist.
- Trooper Saunders again gave chase. He used his patrol car to spin Harris out (a PIT maneuver) and caused Harris’ vehicle to come to rest halfway up the exit ramp. Trooper Saunders’ vehicle ended up perpendicular to Harris’ vehicle facing Harris’ driver’s side door.
- Trooper Saunders exited his vehicle and took cover behind his passenger’s side door. Trooper Saunders noticed a uniformed security guard and another individual who represented himself as an “off-duty officer” had also stopped on the ramp behind him.
- Trooper Saunders said he was 1-3 yards away from Harris’ driver’s side door and yelling commands to the driver. He noted that Harris looked at him and continued trying to re-engage the vehicle while appearing to be pushing the gas pedal. Trooper Saunders approached the vehicle at this time and was within what he described as an arm’s length. Once he was “right up on the vehicle,” he noticed the driver reaching for something in the car’s console area. Trooper Saunders immediately retreated back behind his vehicle to take cover. He told investigators he feared the driver was possibly reaching for a weapon.⁴
- After Trooper Saunders retreated, Harris again drove off toward Rocky River Road and turned right. Trooper Saunders updated Central Communications as to their locations while he pursued the vehicle, as well as to the continued dangerous driving in which the

³ Press Release, North Carolina Department of Public Safety, January 24, 2007.

⁴ A review of radio traffic between Trooper Saunders and Central Communications show that he did not relay this information to Central Communications. However, this observation is corroborated by two other witnesses who both report they saw Harris reaching for something within the car.

driver of the blue Volvo was engaging. Harris weaved in and out of both lanes of travel, forcing at least one vehicle to drive into the ditch along Rocky River Road to avoid a head-on collision with Harris.

- Before additional troopers were able to join the pursuit, Harris turned right onto Seven Oaks Drive. Trooper Saunders noticed a pedestrian walking on the left side of the street and saw the pedestrian begin running. Harris was traveling around 25-30 mph and began to pull to the left side of Seven Oaks Drive. Trooper Saunders was still in pursuit with his blue lights and siren still activated. At this point, Harris was driving on two rims, and the Volvo had significant damage. Trooper Saunders told the SBI that Harris exited his vehicle, and Trooper Saunders called in a “jump and run” over the radio. He then exited his own vehicle, drawing his service weapon at the same time, as he had been trained to do for “felony stops.”
- Trooper Saunders stated Harris then sprinted directly at him with a “metal object” in his raised left hand. Trooper Saunders stated Harris’ right hand was down. A [screen capture](#) from his video-taped interview shows how Trooper Saunders demonstrated Harris was holding the object.
- Trooper Saunders stated he yelled multiple times, “Stop, let me see your hands!” Harris did not comply and continued to run toward Trooper Saunders. Harris did not say anything and did not appear to Trooper Saunders as attempting to communicate with him.
- Trooper Saunders began backing up while continuing to yell for the driver to “Stop!” Trooper Saunders had his service weapon in his right hand and raised his left arm. A [screen capture](#) from his video-taped interview shows Saunders demonstrating how he raised his arm.
- When Harris reached a distance of 2-4 feet away, Trooper Saunders fired one shot, striking Harris in the chest.
- Trooper Saunders immediately notified dispatch that a shot had been fired and medical personnel were needed. He approached the Harris and told him, “Stay with me” several times.
- Trooper Saunders said he thought the [metal object](#) in the victim’s left hand was a weapon.
- Trooper Saunders slid the metal object several feet away from Harris’ left hand immediately after the shooting. It was at this time Trooper Saunders was able to identify the object as a metal carabineer key ring.
- During Trooper Saunders’ interview with the SBI, he said, “I was in fear for my life,” which was the reason he felt compelled to shoot. Later in the interview, he said that he believed the driver was going to assault him with the metal object. When asked why he was in fear for his life, Trooper Saunders replied that he “thought he was going to strike me with it; he had it raised up, coming straight at me full sprint. It was clear to me he wasn’t going to give up after everything.” Trooper Saunders explained he was in fear for his life because of everything leading up to this incident.

- Trooper Saunders had his tactical baton on his duty belt, as well as two pairs of handcuffs and his radio. He also had pepper spray in his driver's door pocket. However, he told the SBI that drawing his service weapon was part of his training in felony stops.
- Trooper Saunders routinely carries his issued Taser on his duty belt. However, on this date, he did not have his Taser. The Taser was taken for analysis related to a separate case and while the Taser had been returned to the N.C. State Highway Patrol, his supervisor had not yet returned the Taser to Trooper Saunders.
- Trooper Saunders is 5'11" and weighs 195 lbs.

Trooper Carnegie

- Trooper Carnegie was the first trooper to arrive after the shooting. He arrived seconds after the shooting.
- Trooper Carnegie's vehicle was equipped with a camera system. This dash camera video recorded Trooper Carnegie's arrival and the moments immediately after the shooting.
- Trooper Carnegie was interviewed by an SBI Agent on August 19, 2016 at approximately 12:30 a.m. Trooper Carnegie told the agent he heard Trooper Saunders over the radio referring to a suspicious vehicle. Shortly thereafter, he heard Trooper Saunders radio that he was pursuing the suspicious vehicle.
- Trooper Carnegie responded toward the scene. He eventually exited onto Rocky River Road from I-485 but was not able to see Trooper Saunders in front of him. He heard Trooper Saunders radio that they were turning right onto Seven Oaks Drive. Trooper Carnegie followed but estimated he was approximately three to five minutes behind.⁵ Upon turning onto Seven Oaks Drive, Trooper Carnegie struck a sign and a tree with his vehicle but proceeded down Seven Oaks Drive, where he saw Trooper Saunders' vehicle lights. He parked behind Trooper Saunders' vehicle and slightly to the right.
- Trooper Carnegie observed a person lying in the street and Trooper Saunders with his weapon in his hand. When Trooper Carnegie asked Trooper Saunders what happened, Trooper Saunders told him that the "guy got out, came at him, he drew his weapon, the guy continued to come at him and he fired." Trooper Carnegie did not recall Trooper Saunders saying he had given the man any commands, but Trooper Carnegie assumed that happened based on how they are trained.

Civilian Witness # 1

- Witness #1 was interviewed by an SBI Agent on August 19, 2016 at approximately 3 p.m. In his interview, he reported that he intentionally had not watched any news reports regarding this incident. He reported that he is a retired law enforcement officer from Florida with a range of experiences, including patrol, SWAT and detective work for more than 20 years.

⁵ Trooper Carnegie is mistaken about the time delay. From the dash camera video, Trooper Carnegie is shown to arrive seconds after the shooting.

- Witness #1 told the SBI Agent he was traveling on I-485 in the middle lane when he observed the “suspect vehicle” behind him coming into the middle lane at a high rate of speed. He also observed the trooper’s blue lights coming from the left outside lane behind the suspect vehicle. Witness #1 described the suspect vehicle as increasing speed as soon as the trooper moved in behind it. The suspect vehicle then passed Witness #1, as did the Trooper. At that time, Witness #1 noticed the trooper’s siren and blue lights were activated.
- Witness #1 described the “suspect vehicle” as driving “very aggressively,” in that it cut from the far left lane to the far right lane, cutting off several vehicles in the process. At one point, Witness #1 observed smoke but described himself as 75-100 yards away and was unable to determine from where it was coming.
- Witness #1 described seeing the “suspect vehicle” come up on the exit ramp and spin out across the roadway, coming to a rest off of the side of the road, almost in the trees. The driver stayed in his car. Trooper Saunders then pulled up and parked his vehicle off the side of the road approximately 10 yards from the suspect vehicle. Trooper Saunders exited his vehicle and “drew down” on the “suspect,” meaning he covered the suspect vehicle with his weapon. At this time, Witness #1 opened his own vehicle door and heard Trooper Saunders yelling to the suspect, “Get out of the car!” approximately two times while standing approximately 10 yards from the suspect vehicle.
- At this time, despite at least one of his tires possibly being flat, the suspect turned his vehicle in order to get back on the road, said Witness #1. In doing so, the suspect vehicle was pointed at Trooper Saunders. When the suspect vehicle made its way uphill to get back on the ramp, Trooper Saunders returned to his vehicle and continued to pursue. Witness #1 said it seemed as if there was contact between the trooper’s vehicle and the “suspect vehicle,” but he did not see the trooper “PIT maneuver” the vehicle.
- Witness #1 reported that the “suspect vehicle” then spun out a second time closer to the road and facing the roadway, resulting in the suspect vehicle and the trooper’s vehicle facing each other. Trooper Saunders exited his own vehicle, drew his weapon and made his way to the driver’s side window of the suspect vehicle. Trooper Saunders was banging on the window while ordering the “suspect” out of his vehicle. Witness #1 reported that Trooper Saunders said to the suspect, “Show me your hands!” numerous times, in addition to saying “Get out of the car!” and “Open the door!”
- Witness #1 told the SBI that the “victim complied with nothing and totally disregarded the trooper.” He also reported that “the victim was looking around his car like he was looking for something.”
- In the opinion of Witness #1, it appeared as though the victim was considering or calculating his options.
- Witness # 1 reported that the Volvo driver would not put down his window and was reaching down and leaning into the passenger’s side of his car. At this time, Witness #1 yelled to Trooper Saunders, “He’s reaching for something, be careful!” Trooper Saunders retreated back to the passenger side of his own vehicle and continued to scream at the suspect, “Show me your hands!”

- Witness #1 was approximately 10-15 feet from the “suspect vehicle” and was able to see in the front windshield. He reported that the “suspect” was still reaching in the passenger side of his vehicle, and after approximately two to three seconds of the trooper yelling, the suspect sat back up in his vehicle but still refused to show his hands.
- Witness #1 said that Trooper Saunders looked back toward Witness #1, who told Trooper Saunders, “I got your back, he’s reaching for something.” Witness #1 told the SBI that at this point, he expected to hear gunshots. Instead, the trooper kept giving commands. Witness #1 then saw the suspect’s left hand come up to the steering wheel, but he still did not see the suspect’s right hand.
- At this point, the “suspect vehicle” began driving up the ramp again on the rims of his vehicle, and the trooper followed. Witness #1 said that they turned right and appeared to slow down. Witness #1 did not pursue any further.
- A diagram drawn by Witness #1 is attached as exhibit 2.

Civilian Witness # 2

- Witness #2 was interviewed by the SBI on August 18, 2016 at approximately 9:25 p.m.
- Witness #2 told the SBI he is a former law enforcement officer and is currently employed as an armed security guard. This witness was wearing a security guard uniform.
- Witness #2 told the agent that he was driving a black Hyundai Genesis and traveling southbound on I-485 in the far left lane. He observed a marked police vehicle with its blue lights activated in pursuit of a small blue vehicle. The witness stated he was unable to hear whether the siren was also activated. Witness #2 observed the blue car swerving across all three lanes of traffic and eventually the blue vehicle passed within 50 feet in front of him and swerved off the road onto the Rocky River Road exit. Witness #2 estimated the vehicle was traveling at approximately 85 mph and described hearing the tires squeal as the blue vehicle exited onto the ramp.
- Witness #2 said the blue vehicle ran off the roadway and came to a stop in the grassy area approximately 30-40 yards off of the exit ramp. This witness pulled over to try to assist. The witness exited his vehicle and attempted to stop traffic from coming up the ramp. The trooper stopped and exited his vehicle with his weapon drawn. Witness #2 reported that no one exited from the blue vehicle before it sped off up the ramp.
- As the blue vehicle sped up the ramp, the trooper renewed pursuit and performed possibly two “PIT maneuvers” on the blue vehicle, one causing it to spin and the other stopping it. The trooper’s vehicle and the blue vehicle ended up “nose to nose,” according to this witness. The trooper again exited his vehicle with his weapon drawn and stood approximately 15-20 feet from the blue vehicle, facing the driver’s side window. He yelled at least six times in Witness #2’s estimation for the driver to “Get out of the car!” At this time, Witness #2 was still standing outside of his own vehicle and in front of the trooper’s vehicle.
- Witness # 2 described the driver of the blue car gesturing with his hands up in the air, as if he were asking what was going on and that he appeared “confused.” Then Witness #2 described the driver as leaning over to the front passenger floor board area, as if he were

reaching for something. He was unable to see the driver's head as he was leaning, but saw his right arm go toward the floor. At this point, Witness #2 told the trooper that it looked like the driver was reaching for something. Witness #2 said that the driver then started the blue vehicle again and drove up the ramp toward Rocky River Road. Witness #2 saw the blue vehicle turn right onto Rocky River Road.

- Witness #2 reported that the trooper got back in his vehicle and pursued the blue vehicle. Witness #2 got into his vehicle and followed behind the trooper. He said as he drove down Rocky River Road, he drove partly on the other side of the road at times and flashed his lights in an attempt to alert other drivers to get out of the way. Witness #2 described the blue vehicle swaying all over the road and debris flying off of it as it proceeded. He also said that the trooper still had his blue lights on but was again unsure whether the siren was activated.
- Witness #2 reported that they drove on Rocky River Road for approximately seven or eight minutes traveling at about 35-40 mph before the blue vehicle turned right into a subdivision. Witness #2 noticed that the blue vehicle had at least two flat tires and was driving on at least one rim.
- Witness #2 said that approximately 100 yards into the subdivision, the blue car pulled to the left side of the road and stopped. The trooper pulled behind the blue vehicle, somewhat in the middle of the street, and stopped. Witness #2 pulled behind the trooper's vehicle and stopped on the left curb.
- Witness #2 said the trooper exited his vehicle and moved to the back of his own vehicle. He was yelling, but Witness #2 was still in his own vehicle so he was not able to determine what the trooper was yelling. Witness #2 said the driver of the blue car jumped out of his car within five to 10 seconds of stopping and ran directly at the trooper. He said the driver ran screaming at the trooper with his hands spread and his eyes and mouth wide open. Witness #2 told the SBI he thought the driver looked like he was going to "grab or tackle" the officer and that he thought he was going to "assault the officer."
- Witness #2 saw the trooper take one step back and then he heard just one "pop." At the time of the "pop," Witness #2 described the driver as being "right on top" of the trooper, approximately 3 feet away. After he heard the "pop," he saw the driver of the blue vehicle "hit the ground." At this time, Witness #2 said he was approximately 20 feet away from the driver of the blue vehicle. Witness #2 said he did not see the driver with a weapon.
- Both the trooper and Witness #2 approached the driver on the ground. He heard the trooper say to the driver to "stay with me" three or four times. Witness #2 said he saw that the driver's hands were by his waistband, so he advised the trooper to still be careful. He also saw a set of keys in the driver's hands which the trooper moved away from the driver with his boot.

- Shortly after, a second trooper arrived on scene. At that point, Witness #2 backed his vehicle up and tried to stay out of the way of the investigation. He denied seeing any residents or speaking to any other witnesses on scene.⁶
- A diagram drawn by Witness #2 is attached as exhibit 3.

Civilian Witness #3

- Witness #3 was interviewed by an SBI Agent on August 18, 2016 at approximately 10:40 p.m.
- During this interview, he told the SBI that he was walking back to his home in the Seven Oaks neighborhood when he heard sirens. He was walking on the left side of the street, and looked back to see a blue Volvo swerving all over the road. It had blown tires and was driving on at least two rims. He thought the Volvo was going to strike him.
- Following the blue Volvo was a marked North Carolina Highway Patrol vehicle with its lights and siren activated. The blue Volvo stopped in front of Witness #3's residence on the left side of the street, and the trooper parked "no more than eight feet" behind the blue Volvo. What Witness #3 described as an "Impala"⁷ stopped "half a car length" behind the trooper's vehicle, still on the left side of the road. At this time, Witness #3 was standing in a grassy area between his house and his neighbor's house.
- Witness #3 said there were two vehicles in the driveway between him and the blue Volvo. As a result, he was able to see the "top 80%" of the Volvo, its driver, the trooper and his vehicle. The two vehicles obstructed his view of the lower 20 percent of the Volvo, its driver, the trooper and his vehicle.
- Witness #3 said that when the blue Volvo stopped, the driver immediately exited, and the trooper exited his vehicle almost simultaneously and stood behind his door. He did not recall actually seeing the trooper draw his weapon. Witness #3 described himself as approximately 60-70 feet away when he heard Trooper Saunders yell, "STOP!" at least twice as Harris sprinted toward Trooper Saunders.
- Witness #3 described Harris' actions as "aggressively coming at the cop" and said Harris was "running" or "sprinting" toward the officer.
- This witness said "it looked like he was coming for the cop" and that the Volvo driver was "right up on" the trooper when the shot was fired and that the driver "had almost grabbed him, or choked him, or swung at him."
- In a diagram Witness #3 drew, he described Harris as running along the driver's side of the Volvo and toward Trooper Saunders on the driver's side of his vehicle. He said Trooper Saunders took one step back as Harris ran toward him and yelled one more time for him to stop. Witness #3 then heard one shot. He described Harris as being "an arm's length away" from Trooper Saunders when he fired his weapon.
- A diagram drawn by Witness #3 is attached as exhibit 4.

⁶ Two witnesses at the scene reported that Witness #2 told them to leave and that "they didn't see anything." Civilian Witness #2 denied saying this.

⁷ Based on the location of the vehicle in this witnesses' account, this vehicle was the Hyundai Genesis driven by the security guard, Witness #2.

- Witness #3 said it did not appear that Harris was trying to communicate with Trooper Saunders. He did not see whether Harris had any weapons but said he could only see the right side of Harris.

Civilian Witness #4

- Witness #4's statement is inconsistent with the statements of other witnesses, and other evidence gathered in this investigation.
- Witness #4 was interviewed by Florida law enforcement officers at the request of the SBI on August 29, 2016, in Pompano Beach, Florida, where the witness was vacationing.
- Witness #4 became involved in this incident when, as he was exiting his subdivision, he observed a blue vehicle smoking but continuing to drive about 25-30 mph westbound on Rocky River Road. Witness #4 reported that he observed a marked North Carolina State Highway Patrol vehicle with its lights and siren activated in pursuit of the blue vehicle. Following the trooper was what Witness #4 described as a "suspicious" dark colored sports utility vehicle (SUV). Witness #4 followed this pursuit.
- Witness #4 told investigators that while following this pursuit, he called 911 because he was concerned about the trooper and it appeared the trooper needed assistance. The recorded 911 call confirms that the witness called 911 but the recording differs significantly from the caller's account.
- Witness #4 told investigators the 911 operator repeatedly refused to send help because the trooper himself would need to call in for assistance. This is unsupported by the audio of the 911.
- While on the phone with the 911 operator, Witness #4 reported that the blue vehicle turned right into the Seven Oaks subdivision. Witness #4 told investigators that he traveled approximately two to three tenths of a mile down the road and when he arrived, he saw the trooper's vehicle parked on the right side of the road and the "suspicious" SUV parked on the opposite side of the road. Trooper Carnegie arrived within seconds of the shot being fired.
- Trooper Carnegie's dash camera video shows the vehicles on the road, but the suspicious SUV the witness refers to cannot be seen. No other witness described seeing an SUV at the Seven Oaks scene.
- Witness #4 reported that he pulled his own vehicle in between the trooper and the SUV but not parallel to them. Witness #4 indicated he was unable to see the location of the blue vehicle.
- Witness #4 provided to investigators a diagram of the vehicle locations as he described them. This diagram, as well as the described vehicle locations, are not consistent with other witness accounts, their diagrams, dash camera footage, physical evidence and crime scene photographs. Additionally, every witness described the trooper vehicle as pulled to left side of the road behind the blue vehicle.
- Witness #4 told investigators that when he parked his vehicle, he saw Harris walking toward Trooper Saunders, who was outside of his vehicle. The witness reported there was about 20 feet between Harris and Trooper Saunders. Witness #4 told investigators

Harris then walked up a small hill with a “weird look” on his face and that he had his hands at his sides and his head tilted down. Witness #4 said he saw Harris take two to three steps and look up. Witness #4 described seeing Harris’ eyes get bigger and his hands slowly begin to rise to chest level with his palms out. It was at that time that Witness #4 said he heard Trooper Saunders fire one shot. According to Witness #4, Harris was about 12-15 feet from Trooper Saunders at the time he heard the shot. Witness #4 told investigators he did not hear Trooper Saunders give any commands to Mr. Harris before firing nor did he hear Harris say anything.

- Witness #4’s account is inconsistent with both the physical evidence and the other eyewitness accounts. There is no hill to walk up, this witness was likely too far away to see facial expressions, and the distance of the shot was forensically determined to be less than 7 feet.
- This account is wholly inconsistent with Witnesses #2 and #3 at the Seven Oaks scene, who described Harris as exiting his vehicle and “sprinting” or “charging” at Trooper Saunders. These witnesses also described hearing Trooper Saunders shout commands to Harris, including “STOP!” repeatedly.
- Witness #4 remained on the phone with the 911 operator until after the shot was fired. The recorded 911 call confirms this as it includes Witness #4 reporting to the operator that a shot was fired and the “suspect was down.”
- At the time Witness #4 was interviewed, 11 days had passed since the incident occurred. Witness #4 waited five days before he contacted the SBI about being a witness. He admitted to investigators in his interview he had watched news accounts and read news stories about the incident. He referred to Trooper Saunders and Daniel Harris by name despite not knowing them personally prior to this incident.
- Other witnesses were interviewed either on scene or later the same night and did not have a chance to watch news or media reports. Watching news accounts or reading stories calls into question whether what a witness reports seeing is from his or her memory or is speculation based on the various reports that were viewed.
- Witness #4 said he chose to leave the scene without talking to investigators that night because he felt threatened by another witness who he claimed mouthed the words “get the fuck out of here.” It is unclear whether this occurred.
- A diagram drawn by Witness #4 is attached as exhibit 5.

Civilian Witness #5

- Witness #5 was interviewed by the SBI on August 30, 2016.
- Witness #5 was travelling down Rocky River Road when she saw the Volvo travelling in her direction in her lane, and according to the SBI report, “She had to drive off the road and almost come to a stop to keep the car from hitting her head on.”
- Witness #5 stated it was clear the Volvo was “running from the police” and noted that the driver of the Volvo “kept looking over their shoulder at the state trooper who was behind them.”

Civilian Witness #6

- Witness #6 was interviewed by the SBI on August 22, 2016.
- Witness #6 observed the Volvo fleeing from a trooper and both vehicles pass him at a high rate of speed. This witness caught up to the vehicles again because the trooper's car and the Volvo were stopped on the Rocky River Road exit ramp.
- Witness #6 stopped on the ramp with other traffic and could hear the trooper yelling commands at the driver of the Volvo. He heard the trooper yelling, "Stop the vehicle, get away from the car."
- According to this witness, "the driver of the Volvo then put the car in reverse and drove in the direction of the Trooper. It appeared to this witness that the driver of the Volvo was attempting to hit the trooper with his car. The trooper ran to his cruiser.
- This witness told the SBI that he was surprised the trooper did not shoot the driver of the Volvo when the Volvo moved in his direction.
- Witness #6 drew a diagram of what he observed. This diagram is attached as exhibit 6. This witness incorrectly described the trooper as a "middle-aged white male." Trooper Saunders is an African American male.

Civilian Witness #7

- Witness #7 observed the trooper and the Volvo pass him at a high rate of speed and then saw the same two vehicles on the Rocky River Road exit ramp.
- Based on the vehicle locations described by this witness, his observations are of the second attempt to stop Harris on the off ramp.
- The witness observed a uniformed State Highway Patrol Trooper, standing outside of his patrol vehicle, with his gun drawn and pointed in the direction of the Volvo. The trooper was in a position of cover behind his vehicle's driver side door.
- Witness #7 then observed the trooper move to a position behind the troopers' car.

Civilian Witness #8

- Witness #8 was interviewed by the SBI on August 24, 2016.
- This witness was stopped on the Rocky River Road exit ramp and observed the interactions between Trooper Saunders and Harris.
- Witness #8 described seeing the trooper "bump or 'fish hook'" the Volvo near the entrance to the Rocky River Road exit.
- Witness #8 said the Volvo spun out into the grass and came to rest near the tree line.
- This witness began backing down the ramp to assist the trooper if needed.
- Witness #8 stated he was "amazed" when the vehicle started moving again in his direction.

- Witness #8 stated that as the Volvo began travelling up the ramp, the trooper again spun out the other vehicle. It appeared that the Volvo's left side tires were flat.
- Witness #8 told the SBI that when the Volvo came to rest, it then faced the trooper's vehicle and that the trooper exited his car stood behind his door for cover and pointed something at the driver of the Volvo.
- The witness could hear the trooper giving commands to the driver of the Volvo but could not hear what was being said.
- The witness then stated that after 20-40 seconds, the Volvo began moving again.
- Witness #8 told investigators the Volvo came up the ramp and passed within a few feet of him, travelling at 2-5 mph.
- The witness told investigators the driver of the Volvo looked directly at him and made a "goofy, almost laughing expression."
- This witness volunteered to the SBI that he thought the driver of the Volvo was "on some type of drug," "seemed not to care how reckless he was being" and "was acting bat-shit crazy." When he got home, the witness told his wife the driver seemed like he was on "a mission to die."

Emergency medical personnel:

- Firefighters Phillip Kimrey and Steven Melone were at a nearby fire station when they heard sirens, screeching tires and a crash.
- They immediately got into their fire truck and went to see whether they could assist.
- The fire truck followed a trail of radiator fluid down Seven Oaks Drive, and they were the first medical personnel on the scene.
- Both Kimrey and Melone proceeded to Harris' body.
- Harris had no pulse, his eyes were open and fixed, and they observed no movement. Harris was pronounced dead by Medic at the scene shortly thereafter.
- The firefighters asked Trooper Saunders what happened.
- Kimrey reported that Trooper Saunders said, "He came charging at me and wouldn't show what was in his hand, I couldn't see what was in his hand."
- Kimrey also reported seeing a "set of car keys on a D-ring" approximately 3-4 feet from Harris.
- Melone recounted that Troopers Saunders told them Harris charged him and that "he could not see the victim's hands."

E. Physical and forensic evidence

Ballistic evidence and the decedent's clothing were submitted to the Charlotte-Mecklenburg Police Department Crime Laboratory to determine the distance between the muzzle

of Trooper Saunders' gun and the entrance wound. The results of that examination are that "the maximum muzzle-to-target distance was determined to be less than 7 feet."⁸

Debris from Harris' car demonstrates the [severe nature of the damage](#) to his car, which corroborates the account given by witnesses and Trooper Saunders about the pursuit, and also demonstrates that Harris knew he was being chased by the police. The exit ramp to Rocky River Road [shows car tire tracks](#) at the collision sight of the first PIT Maneuver. In the area of that attempt to stop Harris, investigators found parts from Harris' car, including the [front license plate](#), the [front grill](#), a part of the [undercarriage](#) and the car's [muffler](#). In addition, pieces of tire were found between the location on the exit ramp and scene on Seven Oaks Drive.

The location of Harris' body is several feet behind Trooper Saunders' vehicle. To the rear of the trooper's car, investigators recovered Harris' flip flops. These facts, along with the accounts of the believable witnesses, tend to show that Trooper Saunders was retreating when he fired at Harris.

Investigators also recovered a metal carabineer near Harris' hands.

F. Daniel Kevin Harris

- Harris may have been suffering from some sort of mental health crisis. This information is only included in this report in a summary manner to provide a possible explanation for the interactions between Harris and Trooper Saunders.
- Harris was arrested in 2015 for fleeing from a law enforcement officer in Kansas. After Harris was arrested, he made comments to the officer about "wanting to be with Jesus." That statement combined with Harris' behavior and strange marks on his neck caused the officer to request a mental health assessment. The results of that evaluation were obtained pursuant to a court order.
- The mental health assessment, which was done with the assistance of a sign language interpreter, noted that Harris reported he sometimes "perceives something telling him to stab himself or someone else – he doesn't know when he last perceived it or whether it is real. At one point he said he does what this something instructs him and that he listens to it for sure – but it only occurs when he has a temper."
- Harris reported that sometimes he sees dead people.
- Harris reported he was treated at a psychiatric hospital in Florida for seven years and had multiple psychiatric hospitalizations in the past.
- Harris also described to the examiner that he saw a 4-year-old child hang himself 30 years earlier, but when he was reminded that he wasn't yet born then, Harris said he didn't know how he saw this.

⁸ The CMPD Laboratory Report is attached as exhibit 7.

G. Trooper Saunders' use of deadly force was not unlawful

There is no dispute that Trooper Saunders shot and killed Daniel Harris. Therefore the central issue in this review is whether or not Trooper Saunders was justified under North Carolina law in using deadly force. Specifically, was Trooper Saunders' *belief* that Harris posed an imminent threat reasonable? A police officer, or any other person, is justified in using deadly force if the officer reasonably believed, and in fact believed, that he or another person was in imminent danger of great bodily injury or death from the actions of the person who is shot.

According to the believable evidence in this case, Harris knew he was being chased by Trooper Saunders and knew that Trooper Saunders had twice tried to subdue Harris at gunpoint. When the chase finally ended, Harris again faced the armed trooper, whose gun was drawn. Harris chose to run directly at the trooper with his hand raised, holding a metal object.

It will never be known for certain what Harris' intentions were when he got out of his car and charged Trooper Saunders. It may be that Harris was suffering from some sort of mental impairment such as what was discovered after he fled from the police in Kansas.

[Based on the distance between the vehicles](#), Trooper Saunders had mere seconds to interpret Harris' intentions, evaluate the threat level and decide how to protect himself. This office is in the position of having more information and considerably more time than Trooper Saunders had to evaluate the situation. At the time Trooper Saunders decided to fire his weapon, the facts known to him included the following:

1. Harris had intentionally fled from him, endangering the public, the trooper and himself;
2. Harris had no intention of being apprehended by Trooper Saunders;
3. Harris was non-compliant despite having a gun pointed at him on three separate occasions during the chase;
4. Harris responded to the trooper with aggression;
5. Harris had an unknown metal object in his hand as he charged Trooper Saunders;
6. Trooper Saunders did not have cover or another officer present.
7. While the vehicles were stopped on the Rocky River Road exit ramp, Trooper Saunders saw Harris reaching for something in the vehicle and was warned by two other witnesses that Harris was reaching for something.

While the law requires a person to hold a reasonable belief that deadly force was necessary, the law does not require that the person is *correct* in that belief; only that the belief is reasonable.

As explained by the Seventh Circuit Court of Appeals, "it is not necessary that the danger that gave rise to the belief actually existed; it is sufficient that the person resorting to self-defense at the time involved reasonably believed in the existence of such danger and such reasonable belief is sufficient even where it is mistaken." Davis v. Freels, 583 F.2d. 337, 341 (7th Cir. 1978). The legal doctrine that a person may use force if they reasonably believe it is necessary –

even when they were mistaken – is called “apparent necessity.” “North Carolina has long recognized that self-defense may be based on *apparent*, or *reasonable* necessity.” John Rubin, The Law of Self-Defense in North Carolina, Sec. 3.2 at 36 (University of North Carolina Institute of Government 1996) (Emphasis added). Professor Rubin explains that “if it reasonably appears to a person that he or she is threatened with death or great bodily injury, whether such a threat actually exists is irrelevant.” Id.

After the shooting, we know that the metal object in Harris’ hand was a metal carabineer. With the benefit of 20/20 hindsight and actual physical evidence, we know that Harris did not have a weapon.

However, that is not the only inquiry. Trooper Saunders not only had to decide whether Harris had a weapon but he also had to calculate his options under stressful and potentially life-threatening conditions. Trooper Saunders could run from Harris or fight him. Of course, we expect law enforcement officers to confront danger, not run from it. That leaves Trooper Saunders the option of trying to subdue Harris with one hand while trying to make certain his weapon in his other hand is not compromised by Harris.

John C. Hall, the former Unit Chief of the FBI’s Firearms Training Unit, warns against assuming an unarmed person is not a threat. “Law enforcement officers must be constantly aware of the fact that there is **always** a firearm present in every confrontation or interaction in which they engage – theirs.” Urey W. Patrick & John C. Hall, In Defense of Self and Others . . . Issues, Facts & Fallacies – The Realities of Law Enforcement’s Use of Deadly Force 135 (2d. ed. 2010). Hall points out that “the realization that a weapon is at hand must be a factor in the perception of risk and influence the resultant choice of responses.” Id.

Given the choices faced by Trooper Saunders, the compressed window of time in which he had to evaluate the situation and act, along with the stress of the situation, I have concluded it was not unreasonable for Trooper Saunders to fire his weapon. Therefore, no charges will be filed against Trooper Saunders in this case.

If you have any questions, please contact me directly.

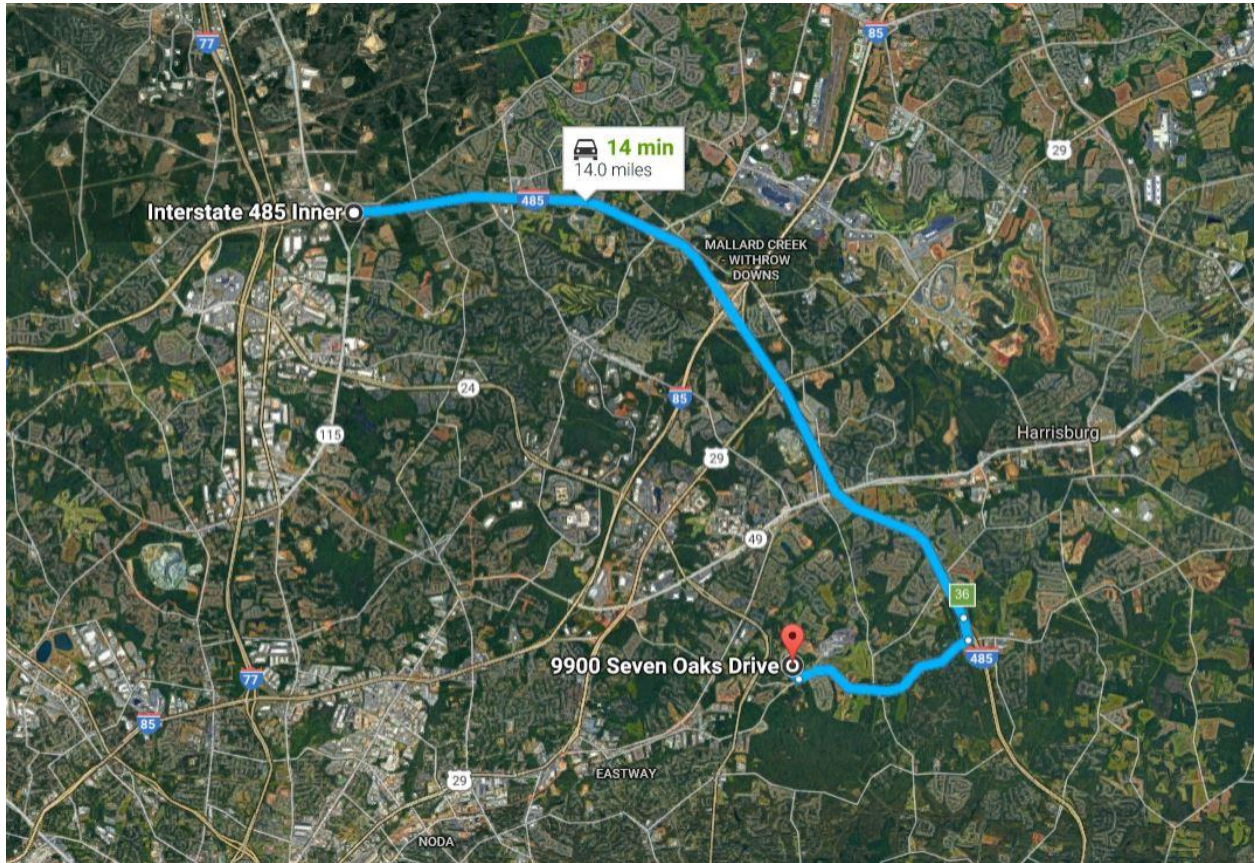
Sincerely,

A handwritten signature in black ink, appearing to read "R. Andrew Murray". The signature is fluid and cursive, written in a professional style.

R. Andrew Murray
District Attorney

Map

[Return to document](#)



Trooper Saunders demonstrating how Harris was holding the metal object [\(Return to text\)](#)



Trooper Saunders demonstrating how he raised his arm as Harris charged him [\(Return to text\)](#)



This is a carabineer that was located in Harris' hand when he was shot. Trooper Saunders moved this object away from Harris' hand after the shooting. [\(Return to text\)](#)



View of Rocky River Road exit ramp showing the path Harris took when he skidded off the road

[\(Return to text\)](#)



Debris from Volvo – SBI Photographs:

[\(Return to text\)](#)



Side view of the vehicle taken at SBI Field Office

[\(return to text\)](#)



Front view of Harris' vehicle taken at SBI Field Office



FARO Scan image depicting the distance between vehicles at the conclusion of the pursuit

[\(Return to text\)](#)



Crime scene photograph depicting the distance between the trooper's vehicle and the subject vehicle at the conclusion of the pursuit [\(Return to text\)](#)



Exhibit 1

SBI CASE: 2016-01922 (834)
ACTIVITY: August 23, 2016
VICTIM(S): Daniel Kevin Harris
COPIES: (1) Case Records Management Section
(2) SA J. D. White
(3) District Attorney R. A. Murray
(4) SA J. D. White
(5) SAC A. C. Bridges

Jermaine Justu /DOB: 01/03/1987 (Subject)
Residence: [REDACTED] Drive, Charlotte,
Telephone: [REDACTED]
Business: North Carolina [REDACTED] patrolman (H-556),
North Carolina Highway Patrol, 12101 Mount
Holly-Huntersville Road, Huntersville,
North Carolina 28078,
Telephone: 704-331-3300

SA M. G. Hammonds: How are you? Appreciate you guys coming down.

: Yes, sir.

SA M. G. Hammonds: Uh, if ya'll don't need to use the bathroom or need water or anything like that, we'll get started if that's okay.

: (Inaudible)

SA M. G. Hammonds: Okay.

: (Inaudible)

SA M. G. Hammonds: I think you got my mobile number.

Barry Henline: I do.

SA M. G. Hammonds: (Inaudible) There you go. If its okay with you guys, I want to shut this door just for privacy purposes.

Barry Henline: Sure. Yep. Which seat you want?

SA M. G. Hammonds: If you don't, Trooper Saunders, if you don't mind sitting there and you can sit right there.

Barry Henline: Okay, that's fine with me. If you don't mind, I'm going to throw my jacket off.

SA M. G. Hammonds: I don't mind a bit, I'm probably going to take my jacket off shortly. You drive up?

Barry Henline: It wasn't too bad. Straight shot up 74.

SA M. G. Hammonds: So you're from the Carolina Beach area?

Barry Henline: I grew up in Greensboro (Inaudible)...

SA M. G. Hammonds: Okay.

Barry Henline: (Inaudible) two different times and I'm retired from the Highway Patrol...

SA M. G. Hammonds: Oh okay.

Barry Henline: I retired in 2013 and we moved back down there. That's where I prefer to live in the state (Inaudible).

SA M. G. Hammonds: Good deal. Um, well Trooper Saunders, I don't know if you've been through this process or not. Um, it's consistent for everybody that has to go through it. There's some paperwork we need to get through, um, and then there's some questions within this book that I have to go through. Everybody's asked the same questions, um, but, prior to getting into those questions, (Inaudible) like to go through the whole scenario, just kinda let you tell me what happened, then I'll probably have some follow-up questions after you've told me that.

Trooper Saunders: Okay.

SA M. G. Hammonds: Um, before we get started, obviously, you've come on your own free will and obviously your attorney is with you. We just need to get through your waiver of rights, just showing that you are willing to speak with us today.

Trooper Saunders: Okay.

SA M. G. Hammonds: I'll give you a copy of that and let's see here, August 23, 2016, and I've got 12:16 p.m. (Inaudible) You don't have to write on that if you don't want to, I just wanted to provide you a copy to read through. What's, what's your full name?

Trooper Saunders: Jermaine...

SA M. G. Hammonds: Spell that for me.

Trooper Saunders: J-e-r-m-a-i-n-e.

SA M. G. Hammonds: Okay.

Trooper Saunders: Justus. J-u-s-t-u-s.

SA M. G. Hammonds: T-u-s?

Trooper Saunders: T-u-s.

SA M. G. Hammonds: Okay.

Trooper Saunders: Saunders. S-a-u-n-d-e-r-s.

SA M. G. Hammonds: Okay. And your date of birth?

Trooper Saunders: Uh, 01/03/87.

SA M. G. Hammonds: All right, if you just want to read along with me? (Inaudible) Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. If you cannot afford a lawyer, one will be appointed for you (inaudible) before any questioning if you wish.

If you decide to answer questions now, without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer. If you understand all those, it says, I have read this statement of my rights and I understand what my rights are. I am willing to make a statement, answer questions, I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me. All right?

Trooper Saunders: (Inaudible)

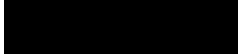
SA M. G. Hammonds: (Inaudible) If you understand those and are willing to speak with me, just initial beside those. Just sign right there. If you don't mind, I'm going to get you to sign as a witness for me.

Barry Henline: Absolutely.

SA M. G. Hammonds: Thank you, sir. Good deal. Couple more forms before we get into everything else. Um, we'd like to have access to your health, prior health information, if that's okay, your health records.

Trooper Saunders: That's fine.

SA M. G. Hammonds: All right. I'll give you guys a copy of that if you want a copy. Um, let's see, what's your social security number?

Trooper Saunders: 

SA M. G. Hammonds: 4189?

Trooper Saunders: That's correct.

SA M. G. Hammonds: Um, and do you have a preference as to who's authorized to provide it? Do you care who we get that information from? Who's your primary...?

Trooper Saunders: (Inaudible) I don't have a primary (Inaudible).

SA M. G. Hammonds: Okay. No primary physician. Okay. Is it okay if we have any and all documents the Highway Patrol has access to?

Trooper Saunders: That's fine.

SA M. G. Hammonds: Okay. If you don't mind, just sign right there and date. Thank you, sir. And the last one I got is just a release of your internal affairs files if you're okay with us accessing those.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Like I said, all this stuff is just standard for these.

Trooper Saunders: (Inaudible) make sure you spelled my last name (Inaudible)

SA M. G. Hammonds: S-a-u-n...

Trooper Saunders: Yea.

SA M. G. Hammonds: Do you know who would be the agency head who manages your internal affairs, is that Captain Evans?

Barry Henline: Cotton, Major Cotton.

SA M. G. Hammonds: Major Cotton? Do you know if those files are maintained in troop or if they're in Raleigh?

Barry Henline: Yea, internal affairs files would be in Raleigh.

SA M. G. Hammonds: They're going to be in Raleigh? Okay.

Barry Henline: Joe Cotton's the manager over internal affairs.

SA M. G. Hammonds: All right. C-o-t-t-o-n?

Barry Henline: I think that's right.

SA M. G. Hammonds: Okay. If you want to read over that, feel free to (Inaudible) giving us permission to access those files.

Barry Henline: (Inaudible)

SA M. G. Hammonds: I gotcha.

Barry Henline: (Inaudible)

SA M. G. Hammonds: I met Captain Evans and Lieutenant (Inaudible) last Thursday night.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Just a few more things before we get started.

SA M. G. Hammonds: Just a reminder, the interview is voluntary. Um, you're free to leave at any time, I'm sure your attorney told you that. Um, if you decide to leave, there's no disciplinary action that'll be taken against you by failing to talk with us. Um, has anyone directed you or ordered you to talk with us?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Has anyone indicated to you in any manner, uh, that it would be to your advantage to talk to the SBI?

Trooper Saunders: No sir.

SA M. G. Hammonds: Okay. Has anyone indicated in any manner that some disciplinary action will be taken against you by your agency if you fail to talk with the SBI about this matter?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: And you're not requesting another officer be present to, just for witness purposes, correct?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: What's your address, Trooper Saunders?

Trooper Saunders: Um, office address?

SA M. G. Hammonds: Your home address.

Trooper Saunders: Physical address, um, [REDACTED] Drive.

SA M. G. Hammonds: (Inaudible) one word?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: And that's Charlotte?

Trooper Saunders: Yes, sir.
SA M. G. Hammonds: What's the zip?

Trooper Saunders: Um, 28262.

SA M. G. Hammonds: And your mobile number?

Trooper Saunders: Um, [REDACTED]

SA M. G. Hammonds: And is your rank trooper?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And your office address is...?

Trooper Saunders: Um, 10... I'm not sure exactly.

SA M. G. Hammonds: It's okay (Inaudible)

Trooper Saunders: I know it's on Mt. Holly-Huntersville Road.

SA M. G. Hammonds: Okay.

Trooper Saunders: And that's Huntersville.

SA M. G. Hammonds: What's your call number?

Trooper Saunders: Uh, H-556.

SA M. G. Hammonds: You know what the office number is?

Trooper Saunders: Uh, 704-uh-331-3300.

SA M. G. Hammonds: Good deal, just a little bit of background information from you and then we'll get to what we're here for. You were, where were you born and raised?

Trooper Saunders: In Chesapeake, Virginia, well Portsmouth, Virginia (Inaudible).

SA M. G. Hammonds: Portsmouth?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: You were raised there as well?
Trooper Saunders: Chesapeake.

SA M. G. Hammonds: Okay. And you attended high school in Chesapeake, Virginia?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: What high school was that?

Trooper Saunders: Deep Creek.

SA M. G. Hammonds: D Creek?

Trooper Saunders: Deep Creek.

SA M. G. Hammonds: Deep Creek?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: And you graduated from Deep Creek?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: What year did you graduate?

Trooper Saunders: In 2005.

SA M. G. Hammonds: All right. And did you further your education after high school?

Trooper Saunders: I did.

SA M. G. Hammonds: Okay, where'd you go?

Trooper Saunders: Um, to Norfolk State, and I graduated Old Dominion University.

SA M. G. Hammonds: Okay, you attended where now?

Trooper Saunders: First I went to Norfolk State.

SA M. G. Hammonds: Norfolk State?

Trooper Saunders: University. And then I transferred to Old Dominion University. That's where I graduated from.

SA M. G. Hammonds: All right. And you graduated, four year degree?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. What was your degree in?

Trooper Saunders: Uh, Bachelor of Science Criminal Justice.

SA M. G. Hammonds: You graduated in '09?

Trooper Saunders: 2012.

SA M. G. Hammonds: 2012. Um, during your time in college, did you also hold a job?

Trooper Saunders: I did.

SA M. G. Hammonds: Okay. Where'd you work?

Trooper Saunders: Um, I worked for Budweiser and I also worked for Macy's (Inaudible) loss prevention officer...

SA M. G. Hammonds: Okay.

Trooper Saunders: Also ABC Store.

SA M. G. Hammonds: Okay. So, you worked for Budweiser what years?

Trooper Saunders: Um, (Inaudible) 2007 through 2010 (Inaudible)

SA M. G. Hammonds: Okay. And worked for Macy's, loss prevention officer, okay. What years were you employed with Macy's?

Trooper Saunders: Um, maybe, I think it was 2011 (Inaudible) for patrol school.

SA M. G. Hammonds: Okay (Inaudible).

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: And when did you (Inaudible) 2013? And you mentioned a third job.

Trooper Saunders: An ABC Store.

SA M. G. Hammonds: Okay. What years was that?

Trooper Saunders: Uh, I worked there for a year part-time, so it would be 2012-2013.

SA M. G. Hammonds: All right. You officially moved to North Carolina when?

Trooper Saunders: Patrol school.

SA M. G. Hammonds: Okay. And when did you begin patrol school?

Trooper Saunders: October 2013.

SA M. G. Hammonds: Okay. All right. And you graduated from patrol school when?

Trooper Saunders: Um, May of 14.

SA M. G. Hammonds: And you completed patrol school and your first duty assignment, was it Meck County or...?

Trooper Saunders: Mecklenburg.

SA M. G. Hammonds: Okay. And prior to, after high school, are these the only employers you had before attending college and then going onto Highway Patrol school?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Good deal. Like I said, what I'll get you to do is just kinda go back to (Inaudible) what's your, what kind of uh, rotation, do you work?

Trooper Saunders: Uh, rotating shift.

SA M. G. Hammonds: Which is? You work eight hour shifts?

12 hour shifts?
Trooper Saunders: Working eight hours right now.
SA M. G. Hammonds: Working eight hour shifts. Okay.
Trooper Saunders: I believe it's something like seven on,
two off, seven on, five off.
SA M. G. Hammonds: So you work seven days on...
Trooper Saunders: (Inaudible) seven days on, two off..
SA M. G. Hammonds: Two on.
Trooper Saunders: Seven on. Five off.
SA M. G. Hammonds: And so you work days and nights
throughout that shift?
Trooper Saunders: (Inaudible)
SA M. G. Hammonds: Okay.
Trooper Saunders: Well no, you rotate, you work seven,
seven days (Inaudible) and then you
switch over to seven (Inaudible)
SA M. G. Hammonds: Okay. All right. And this past, um,
this past Thursday, uh, which was the
18th, you were on day shift?
Trooper Saunders: Nights.
SA M. G. Hammonds: You were on nights? Okay.
Trooper Saunders: (Inaudible) schedule was 3 to 12.
SA M. G. Hammonds: 3 p to 12.
Trooper Saunders: Yes, sir.
SA M. G. Hammonds: Okay. And prior to that date, did you
work the previous day?
Trooper Saunders: No, sir.
SA M. G. Hammonds: Okay.

Trooper Saunders: I been off since that previous Friday.

SA M. G. Hammonds: Okay. So that was...

Trooper Saunders: I worked that Friday, they gave me half day off, went home early.

SA M. G. Hammonds: Okay, so the 12th, the previous Friday, the 12th, you worked half a day?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. All right. Very good. All right, if you would, just kinda go, um, from the start of your day last Thursday, um, up until the event happened and what happened after the event. Could you just kinda tell me that and then I'll probably go back through and have to get you to clarify some things for me?

Trooper Saunders: Yea, sure (Inaudible) statement.

SA M. G. Hammonds: Okay.

Trooper Saunders: On Thursday, August 18, at approximately 6 p.m., um, I, Trooper Saunders, was running stationary Lidar on Interstate 485. The weather was partly cloudy, temperature was hot, um, traffic was moderate, (Inaudible) Church Road. Um, I stopped a Charger for speeding on the interloop, then turned around and (Inaudible) Church Road. I noticed a blue in color vehicle traveling at a high rate of speed, weaving in and out of traffic, estimated speed to be 85 miles per hour (Inaudible). Activated my blue lights and sirens (Inaudible). Once I got behind the violator, the violator moved from the number one lane to the third lane. The violator slowed down to about 70 miles per hour and I thought the violator was

going to pull over.

After a mile behind the violator and the violator not pulling over, I called in Troop H Communications that I was 10-61, blue, uh, Volvo passenger vehicle. The blue Volvo vehicle then increased and moved to the second lane. I called into Troop H Communications that I was 10-43 with a blue Volvo with a 10-28 from Colorado. The suspect then, weaving in and out of traffic, trying to avoid me and clearly not stopping, the suspect reached speeds of 100 miles per hour. The suspect was driving reckless and weaving in and out of traffic. The suspect almost struck a few vehicles. When the road was clear from other vehicles, I tried to PIT the vehicle out a few times, but was not successful. Once we were approaching Rocky River Road, I backed it down because traffic was starting to pick

up.

At this time, the suspect was in the second lane and then cut across another vehicle, almost striking that vehicle. The suspect lost control of the vehicle and ran off the road to the right and struck a tree and a ditch. I then notified Troop H Communications that a suspect had 10-50 and then performed a felony stop on the suspect. Giving verbal commands, suspect was not compliant and was trying to get his vehicle moving again. The suspect was then stepping on the gas. The suspect then drove out of the ditch towards my vehicle, heading back towards the exit ramp for Rocky River Road. I then jumped back in my patrol vehicle to follow the suspect again. I then performed a, I then pitted him out, on the ramp. Once again, I performed another felony stop on the suspect. Giving loud verbal commands. I even walked around the back of my patrol vehicle to the passenger's door and

used it for cover.

I was still giving loud verbal commands for the suspect to stop and let me see his hands. At this time, a GS security officer, and off duty officer stopped to help. I then started to approach the vehicle and the suspect hit the gas and took off again. I then ran back around to my patrol vehicle, jumped in, and gave pursuit again. Suspect then made a right onto Rocky River Road. The suspect vehicle was in bad shape, kicking back tire debris and other objects on the road, and also on my patrol vehicle. Suspect vehicle was all over the roadway. Other vehicles in other lanes had to run off the road trying to avoid, to avoid, him striking them. I then called into Troop H Communications that we needed to do a rolling road block on this subject to get him to stop. At times, suspect vehicle was sideways on a two-lane road.

Suspect almost struck another vehicle in the rear making a right onto Seven Oaks Drive. Suspect drove into the neighborhood and then pulled to the right of the road and stopped. The suspect then jumped out of his vehicle. I called in jump and run. The suspect charged back at me full sprint with a metal object in his left hand. I jumped out, gave loud verbal commands to stop and show me, um, his hands numerous times. I started to back up, but once the suspect got directly up on me, I fired a shot, hitting the suspect.

The suspect then fell to the ground. I called in to Troop H Communications that shots were fired and to start me Medic. I then tried to give aid until Medic arrived. Once Fire arrived on scene, I backed up and let them do their job. Once other troopers and my

sergeant arrived on scene, I was placed in another trooper vehicle and then moved to my sergeant's vehicle.

SA M. G. Hammonds: Okay. All right. Just so I can get some of that documented, are you going to provide me a copy of that statement?

Trooper Saunders: Uh, no sir, this is just from, um, when I was at IA.

SA M. G. Hammonds: Okay. All right.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: That's the statement that you provided IA?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Okay. All right. Good deal. Well I, um, what I probably need to do now is kinda go back through things...

Trooper Saunders: Okay.

SA M. G. Hammonds: Slow and methodically so I can get some of that jotted down and there's, there's some things along the way that maybe need some more detail about.

Trooper Saunders: Okay.

SA M. G. Hammonds: All right. So you said at about 6 o'clock, 6 p.m., this past, um, Thursday, you were running stationary Lidar.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. So you checked on at, uh, 3 p.m. that day.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Um, and you had not been, um, had not been to work since the prior Friday, which was the 12th. Before you went to

work on that day, did you get, how much sleep did you get the night before?

Trooper Saunders: I got over eight hours.

SA M. G. Hammonds: Okay. Eight hours plus sleep.

Trooper Saunders: Well over, yes sir.

SA M. G. Hammonds: Okay. What time did you wake up on that 18th?

Trooper Saunders: Um, probably say about 11 (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) gym before (Inaudible)

SA M. G. Hammonds: Okay. Um, so you went to the gym between 11 and 12 o'clock?

Trooper Saunders: Between 11 and 1.

SA M. G. Hammonds: Okay.

Trooper Saunders: I checked on at 3.

SA M. G. Hammonds: Prior to going to the gym or after, did you take any kind of supplements, any kind of pre-workout or...

Trooper Saunders: Just, uh, protein.

SA M. G. Hammonds: Okay. Was that after, after...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. All right. And any other meals besides the protein shake prior to your shift?

Trooper Saunders: Yea, I ate breakfast, um, (Inaudible) might have been a bacon, egg, and cheese biscuit.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) It was either a biscuit or (Inaudible)

SA M. G. Hammonds: That was right when you woke up at 11?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. (Inaudible). All right. And no meals between the protein shake and your shift?

Trooper Saunders: Well checking on, I had, um, a couple of crackers.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. Um, do you drink alcoholic beverages?

Trooper Saunders: I do.

SA M. G. Hammonds: Okay. Prior to your shift, when was the last alcoholic beverage you had?

Trooper Saunders: Um, the last one I had, probably some wine, it was some wine, sweet wine, probably was what Tuesday night, Tuesday?

SA M. G. Hammonds: Okay. Just one glass?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: That was at dinner.

SA M. G. Hammonds: Do you do drugs?

Trooper Saunders: No, sir.

SA M. G. Hammonds: All right. All right. So you checked on at 3 o'clock and I know you started running Lidar at 6 p.m. From 3 to 6, what do you do on your shift?

Trooper Saunders: Um, I know I went to the office because I needed some, um, some, um, driver, uh, statement forms, so I went to go make some copies for that and I had, um, a couple of calls. And I also, um, stopped a vehicle on the way to a call (Inaudible).

SA M. G. Hammonds: Okay. And after the office, uh, you had calls, were they like wreck calls, or what?

Trooper Saunders: Yea, they were wreck calls.

SA M. G. Hammonds: Okay. So how many wreck calls did you have...

Trooper Saunders: Um...

SA M. G. Hammonds: Prior to the...

Trooper Saunders: I believe I received two or three, but, uh, other troopers had, had took them for me.

SA M. G. Hammonds: Okay.

Trooper Saunders: Actually, um, went to one that a trooper had took just to make sure he, he was okay.

SA M. G. Hammonds: Okay. So did you investigate any...

Trooper Saunders: I did.

SA M. G. Hammonds: Of those. Okay. And so prior to 6, um, 6 o'clock, you did stop one other vehicle for speeding?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: What time was that?

Trooper Saunders: Um, maybe around 4ish? (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: That was also on 485.

SA M. G. Hammonds: Everything go smoothly with that encounter?

Trooper Saunders: Yes sir.

SA M. G. Hammonds: Okay. So 6 p.m., you were running stationary Lidar on the outer or inner loop of 485?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: That's where it started.

SA M. G. Hammonds: And you (Inaudible) before you, you said you pulled over a Charger?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. About how long had you been running before you pulled that Charger over?

Trooper Saunders: Um, I was just getting started so maybe anywhere between five and ten minutes (Inaudible)

SA M. G. Hammonds: Okay. So between 6 and 6:10. You remember what the Charger was doing?

Trooper Saunders: Um, I believe it was either 88 or 87.

SA M. G. Hammonds: 88 or 87?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay.

Trooper Saunders: 'Cuz I know (Inaudible)

SA M. G. Hammonds: That was the 4 o'clock stop?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: You remember what kind of truck?

Trooper Saunders: Um, (Inaudible) it was either a Dodge or a Chevy, I know it was a pickup truck.

SA M. G. Hammonds: Okay.

Trooper Saunders: 'Cuz he (Inaudible) running late.

SA M. G. Hammonds: Okay. Truck was running 88 in a 70.

Trooper Saunders: Yes, sir. (Inaudible)

SA M. G. Hammonds: Any issues with the, um, driver of the Charger or occupants of the Charger?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. All right. And so, after you, um, cleared from the Charger, you started running Lidar on the inner loop?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. So how long was that? What time was that, you think? How long did the exchange between you and the Charger last?

Trooper Saunders: Um, not sure exactly, wasn't too long.

SA M. G. Hammonds: Okay. And so, um, you saw a blue in color passenger car on the inner loop and what did you, what'd you get that vehicle at?

Trooper Saunders: At 88 in a 70.

SA M. G. Hammonds: Okay. All right. And so, as soon as, um, as soon as you clocked the car at 88 in a 70, you said you activated your blue lights and siren at that point in time?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: And approximately how long did it take you to catch back up to that vehicle?

Trooper Saunders: Um, (Inaudible) the ramp.

SA M. G. Hammonds: Okay. So you were on the ramp?

Trooper Saunders: I was at the top...

SA M. G. Hammonds: Okay.

Trooper Saunders: ...of the ramp.

SA M. G. Hammonds: Of what road?

Trooper Saunders: Of uh, Prosperity Church Road.

SA M. G. Hammonds: Okay. And so, an approximate distance before you caught up to the vehicle was, how far you, just an approximation...

Trooper Saunders: Um... (Inaudible) just past Mallard Creek.

SA M. G. Hammonds: Okay.

Trooper Saunders: A little over, um, maybe half a mile to a mile? Just past Mallard Creek.

SA M. G. Hammonds: Okay, and so you caught up to the vehicle. He was in the one or three lane?

Trooper Saunders: The number one lane.

SA M. G. Hammonds: Okay, and so the number one lane, is that the far left lane?

Trooper Saunders: That's uh, the passing lane, people refer to the fast lane.

SA M. G. Hammonds: Okay. All right. So far left or passing lane.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And so the vehicle remained in that lane for how long?

Trooper Saunders: Um, not that long, but then he moved over to the third lane.

SA M. G. Hammonds: Okay. And you said traffic on the inner loop was moderate?

Trooper Saunders: No, it was, it was light.

SA M. G. Hammonds: On the inner loop it was light, okay.

Trooper Saunders: On the outer loop it was moderate.

SA M. G. Hammonds: And so immediately moved over to the third lane?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: All right. And so had you, do you have a DCI in your vehicle?

Trooper Saunders: No, sir.

SA M. G. Hammonds: You do not, okay. So you called Communications to run tags and...

Trooper Saunders: (Inaudible) computer.

SA M. G. Hammonds: Yea.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay, so at that point in time, had you ran the tag of the vehicle?

Trooper Saunders: I did, 'cuz it was a Colorado, a Colorado tag.

SA M. G. Hammonds: Okay. Okay, so did the vehicle, he moves over to the third lane immediately, did he stop or he just start to slow down...

Trooper Saunders: He slowed down.

SA M. G. Hammonds: Okay. To what, you remember?

Trooper Saunders: About 70.

SA M. G. Hammonds: Okay, and then what?

Trooper Saunders: Um, at that time, I thought he was going to pull over.

SA M. G. Hammonds: Okay.

Trooper Saunders: Once he did, that's when I called 10-61.

SA M. G. Hammonds: Okay, so he slows down to about 70, he's not slowing down any more, how long did you guys travel before you called 10-61?

Trooper Saunders: Um, about, about a quarter mile.

SA M. G. Hammonds: Okay.

Trooper Saunders: 'Cuz at that time, we was passing, um, where you can merge onto 85...

SA M. G. Hammonds: Okay.

Trooper Saunders: ...So I thought he was going to pull over right there in that triangle (Inaudible) hit the shoulder right there.

SA M. G. Hammonds: Okay. And just to make sure I'm clear, I know 10-61 to be your (Inaudible) let

Communications know you're about to do a traffic stop. Is that what your 10-61...

Trooper Saunders: Suspicious vehicle.

SA M. G. Hammonds: Suspicious vehicle, okay. All right. And so you called 10-61, then what?

Trooper Saunders: Um, go probably about, I'd say about a quarter mile, then he moves to the second lane and takes off..

SA M. G. Hammonds: Okay.

Trooper Saunders: ...increases speed.

SA M. G. Hammonds: When you called 61, um, did you notify Communications at that time the tag number?

Trooper Saunders: I did.

SA M. G. Hammonds: Okay.

Trooper Saunders: Like I said, 'cuz I thought he was going to pull over so (Inaudible)

SA M. G. Hammonds: I gotcha. You know about how fast he sped up to?

Trooper Saunders: Um, it was well over 100.

SA M. G. Hammonds: Okay. (Inaudible) second lane, which is the middle lane?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: All right. And so you go about a quarter mile, he speeds up to well over 100, and at that point in time, you do what?

Trooper Saunders: Call 10-43.

SA M. G. Hammonds: Okay. And I know 10-43 to mean chase, is that the same thing?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: To you guys? Okay. Um, I've not had an opportunity to review your pursuit policy, um, how is that written? How, what's, what's the standard for, I guess engaging in a pursuit?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: You guys are allowed to chase if, if you deem someone running from you.

Trooper Saunders: Oh, yes sir.

SA M. G. Hammonds: Okay.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: So it's within your policy to try to pull somebody over for speeding, they took off running, you're okay to chase.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And so, uh, you advised Communications you were 43 at that point in time, um, do you notify them of the registration plate at that time?

Trooper Saunders: I do. I tell them the vehicle, um, the color, the make, and give them the 10-28 from Colorado.

SA M. G. Hammonds: Okay.

Trooper Saunders: I read it out to them.

SA M. G. Hammonds: Color, make, and model. And the Colorado registration plate.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: All right. And after you called, did, um, I don't know how your stuff's set up, would, if additional units were gonna come assist, would they notify Communications via radio, would they check on your call through the computer, how would that, how would that work?

Trooper Saunders: If other units was coming?

SA M. G. Hammonds: If like additional units were coming to assist you, would they notify Communications via radio, or would that be done on the computer?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Call it in, okay. Were there any other units that you heard, or remember hearing, um, calling to let you know they were coming to assist?

Trooper Saunders: Not that I know of.

SA M. G. Hammonds: Okay. The, after you called the Colorado registration plate in, did Communications provide any feedback based upon that registration plate?

Trooper Saunders: Um, I'm not sure they did or not.

SA M. G. Hammonds: Okay. When you notify Communications of a vehicle, do they take it upon themselves to, um, look at the registered, registered owner to check into them any further to see if they're wanted or anything like that?

Trooper Saunders: Um, I believe, I believe they run it.

SA M. G. Hammonds: Okay. (Inaudible) ask you this then,

were you provided any notification from Communications about this particular driver or this, the owner registered to that vehicle?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. Was that consistent throughout the, throughout the chase? I know this lasted for a pretty good while. Did they ever provide any updates about... Okay.

Trooper Saunders: No, sir.

SA M. G. Hammonds: So you guys are at the 45/85 split and you've called 43. He's, the driver, is in excess of 100 miles per hour...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay, so you past that, and then what happens?

Trooper Saunders: Um, (inaudible) weaving in and out of traffic.

SA M. G. Hammonds: Okay.

Trooper Saunders: Started weaving in and out of traffic.

SA M. G. Hammonds: Let me ask you this. Did, um, did, were there any wrecks almost caused as the driver's weaving in and out of traffic?

Trooper Saunders: Uh, he came close to hitting a few cars.

SA J. D. White: Okay.

Trooper Saunders: And that's why when, uh, the coast was clear, I, um, I tried to pit (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: I (Inaudible) successful.

SA M. G. Hammonds: How many vehicles do you, I know you're in a chase and you're focused on that vehicle, but how many vehicles do you think you guys passed between when you initially called the pursuit up until trying to attempt the PIT maneuver?

Trooper Saunders: That we passed?

SA M. G. Hammonds: Yes.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. All right. And so you pass several vehicles, um, you realize you've gotten to a point where there's not much traffic, and what made you decide to try the PIT maneuver at that point in time?

Trooper Saunders: Um, basically I was trying to end the, end the chase. Uh, he was driving reckless and...

SA M. G. Hammonds: Okay.

Trooper Saunders: ...He almost struck a couple vehicles...

SA M. G. Hammonds: Okay.

Trooper Saunders: ...So (Inaudible) I wanted to go ahead and PIT him out.

SA M. G. Hammonds: Okay. And during Highway Patrol school, you, you mention PIT maneuvers. (Inaudible) you guys are trained to do?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And, um, as part of that training, are you taught good and bad times to attempt an effective maneuver?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And so you said the coast is clear, I'm assuming there were not, what do you mean by that?

Trooper Saunders: Um, if I PIT him, he wouldn't hit any other vehicle.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: So no other vehicles...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. All right. And so, was your PIT maneuver successful?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. You remember where you attempted that maneuver? You remember if there was a road nearby or...

Trooper Saunders: Um, University.

SA M. G. Hammonds: University Boulevard?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. All right. And so you attempt that maneuver at University Boulevard and then what?

Trooper Saunders: Um, I tried a few times, it wasn't successful.

SA M. G. Hammonds: Okay.

Trooper Saunders: And then once we started getting closer to Rocky River Road, that's when traffic was starting to pick up so I

(Inaudible)

SA M. G. Hammonds: So you approached Rocky River Road, traffic picked back up, so you pulled back off the chase a bit?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Okay, so you get to Rocky, then what? After you pulled back off the vehicle, what happens next?

Trooper Saunders: Um, still driving reckless, um, weaving in and out of traffic. At that time, he was in the second lane and come up on an exit, cut across, uh, in front of a vehicle, which I thought he struck, but he didn't. Uh, he lose control and drives off the road to the right and hits a tree and a ditch.

SA M. G. Hammonds: So (Inaudible) second lane, still driving recklessly (Inaudible)

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: He cuts across in front of a vehicle?

Trooper Saunders: (Inaudible) Yes, sir.

SA M. G. Hammonds: You know what kind of vehicle he cut across in front of?

Trooper Saunders: Uh, I don't.

SA M. G. Hammonds: And he was so close, you actually thought he struck the vehicle?

Trooper Saunders: What it looked like (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) like he struck it.

SA M. G. Hammonds: And so as you're at Rocky River Road, he loses control and actually hits a tree off the ramp?

Trooper Saunders: No, he goes off the, uh, off the road and hits a tree in the wood line.

SA M. G. Hammonds: Hits a tree in the wood line?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. But that's at Rocky River, the exit for Rocky River Road?

Trooper Saunders: That's before the ramp (Inaudible)

SA M. G. Hammonds: Just before the ramp...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Rocky River Road. Okay. All right. And so he hits that tree, does his vehicle stop at that point in time?

Trooper Saunders: It does.

SA M. G. Hammonds: Okay. And so his vehicle stopped, what do you do?

Trooper Saunders: Um, perform a felony stop. I drive off the road, get a little closer, perform a felony stop. Also notify Monroe vehicle had 10-50.

SA M. G. Hammonds: Describe a, what's a felony stop? And why did you decide to perform it?

Trooper Saunders: Any time after a chase, we always perform a felony stop.

SA M. G. Hammonds: Okay. So you're trained to conduct a felony stop.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: At the end of a chase.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And describe a felony stop for me.

Trooper Saunders: Um, gets out, draw my patrol pistol, gets on the loud speaker, tell them, um, stop, let me see his hands, give them, um, give them verbal commands.

SA M. G. Hammonds: Okay. So you actually exit the vehicle, and if I, if I misspeak, let me know, but you exit the vehicle, you're behind the door with your weapon drawn...

Trooper Saunders: That's right.

SA M. G. Hammonds: ...And you're providing verbal commands via the loud speaker.

Trooper Saunders: That's right.

SA M. G. Hammonds: Okay. And so that's what you did?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: This particular incident. How close was your vehicle to the driver's, to the Volvo?

Trooper Saunders: Um, it was pretty, pretty close. I mean it wasn't so far that he was in the wood line, but I was pretty close.

SA M. G. Hammonds: Okay. So would you say approximately...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: 10 yards? 20 yards?

Trooper Saunders: About ten. In that area. (Inaudible)

SA M. G. Hammonds: Ten yards?

Trooper Saunders: Yeah.

SA M. G. Hammonds: Okay.

Trooper Saunders: About five to ten. Somewhere in that area. It was pretty close..

SA M. G. Hammonds: Okay.

Trooper Saunders: ...far back so I had to drive up.

SA M. G. Hammonds: Okay. I'll tell you what, do you mind doing this for me? Do you mind just drawing a sketch of how your vehicle was positioned during this first wreck?

Trooper Saunders: Sure.

SA M. G. Hammonds: And if you can kinda just give me a, an idea, of, uh, I guess 485 and Rocky River so I have a, some varying direction on here? It doesn't have to be real detailed. You guys need some water?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) This is 485 right here. This is the ramp.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: So that's the front of his vehicle there?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay.

Trooper Saunders: My vehicle would have been right here.

SA M. G. Hammonds: Okay. So you're positioned right here, behind your door?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: And this 485?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: And this is Rocky River?

Trooper Saunders: That's Rocky River right there. That's the ramp to Rocky River Road.

SA M. G. Hammonds: Okay. And so the distance from the front of your vehicle to his vehicle you said was approximately five to ten yards.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay.

SA M. G. Hammonds: You need some water or anything? You good?

Trooper Saunders: No, sir, I'm good.

SA M. G. Hammonds: Okay.

SA M. G. Hammonds: And you're trained, you said, every felony stop, you're to exit your vehicle, take, you take cover behind the driver door? I know you did in that incident.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: That's how you been trained?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Draw your weapon, you said?

Trooper Saunders: Yes, sir. Patrol issued pistol.

SA M. G. Hammonds: I'm sorry?

Trooper Saunders: Patrol issued pistol.

SA M. G. Hammonds: Okay. Was your PA system working?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Was the, at that particular time, was the driver trying to communicate with you in any form or fashion?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. Did it appear as though he heard your verbal, verbal, verbal, commands?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. So he recognized you were there.

Trooper Saunders: Correct. Yes, sir.

SA M. G. Hammonds: And your, were your blue lights and sirens still going as well?

Trooper Saunders: It was. Yes, sir.

SA M. G. Hammonds: Okay. What were you wearing that day?

Trooper Saunders: My uniform.

SA M. G. Hammonds: Okay. So you had your, your uniform on as you're providing your commands and your vehicle, is it unmarked? Is it marked?

Trooper Saunders: It's marked.

SA M. G. Hammonds: Okay. The, um, I don't remember your vehicle, did it have, was it slick top or did it have a light bar on top?

Trooper Saunders: It's a slick top.

SA M. G. Hammonds: Okay. And you mentioned it was cloudy, but, how would you describe visibility?

Trooper Saunders: It was clear.

SA M. G. Hammonds: Okay. And cloudy, but you could see the driver clearly..

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Did you feel like the driver could see you clearly?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. All right. And so..

Trooper Saunders: Just to clarify the whole cloudy part, it was partly.

SA M. G. Hammonds: Just partly cloudy, okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. Um, did the, you could see the driver's vehicle. Did it appear as though there was any damage to the window or mud or dirt or anything thrown up on the driver's window that would, uh I guess, create problems for him seeing you clearly?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. All right. So you're, you're providing commands, you've got your weapon out, blue lights are going, sirens going, um, what happens then?

Trooper Saunders: Um, subject is stepping on the gas and trying to get his car back going. Then he takes off again.

SA M. G. Hammonds: Okay. How long would you say that the vehicle was stationary and..

Trooper Saunders: No longer by estimate, minute, minute and a half.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: So you continue to give verbal commands for a minute to a minute and a half?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Were there any other officers or anyone else there attempting to assist you at this particular location?

Trooper Saunders: Not at that time. No, sir.

SA M. G. Hammonds: Okay. Let me ask you this. Did you know of, um, were you aware of other law enforcement that would've been clear to have assisted you? That were close in proximity to you?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Does that make sense? Like, I know you made mention earlier that there were some wrecks, so you knew other troopers were working, but they were tied up on other wrecks. So, during this chase, were you aware of what kind of assistance you may or may not have had?

Trooper Saunders: I wasn't aware of everybody's location.

SA M. G. Hammonds: Okay. All right. So the, uh, driver gets his vehicle to going again and what happens?

Trooper Saunders: Uh, he heads back towards Rocky River Road, the ramp.

SA M. G. Hammonds: Okay. So does he get on the ramp and go Rocky River or does he get back on 45?

Trooper Saunders: No, he, he gets on the ramp, I gets back in my patrol vehicle and I head back towards the ramp and I actually PIT him out on the ramp.

SA M. G. Hammonds: Okay. Okay, then what happens?

Trooper Saunders: Um, perform another felony stop.

SA M. G. Hammonds: Okay, so the vehicle's stopped again.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. All right. And so, you're, you guys are actually on the ramp at this particular time. Um, your positioning in relation to the driver's positioning?

Trooper Saunders: Um, it was right here, he's sideways this time. This time I'm actually up closer, I'm right up on him.

SA M. G. Hammonds: Okay. So it's consistent, you're perpendicular to the vehicle again, but you're, you're, the front of your vehicle...

Trooper Saunders: Is (Inaudible)

SA M. G. Hammonds: Is more toward the, the front of his vehicle?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And you're how far from his vehicle?

Trooper Saunders: At this point, I'm no more than a yard or two, I'm right on (Inaudible)

SA M. G. Hammonds: Okay. And you're on the driver's side, you're perpendicular to him, you're closest to the driver's side, correct?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Um, were you, how far up the ramp were you guys?

Trooper Saunders: Um...

SA M. G. Hammonds: Would you say halfway up the ramp, more than halfway?

Trooper Saunders: We was like halfway up (Inaudible)

SA M. G. Hammonds: So halfway up the ramp?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And so you're conducting another felony stop?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: All right. You feel like the driver can clearly see you and believe he can hear you also at this time?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: And so, what happened? Did anybody show up to help? You still by yourself?

Trooper Saunders: At this time, um, I gets out and perform the felony stop on the driver's side. I get a little closer to him and I come around and use my passenger door for cover.

SA M. G. Hammonds: Okay.

Trooper Saunders: Get a little closer. At this time, it's, uh, a GS security officer and an off-duty officer also.

SA M. G. Hammonds: How do you know that they are law enforcement? Were they there to assist you?

Trooper Saunders: (Inaudible) They told me they were..

SA M. G. Hammonds: Okay.

Trooper Saunders: ..They said, we're here to back you up, trooper.

SA M. G. Hammonds: Okay. Um, so, as I understand it, you're out of the vehicle, but to get closer to the subject, you actually

walk behind your vehicle and go and use, use your passenger door as cover?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And so do you open your passenger door? You say use...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: ...Use it as cover, so you open it up?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: And so from behind you, um, he, he tells you, hey I'm a GS4 officer and the other gentleman says, hey I'm a, you said off-duty or...

Trooper Saunders: (Inaudible) The officer that said he was. I believe it was just, uh, (Inaudible). I didn't see the GS (Inaudible)

SA M. G. Hammonds: (Inaudible) Okay.

Trooper Saunders: But, um, the other gentleman, he stated that he was an off-duty, um, officer.

SA M. G. Hammonds: Okay.

Trooper Saunders: I can't remember what department or anything.

SA M. G. Hammonds: Okay. Did you see what kind of vehicle they came up in?

Trooper Saunders: They, they were walking. I didn't see.

SA M. G. Hammonds: Okay. And both of them told you that they were there to back you up?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Were they armed?

Trooper Saunders: I'm not even sure, 'cuz, um...

SA M. G. Hammonds: Okay.

Trooper Saunders: ...Once they said (Inaudible), I just turned back to the suspect.

SA M. G. Hammonds: Okay. So the GS4, what did his uniform look like?

Trooper Saunders: Um, it was tan.

SA M. G. Hammonds: Okay. Was he white guy, black guy?

Trooper Saunders: A white guy.

SA M. G. Hammonds: All right. Tall, short, skinny, heavyset?

Trooper Saunders: Um, he was an older, older gentleman. Um, (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: Um...

SA M. G. Hammonds: Average height?

Trooper Saunders: Average height.

SA M. G. Hammonds: Okay. The gentleman who said he was a off-duty officer...

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Describe him for me.

Trooper Saunders: He was, um, also white male. Um...

SA M. G. Hammonds: Was he wearing any kind of uniform or did he have any...

Trooper Saunders: It wasn't a uniform, I believe he was...

SA M. G. Hammonds: What was he wearing?

Trooper Saunders: I believe it was civilian clothes. Um, not sure. I believe had a white

shirt on. Might have been a T-shirt
(Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: I'm not sure.

SA M. G. Hammonds: So he was a white guy, was he older,
younger?

Trooper Saunders: He was older, too.

SA M. G. Hammonds: Okay. Tall, short, skinny, heavysset?

Trooper Saunders: Average, average.

SA M. G. Hammonds: Average height, average build?

Trooper Saunders: Um, I'm not sure.

SA M. G. Hammonds: Okay. And your vehicle, were you still
able to provide verbal commands from
the passenger's side?

Trooper Saunders: Yes, sir. I was yelling at him.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Without the PA?

Trooper Saunders: Without the PA. Yes, sir.

SA M. G. Hammonds: Okay. How far were you from the
vehicle? I know you said your vehicle
was less than a yard or less..

Trooper Saunders: (Inaudible) close up on him this time.

SA M. G. Hammonds: Okay. So how close were you to the
driver?

Trooper Saunders: Um, well I'm on the passenger's side
so...

SA M. G. Hammonds: Okay.

Trooper Saunders: ...Like right there.

SA M. G. Hammonds: Okay.

Trooper Saunders: So about the (Inaudible) a yard or three driver's door (Inaudible) from engine block to the passenger's door so...

SA M. G. Hammonds: Okay. So basically the front end of your vehicle, that distance?

Trooper Saunders: Yes, sir. Probably a yard or three.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: All right. And does it appear as though you have the driver's attention?

Trooper Saunders: Um, he looks at me.

SA M. G. Hammonds: Okay.

Trooper Saunders: Yes, sir. And he's still trying to get his vehicle to go.

SA M. G. Hammonds: So he's, does he just glance at you? Is he staring at you?

Trooper Saunders: He looks at me, still punching on the gas, trying to get it to go.

SA M. G. Hammonds: So he's watching you and he's still punching the gas, trying to get out of there?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Um, hate to get you to do this again, but just a quick sketch of your, his vehicle, your vehicle, your position, and the backup officers' positions.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. You can just an "X" for your position.

Trooper Saunders: From when?

SA M. G. Hammonds: Just once you, uh, got to your passenger's side and you're...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: ...Before he takes off again, so you're...

Trooper Saunders: Well I move, I leave from cover and walks up to the vehicle and start approaching.

SA M. G. Hammonds: Okay. So where's your...

Trooper Saunders: I believe they was back here somewhere.

SA M. G. Hammonds: So you think, you're not sure, but you think that they took the back corner on the driver's side of your vehicle?

Trooper Saunders: Well when I saw them approaching, they was right here, I'm not sure (Inaudible) once I turned back around.

SA M. G. Hammonds: I gotcha. Okay.

Trooper Saunders: And then, uh, I started to approach the vehicle, I was thinking (Inaudible) I could maybe, uh, smash the window out and yank him out of the vehicle.

SA M. G. Hammonds: Okay. And so, and so, did you actually make contact with the vehicle?

Trooper Saunders: I get close, right up on it. Yes, sir. And, uh, then that's when he reached in the center console for something and then that's when I retreated back.

SA M. G. Hammonds: Okay.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: So this is, just so I know, this is the ramp..

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: All right. Is this the only PIT maneuver you executed that was successful?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Um, are you within arm's length of the vehicle?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Is that as close as you got to it?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay.

Trooper Saunders: I was right up on the vehicle.

SA M. G. Hammonds: Okay. Um, and so, as you get to the vehicle, you say he reaches in the center console?

Trooper Saunders: It was either the center console or the little side piece right here (Inaudible) and that's when I started retreating back.

SA M. G. Hammonds: He's reaching with what hand?

Trooper Saunders: Um, I don't recall. Could have been both of them. I know he turned this way like that (Inaudible)

SA M. G. Hammonds: Okay. And when you saw that, you retreated back...

Trooper Saunders: Yes, sir. I retreated back to the passenger door.

SA M. G. Hammonds: All right. Let me ask you this. Why did you retreat back?

Trooper Saunders: 'Cuz I didn't know what he was reaching for.

SA M. G. Hammonds: Okay. So I'm assuming you went back to your vehicle, you felt as though...

Trooper Saunders: He was reaching for a weapon.

SA M. G. Hammonds: Okay.

Trooper Saunders: Possibly.

SA M. G. Hammonds: Possibly, okay. All right. Did you notify your back, or the individuals that were there to help you, did you tell them what you had just seen?

Trooper Saunders: I don't think so.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) I didn't know where they was at.

SA M. G. Hammonds: Okay. All right, so you get back to your vehicle, you retreated back to what area?

Trooper Saunders: Passenger.

SA M. G. Hammonds: Passenger's side. And then what happened?

Trooper Saunders: He, he takes off.

SA M. G. Hammonds: Okay. And did he go toward Rocky

River? Back towards 45?

Trooper Saunders: Rocky River.

SA M. G. Hammonds: Okay. Um, are you continuing to provide updates to Communications?

Trooper Saunders: Once I get back in my vehicle.

SA M. G. Hammonds: Okay. Um, let me ask you this. Did you notify the exchange and everything you observed during that particular time, did you provide all of those updates or did you just, what kind of updates did you provide to Communications?

Trooper Saunders: Um...

SA M. G. Hammonds: Was it just direction of travel? Was it what you observed?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: During the wreck.

Trooper Saunders: I'm not sure. I know I told he was, um, he was going again and making a right onto Rocky River Road.

SA M. G. Hammonds: Okay. All right. So you get back in your vehicle...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: ...And continue pursuit.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And then what happened? Let me ask you this. Did you, um, do you know if the two gentlemen that were there, saying that they were there to help

you,

do you know if they continued to follow you, or were you not paying attention

to them?

Trooper Saunders: Um, I noticed the, the GS security guard behind me once we got onto Rocky River Road.

SA M. G. Hammonds: Okay. Let me ask you this. How did you, what kind of vehicle was he in?

Trooper Saunders: Um, it was a dark color, um, vehicle, I'm not sure what kind it was.

SA M. G. Hammonds: Okay.

Trooper Saunders: I just glanced up real quick and I saw he had his, um, flasher lights on.

SA M. G. Hammonds: Okay.

Trooper Saunders: And I could see him making some gesture, I guess to the people in the other lane, to watch out (Inaudible)

SA M. G. Hammonds: While he's inside of his vehicle, he's, he's...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. So could you see him through the windshield, the...

Trooper Saunders: Yea, I saw him through my rearview mirror.

SA M. G. Hammonds: Okay. But you knew that that was the GS4 guy in that vehicle?

Trooper Saunders: I knew it was somebody. Yes, sir.

SA M. G. Hammonds: Okay.

Trooper Saunders: In the vehicle, I couldn't tell which one it was, but I knew it was somebody following me with their hazard lights on.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) one or the other.

SA M. G. Hammonds: All right, so you're on Rocky River. What happens next?

Trooper Saunders: Um, subject still driving recklessly, using, um, both lanes, kicking back tire debris, um, automotive debris from his vehicle, um (Inaudible), um, cars on the other lane, um, driving in the ditch to avoid him striking them, uh, head on, and I know I called out Back Creek Church Road (Inaudible) past that and we approach, uh, Seven Oaks Drive.

SA M. G. Hammonds: All right. Um, I know when you read me your statement earlier, you made mention of, uh, talking about a rolling roadblock.

Trooper Saunders: Right. I called in Communications, um, 'cuz this time, I heard, uh, Trooper Carnegie, uh, stated that he had just got onto Rocky River Road.

SA M. G. Hammonds: Okay. At which time? After you guys were already on Rocky River Road or...

Trooper Saunders: We was already on Rocky River Road.

SA M. G. Hammonds: Okay.

Trooper Saunders: And I heard, he stated he got on, he had just got onto Rocky River Road, so I was stating that he needed to get up here (Inaudible) we need to do a rolling roadblock to get him stopped.

SA M. G. Hammonds: Okay. Um, did you, beyond telling him that you wanted to do a rolling roadblock, did you notify Trooper Carnegie of anything you had witnessed?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. I knew you made mention that he could have potentially been reaching for a weapon in the console. Did you notify Trooper Carnegie or anybody else...

Trooper Saunders: I didn't.

SA M. G. Hammonds: Okay. All right. And so going down, you're going down Rocky River, you notify Trooper Carnegie that you want to do a rolling roadblock...

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: And then, then what happens?

Trooper Saunders: Um, we approach, uh, Seven Oaks Drive, we almost wreck and (Inaudible) rearends a vehicle making a right onto, uh, Seven Oaks Drive.

SA M. G. Hammonds: So he, so he almost rearends a vehicle at Seven Oaks Drive and then after that, he takes a right onto Seven Oaks Drive?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Um, are you familiar with Seven Oaks Drive?

Trooper Saunders: Um, I'm not, I pass it, uh, going to, uh, our DOT pumps.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) get gas.

SA M. G. Hammonds: So you'd never been down Seven Oaks...

Trooper Saunders: Never been down there.

SA M. G. Hammonds: Okay. Let me ask you this. Have you ever, you ever remember coming into contact in the past with particular vehicle or this particular driver?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay, so you guys turn on Seven Oaks Drive, and then what? Do you notify...

Trooper Saunders: I notify Monroe.

SA M. G. Hammonds: Okay.

Trooper Saunders: Um, we drive in, um, I notice a gentleman outside walking. He takes off running and um, the subject, the suspect pulled to the left, to the left curb.

SA M. G. Hammonds: So you see a guy take off running, um, why does he take off running?

Trooper Saunders: I don't know, I guess he sees us coming.

SA M. G. Hammonds: Okay. Um, you said the guy drives to, where, you said the guy drives to the left curb?

Trooper Saunders: When we driving in, he pulls to the left curb.

SA M. G. Hammonds: Okay. Where was the guy walking? That took off running.

Trooper Saunders: He was on the left.

SA M. G. Hammonds: Okay. So the guy's driving towards the guy walking?

Trooper Saunders: Um, I think he takes off running before.

SA M. G. Hammonds: Okay.

Trooper Saunders: I'm not sure.

SA M. G. Hammonds: Okay. How, approximately how fast is the vehicle going when he is on Seven Oaks Drive?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. Okay. So the guy goes to the left curb, prior to that a guy takes off running, um, then what happens?

Trooper Saunders: Um, suspect jumps out of the vehicle, um, I call...

SA M. G. Hammonds: Is the vehicle still rolling or...

Trooper Saunders: No, it's stopped.

SA M. G. Hammonds: Okay. So how long had you traveled down Seven Oaks?

Trooper Saunders: I'm not sure.

SA M. G. Hammonds: Okay. Mile, less than a mile, approximately?

Trooper Saunders: (Inaudible) mile.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) not sure.

SA M. G. Hammonds: Prior to this, had your blue lights or siren ever stopped?

Trooper Saunders: (Inaudible) No, it's still on.

SA M. G. Hammonds: Okay. So the vehicle stops, um, and you said the vehicle exits, oh, I'm sorry, the driver exited the vehicle?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Then what?

Trooper Saunders: I call, uh, jump and run.

SA M. G. Hammonds: Then what?

Trooper Saunders: Then I exit my patrol vehicle and subject comes sprinting towards me, full sprint back at me.

SA M. G. Hammonds: Okay.

Trooper Saunders: With a (Inaudible) object in his hand. When I exit my patrol vehicle, um, I drew my service weapon.

SA M. G. Hammonds: You said a metal object?

Trooper Saunders: Metal object in his hand. Yes, sir.

SA M. G. Hammonds: Which hand is it in?

Trooper Saunders: It was in his left hand.

SA M. G. Hammonds: And so you got out of the vehicle. Did you draw your weapon immediately?

Trooper Saunders: I draw my weapon when I get out of the vehicle. Yes, sir.

SA M. G. Hammonds: Okay. As you're, simultaneously..

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. And so, you get out of your vehicle, are you saying anything to the driver or is the driver saying anything to you?

Trooper Saunders: He's not saying anything to me. He's running full sprint back at me. I'm telling him to stop, let me see his hands, stop, let me see his hands, numerous times.

SA M. G. Hammonds: Okay.

Trooper Saunders: And, um, (Inaudible) my hand, once he get up on me, I fire a shot.

SA M. G. Hammonds: Okay. All right. And so you, your weapon is in which hand?

Trooper Saunders: My right hand.

SA M. G. Hammonds: Okay. And you said you put your other hand up?

Trooper Saunders: To tell him to stop.

SA M. G. Hammonds: Okay.

Trooper Saunders: Let me see his hands.

SA M. G. Hammonds: Okay.

Trooper Saunders: I'm also retreating back at this time as well.

SA M. G. Hammonds: Okay. Um, did you have any other, um, tools on your duty belt, besides your weapon?

Trooper Saunders: I had my, um, ASP baton.

SA M. G. Hammonds: Okay.

Trooper Saunders: I had my handcuffs, I had my two magazine pouch.

SA M. G. Hammonds: Okay.

Trooper Saunders: And a radio.

SA M. G. Hammonds: So on your duty belt, you had, you had your ASP baton.

Trooper Saunders: Radio.

SA M. G. Hammonds: Radio.

Trooper Saunders: Magazine pouch (Inaudible) with handcuffs.

SA M. G. Hammonds: Um, do you have a taser?

Trooper Saunders: I do have a taser.

SA M. G. Hammonds: Okay. Did you have it with you that night?

Trooper Saunders: I didn't have it with me that night.

SA M. G. Hammonds: Why did you not have it that night?

Trooper Saunders: Because the SBI, um, took it from me.

SA M. G. Hammonds: Okay. Because the SBI had taken...

Trooper Saunders: Had taken it from me.

SA M. G. Hammonds: Okay. Okay.

Trooper Saunders: From a chase, uh, that previous week.

SA M. G. Hammonds: Okay. Um, let me ask you this. Had, do you know that your supervisors (Inaudible) weren't you supposed to get another taser to replace that one?

Trooper Saunders: Um, actually, uh, they had my taser (Inaudible) I didn't meet with my supervisor to pick it up.

SA M. G. Hammonds: Okay.

Trooper Saunders: Occurred.

SA M. G. Hammonds: So your, your supervisor had your taser, um...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: You were gonna get it from troop when?

Trooper Saunders: Um, that day.

SA M. G. Hammonds: Okay. Who, who's your supervisor?

Trooper Saunders: Uh, Sergeant Dorthy.

SA M. G. Hammonds: Dorthy?

Trooper Saunders: Dorthy.

SA M. G. Hammonds: Can you spell Dorthy for me?

Trooper Saunders: D-o-r, um, t-y.

SA M. G. Hammonds: D-o-r-t-y?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Is that, uh, a male or female?

Trooper Saunders: That's a male. Henry Dorthy.

SA M. G. Hammonds: Okay. What, um, on that particular, uh, shift, what time does Sergeant Dorthy come on?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. Was he on duty, was he on when you checked on?

Trooper Saunders: Um (Inaudible)

SA M. G. Hammonds: Let me ask you this. Did you guys have arrangements to meet or was it...

Trooper Saunders: I was supposed to meet him. (Inaudible)

SA M. G. Hammonds: But ya'll didn't have a set time or anything?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. So you were supposed to meet him that night, but ya'll just had not...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: ...Arranged for a specific time. Okay. All right. Um, do you have pepper spray?

Trooper Saunders: I do.

SA M. G. Hammonds: Okay. Was that, where was that at?

Trooper Saunders: Um, in the door.

SA M. G. Hammonds: Okay. Is it in your driver's door?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: All right. And, I know you said you had your ASP baton on your person. Um, describe to me the thought process to go to your weapon. I guess as opposed to using your ASP baton.

Trooper Saunders: Well, um, in a felony stop, we're trained to draw our service pistol.

SA M. G. Hammonds: Okay.

Trooper Saunders: And for him running back, charging back at me with a metal object as a weapon, um, I (Inaudible) anything else.

SA M. G. Hammonds: Okay. All right. So you, this was a felony stop, you've been trained to access your weapon immediately.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: All right.

Barry Henline: Can I interject something?

SA M. G. Hammonds: Yes, sir.

Barry Henline: Have you done the last three seconds? The training.

Trooper Saunders: Uh, in patrol school.

Barry Henline: Do they with that, kinda specific to that circumstance (Inaudible) that would have led you to draw your gun?

Trooper Saunders: (Inaudible)

Barry Henline: I was just wondering. I haven't taken the training, but I've heard about it (Inaudible) wondering if there's something in that.

Trooper Saunders: Not that I recall.

Barry Henline: Okay.

SA M. G. Hammonds: Okay.

Barry Henline: I guess one other thing, there is, uh, post chase procedures, post PIT procedures they always teach you to go to your (Inaudible) for a felony stop.

SA M. G. Hammonds: Okay. So, this particular situation, your training, um, you've been trained (Inaudible) threat level has been elevated and you go to service weapon as opposed to...

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: ...The additional weapons you said you had available.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Is that right?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. Okay. All right. So you, um, you draw your weapon, you said you were retreating or going away from the driver, the driver's sprinting at you.

Trooper Saunders: Sprinting back at me.

SA M. G. Hammonds: Um, what did, uh, what did he look like? Did he have any facial expressions? Was he...

Trooper Saunders: White male.

SA M. G. Hammonds: What was he doing with his hands?

Trooper Saunders: He just had it up in the air, like this. He raised it up.

SA M. G. Hammonds: Okay.

Trooper Saunders: Sprint back at me.

SA M. G. Hammonds: So he actually had his left hand raised up like this?

Trooper Saunders: With a metal object in his hand.

SA M. G. Hammonds: Okay. What was he doing with his right hand?

Trooper Saunders: Just running back.

SA M. G. Hammonds: Okay. Was he saying anything or did he appear to be trying to communicate with you in any form or fashion?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. All right. And so, I know you said a second ago, you fired a shot. How close was the driver to you when you fired that shot?

Trooper Saunders: Um, maybe about right here.

SA M. G. Hammonds: Okay, so this distance here.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. So what's that? Three or four feet?

Barry Henline: Maybe three.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay.

: (Inaudible)

SA M. G. Hammonds: Okay. So he was almost within arm's reach of you?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Um, how many shots did you fire?

Trooper Saunders: Just one.

SA M. G. Hammonds: Okay. All right. So you fired a shot, and then what happened?

Trooper Saunders: Um, the subject, uh, fell to the ground
(Inaudible) fell to the ground.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: And then what?

Trooper Saunders: Um, then I got on the radio and told
Monroe shots were fired, start
Medic.

SA M. G. Hammonds: Okay. Did you holster your weapon?
Did you keep your weapon out? What did
you do with your firearm or do you
remember?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: Not sure.

SA M. G. Hammonds: Then what?

Trooper Saunders: Then once I call, uh, Monroe shots
were fired, send a Medic, um,
(Inaudible) believe Carnegie was the
first to pull up.

SA M. G. Hammonds: Okay. So you notified C-com and then
you think you remember Carnegie coming
up?

Trooper Saunders: (Inaudible) I think so.

SA M. G. Hammonds: Is there anybody else out there that
was...

Trooper Saunders: I saw the, the GS security guard.

SA M. G. Hammonds: Okay.

Trooper Saunders: Um...

SA M. G. Hammonds: Was he there before shots, during shots, after shots, before Carnegie, after Carnegie? Do you remember?

Trooper Saunders: Um, well I know he was there before Carnegie. Um...

SA M. G. Hammonds: Okay.

Trooper Saunders: I'm not sure, uh, I'm not sure, I know when I turned around, he was right there in the grass, there was another gentleman (Inaudible)

SA M. G. Hammonds: Okay. Let me ask you this then. As you guys get stopped, this last stop, in your mind, are you thinking you've got help with you, you don't know if helps with you...

Trooper Saunders: Well I didn't pay attention to where he was (Inaudible) after I looked up the last time (Inaudible) all my attention was in the suspect.

SA M. G. Hammonds: Okay. So you didn't know if you had help there with you.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. All right. And so, shots fired, he falls down, you recognize GS4 officer is there, you, you see Carnegie arrive shortly after you requested Medic?

Trooper Saunders: (Inaudible) I call shots fired (Inaudible) told Monroe to start Medic.

SA M. G. Hammonds: Okay. So Carnegie arrives and then what happens?

Trooper Saunders: Um, not too shortly after, a fire truck pulls up.

SA M. G. Hammonds: Okay. Let me ask you this. Did, um, did you go to the driver, did you...

Trooper Saunders: I did. I walked over there to him.

SA M. G. Hammonds: Okay. What did you do?

Trooper Saunders: Um, well he was still gasping, I was telling him to stay with me and everything.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Were you touching him? Just talking to him?

Trooper Saunders: Um, I, I touched him, yea I touched him.

SA M. G. Hammonds: Okay.

Trooper Saunders: Touched him. Try to get him to stay up and everything.

SA M. G. Hammonds: Okay. So you were telling him to stay up, or...

Trooper Saunders: Yea, I was telling him to stay awake.

SA M. G. Hammonds: Okay.

Trooper Saunders: 'Cuz he was, he was gasping.

SA M. G. Hammonds: Okay. And was that after, right after you requested Medic?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Was anybody trying to render medical aid before EMS personnel came up? Or the fire department?

Trooper Saunders: (Inaudible) They got there pretty quick.

SA M. G. Hammonds: Okay.

Trooper Saunders: Yea, they got there pretty quick. It wasn't too much longer after I called, called in over the radio, they were pulling up right behind Carnegie.

SA M. G. Hammonds: So both fire department and EMS arrive...

Trooper Saunders: No, fire department.

SA M. G. Hammonds: Just the fire department? Okay. And so when they arrived, did, what happened?

Trooper Saunders: Well they came up there and I just let them do...

SA M. G. Hammonds: Okay. So they started tending to him medically?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: And did you stay close by? Did you leave? What...

Trooper Saunders: Um, (Inaudible) stayed in that area for a little bit.

SA M. G. Hammonds: All right. And then what?

Trooper Saunders: And then, um, once my sergeant arrived on scene, um, uh, I was placed in, um, Carnegie's, uh, vehicle, and then I was moved to, um, Sergeant Dorthy's vehicle.

SA M. G. Hammonds: Okay, so...

Trooper Saunders: Carnegie's vehicle was 10-7.

SA M. G. Hammonds: Once Dorthy was on scene, you sat down in Carnegie's vehicle, then you eventually were put in Dorthy's vehicle?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay.

Trooper Saunders: 'Cuz...

SA M. G. Hammonds: How long after the, how long after the shot was fired did Dorthy arrive, approximately? Was it two minutes? Five minutes? 20 minutes? Just an approximation.

Trooper Saunders: I'm not sure.

SA M. G. Hammonds: Okay.

Trooper Saunders: I'm not sure (Inaudible)

SA M. G. Hammonds: Okay. Um, okay, so you're in Sergeant Dorthy's vehicle, then what?

Trooper Saunders: (Inaudible) that's when everybody.

SA M. G. Hammonds: All the command staff and what not start arriving?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Um, excuse me, sorry about that. All right. Um, I know that, uh, prior to this incident, the 12th I guess it was, I know when we first started talking, you told me about you worked half a day, then you were sent home. Is that the day that you used, used your, uh, taser and then the SBI took it from you?

Trooper Saunders: Uh, that was the day before.

SA M. G. Hammonds: Okay, so the day prior to the 12th, you were involved in an incident where you used your taser?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Outside of, which I want to talk about

that incident in a minute, but outside of what we just talked about and then the incident on the 11th I guess, have there been any other incidents in the past consistent with this that you've been involved in?

Trooper Saunders: As in what? A chase?

SA M. G. Hammonds: A chase, felony stops...

Trooper Saunders: Um, I get chases all the time
(Inaudible)

SA M. G. Hammonds: Okay. All right. Um, so how many chases/felony stops do you feel like you've done over your career? It doesn't have to be exact, just 'cuz I know I wouldn't be able to remember either, you know, if I was asked the same question, but just an approximation.

Trooper Saunders: Well, just this year, I'd say close to ten.

SA M. G. Hammonds: Okay.

SA M. G. Hammonds: So you average ten a year, probably? Chases that result in felony stops?

Trooper Saunders: (Inaudible) Uh, the first chase I had this year or assisting or all together?

SA M. G. Hammonds: Either, yea.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Anything that results in a felony stop.

Trooper Saunders: Well over ten.

SA M. G. Hammonds: Well over ten a year?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Um, in years past, have you, you, ever used your firearm in any of

these particular incidents?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. So you've never shot anybody in the past?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. The, can you tell me about the incident that happened on the 11th? I'm assuming, that's when you said, the previous Friday, you worked half a day and they sent you home.

Trooper Saunders: Yes sir.

SA M. G. Hammonds: So I'm looking at my calendar and the previous Friday would have been August 12th, but you're saying the day before August 12th is when you used your taser?

Trooper Saunders: That Thursday.

SA M. G. Hammonds: Okay. So, can you tell me about that?

Trooper Saunders: That, um, (Inaudible) that started from a chase here in Charlotte with, uh, CMPD.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) Two individual carjacks somebody and shot 'em.

SA M. G. Hammonds: Okay.

Trooper Saunders: And, um, that chase went up Brookshire, all the way up to Catawba County.

SA M. G. Hammonds: Okay.

Trooper Saunders: And troopers up there threw out spike strips, uh, spiked the truck, truck, uh, wrecked into a light pole. Passenger gets out with a shotgun, shooting.

SA M. G. Hammonds: Okay.

Trooper Saunders: CMPD, uh, returns fire. Um, as me and another trooper, uh, approaches, uh, subject still fighting and, um, we tased him.

SA M. G. Hammonds: Okay, so were, um, I'm assuming you arrived, I know you...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: ...Headed that way, but were you actually in the chase?

Trooper Saunders: I was in the chase. I was behind CMPD 'cuz they was primary.

SA M. G. Hammonds: Okay. So, and the results of that chase were what? What happened to the occupants of those vehicles?

Trooper Saunders: Well the driver, um, just got out with no incident and the passenger got out shooting.

SA M. G. Hammonds: Okay. And so, the driver's still okay today?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Did either of them, are either of them deceased?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. Uh, was either of them, of them shot?

Trooper Saunders: Yes.

SA M. G. Hammonds: With a firearm?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Who shot?

Trooper Saunders: CMPD.

SA M. G. Hammonds: Okay. Were both of them shot?

Trooper Saunders: The passenger.

SA M. G. Hammonds: Just the passenger?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. So the passenger was shot and then the passenger continued to fight as officers approached him?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: And you deployed your taser on the passenger?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. So, the driver was not shot, why was the driver not shot?

Trooper Saunders: He just got out with his hands up, he just surrendered.

SA M. G. Hammonds: Okay, so were you, I guess you were secondary so you were not close enough to actually see what the exchange was between CMPD and...

Trooper Saunders: Well I was right there. I saw when he got out shooting.

SA M. G. Hammonds: Okay. So he complied with verbal commands? (Inaudible) the driver.

Trooper Saunders: (Inaudible) The driver just got out. The passenger got out shooting.

SA M. G. Hammonds: Okay. So the driver got out with his hands up and the passenger gets out shooting.

Trooper Saunders: With a shotgun.

SA M. G. Hammonds: With a shotgun.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Um, when you first got out on that one, did you get out with your handgun or...

Trooper Saunders: Got out with my service pistol.

SA M. G. Hammonds: Okay. So you got out with your handgun and at what point did you transition to your taser?

Trooper Saunders: Um, once I approached him and, um, he had, um, the shotgun in his hand.

SA M. G. Hammonds: Okay. So was he on the ground?

Trooper Saunders: He was on his back.

SA M. G. Hammonds: Okay.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: You say you tased him because he was fighting?

Trooper Saunders: He was still fighting.

SA M. G. Hammonds: Still fighting. (Inaudible)

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: All right. All right. You feel like that particular incident weighed in on your thought prep, thought process regarding the Seven Oaks Drive incident?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. All right. Tell you what I'm going to do is, uh, I want to go back through, you probably have gone through a set of these questions when you deployed your taser the last time, but just to make sure we cover everything...

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: I'm going to go through some of this, so just bear with me.

Trooper Saunders: Okay.

SA M. G. Hammonds: Um, when was your, um, when was your last firearm qualification?

Trooper Saunders: Uh, a couple months ago. (Inaudible)

SA M. G. Hammonds: Couple months?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. It doesn't have to be exact.

Trooper Saunders: Like June, somewhere around there.

SA M. G. Hammonds: Okay. And that was night and day with the firearm that was used in this particular incident?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. What is your height and weight?

Trooper Saunders: 5'11".

SA M. G. Hammonds: How much you weigh?

Trooper Saunders: Probably 195.

SA M. G. Hammonds: Um, do you have a particular, that day, did you have a particular assignment, particular area of Mecklenburg County you were supposed to work or pretty much, just...

Trooper Saunders: (Inaudible) wherever.

SA M. G. Hammonds: Just travel anywhere in Meck. County?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Um, are you currently prescribed

any medication or are you taking any kind of medication, whether it been over the counter or...

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. What was the last time you were under the influence of prescription medication?

Trooper Saunders: Prescription medication. Had to been years ago...

SA M. G. Hammonds: Years back...

Trooper Saunders: Yea.

SA M. G. Hammonds: ...Since you've taken any prescription meds?

Trooper Saunders: Yea (Inaudible)

SA M. G. Hammonds: The, um, throughout the, I know you initiated the, the traffic stop, or attempt, attempted traffic stop yourself. We talked about you notifying Communications of the tag. At no point in time from the beginning to the end were you provided updates about the vehicle or the driver?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. Or the owner, I should say?

Trooper Saunders: No, sir.

SA M. G. Hammonds: From Communications. Okay. Um, as far as affecting, um, the PIT maneuver, do you have get approval from anyone to do that or is that at a trooper's discretion?

Trooper Saunders: What do you mean?

SA M. G. Hammonds: Like, all right, let's say you're in a

chase and you, you feel like there's a need for a PIT maneuver. Do you have to call your sergeant and say...

Trooper Saunders: No, sir. As long as you're qualified, you can, you can perform it.

SA M. G. Hammonds: Okay. So you, you actually have to go through a qualification for...

Trooper Saunders: Yea (Inaudible) Yes, sir.

SA M. G. Hammonds: Okay. Weapon you used was department issue, I'm assuming?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: How was the weapon loaded?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Did you have it at full capacity?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And then, was there a round in the chamber or did you have to actually...

Trooper Saunders: There was one in the chamber.

SA M. G. Hammonds: Okay. So the mag in the weapon was at full capacity. What about your backup mags?

Trooper Saunders: Um, full capacity.

SA M. G. Hammonds: Okay. Why did you feel like you needed to shoot?

Trooper Saunders: 'Cuz I feared for my life.

SA M. G. Hammonds: Did you have any damage to your clothing or any injuries that you suffered during this incident?

Trooper Saunders: No injuries (Inaudible)

SA M. G. Hammonds: Okay. Did you have a conversation with, um, I know you made mention there was a GS4 officer there and then Carnegie showed up shortly thereafter. What kind of, did you have any communication between...

Trooper Saunders: Yea, I remember telling the GS security guard don't leave.

SA M. G. Hammonds: Okay. All right. You said you didn't know the, the driver of the vehicle prior to, never dealt with that vehicle, never even been in that neighborhood before.

Trooper Saunders: No, sir.

SA M. G. Hammonds: You know anybody that lives in that neighborhood?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. Do you, um, do you have body cam or, um, dash cam?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. Any type of recording device? Audio recording? Anything like that?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Who all have you given statements to?

Trooper Saunders: Who all I given statements to?

SA M. G. Hammonds: Yep.

Trooper Saunders: Um, internal affairs.

SA M. G. Hammonds: Okay. Who is, who took your statement?

Trooper Saunders: Um, Lieutenant Hunt.

SA M. G. Hammonds: Okay.

Trooper Saunders: And...

SA M. G. Hammonds: I know, this may not be him, but Captain Evans was with Lieutenant Hunt...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Is that who took it?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. Was there anybody else with them? Just those two?

Trooper Saunders: Just those two.

SA M. G. Hammonds: All right. When did you provide the statement?

Trooper Saunders: Um, written statement or verbal statement?

SA M. G. Hammonds: Um, both.

Trooper Saunders: Verbal statement, that night. Written statement, Sunday.

SA M. G. Hammonds: So this past Sunday?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: So what was that? The...

Trooper Saunders: 21st (Inaudible)

SA M. G. Hammonds: All right.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: All right. You said you've never been involved in prior shootings.

Trooper Saunders: No, sir.

SA M. G. Hammonds: Except when, I mean you didn't actually shoot, you deployed your taser. Is there any other incidents where you

were there...

Trooper Saunders: (Inaudible) the um, the um, the Catawba...

SA M. G. Hammonds: The Catawba...

Trooper Saunders: (Inaudible) shooting at us, I mean, I don't know they was shooting at me (Inaudible)

SA M. G. Hammonds: I gotcha. Let me ask you this. Were there any other incidents where you were being shot at, you didn't necessarily fire weapon, maybe the other officers didn't fire theirs, but you were present and...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. Have you ever had any complaints filed against you? Or have you ever been accused of using excessive force?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. Have you ever been involved, besides this particular incident, or the Catawba incident, have you ever been involved in an incident where the person needed medical attention, except for, like, I'm sure you've been to wrecks before and people's needed medical attention because they've actually wrecked, but, you know...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Where an officer chased somebody or the injury was a result of the officer's involvement.

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. You ever charged another person or, you ever charged someone with, uh, resisting arrest or assaulting an

officer?

Trooper Saunders: RDO. Yes, sir.

SA M. G. Hammonds: Okay. How many times have you charged that?

Trooper Saunders: Uh, a couple times (Inaudible)

SA M. G. Hammonds: Okay. RDO is resist, delay, and obstruct?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: In those particular incidents, have you used some type of force that caused injury to whomever you charged?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. Who'd you give your weapon to after the shooting?

Trooper Saunders: Sergeant Dorty.

SA M. G. Hammonds: Okay. The, um, where was your weapon on your duty belt and where was your ASP baton?

Trooper Saunders: Weapon was right here. ASP baton right behind it.

SA M. G. Hammonds: Firearm right here on your hip and ASP baton right behind it?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Was the, uh, the driver, was he restrained in handcuffs after he had fallen?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. Did the, um, did the driver try to tell you any medical, I know you say he was gasping, was he able to tell you anything?

Trooper Saunders: No, sir.

SA M. G. Hammonds: All right. You ever been charged with a criminal offense?

Trooper Saunders: No, sir.

SA M. G. Hammonds: Um, I guess your, um, IA personnel administered a drug test? Was that...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Was that a urine and blood sample that you provided them or...

Trooper Saunders: Urine and blood.

SA M. G. Hammonds: Okay.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Who did you submit that sample to?

Trooper Saunders: (Inaudible) hospital (Inaudible)

SA M. G. Hammonds: Or who, I guess what, um, you went to what hospital to...

Trooper Saunders: Um, Huntersville, um, Novant I believe.

SA M. G. Hammonds: Submitted blood and urine to Novant in Huntersville.

Trooper Saunders: (Inaudible) I know it was a hospital in Huntersville, I don't know, I'm not sure if it was Novant or... (Inaudible)

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) Urine and blood sample.

SA M. G. Hammonds: Did another Highway Patrolman accompany you to that or...

Trooper Saunders: Sergeant, first sergeant, and two other troopers.

SA M. G. Hammonds: Sergeant Dorthy?

Trooper Saunders: And First Sergeant, uh, Kelly Sturgial.

SA M. G. Hammonds: Sturgial?

Trooper Saunders: Yes, sir. S-t-u-r-g-i-a-l.

SA M. G. Hammonds: And who were the other troopers?

Trooper Saunders: Um, Trooper White and Trooper Bowen.

SA M. G. Hammonds: Bowen?

Trooper Saunders: Bowen. B-o-w-e-n.

SA M. G. Hammonds: Okay. Um, can you do me, I know you're tired of drawing, can you do me one more sketch of the, the final, um, incident. The road, the position of your vehicle, the driver's vehicle, and, I don't know if you are aware where Carnegie and GS4 guy was behind you, but just draw a diagram of the road. Of the final incident.

Barry Henline: If you run across any questions about you know, the PIT, my last four years with the Highway Patrol were with driver training.

SA M. G. Hammonds: Okay.

: (Inaudible)

SA M. G. Hammonds: Okay. Good deal. Yea, I'll have to...

Trooper Saunders: You said the car and...

SA M. G. Hammonds: Um, if you, if you know where Carnegie ended up and, um, I know you said you saw the GS4 officer there, I don't know if you know what vehicle he was in or not, but if you do know that...

Trooper Saunders: He was back here somewhere (Inaudible) the other guy was up here (Inaudible)

SA M. G. Hammonds: Okay. So this is, uh, that's a civilian there? That raised his hands, you said?

Trooper Saunders: (Inaudible) Yes, sir.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) think it was the same guy that took off running, not sure.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: I tell you what...

Trooper Saunders: Carnegie was back here when he pulled up (Inaudible) car was smoking.

SA M. G. Hammonds: Okay. Positioning. Show me where you were and where the driver was when you fired the shot.

Trooper Saunders: Um, he was right here. (Inaudible) In here somewhere.

SA M. G. Hammonds: Okay.

Trooper Saunders: (Inaudible) in there somewhere.

SA M. G. Hammonds: If you would, just draw me an arrow somewhere showing me who's who. Okay.

Trooper Saunders: (Inaudible) back there.

SA M. G. Hammonds: And this is the positions of everyone as you remember it? Is this Seven Oaks Drive here?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: All right. Just write that on there. Okay.

Trooper Saunders: He fell right here in the street.

SA M. G. Hammonds: All right. Just draw that for me.

SA M. G. Hammonds: You can just indicate that somehow. Um, and I know you made mention, um, you guys were trained on PIT maneuvers, and you made mention of, uh, felony stops, so, PIT maneuver, is it, when do you learn that and how often is there any type of in-service to review that, or is there a recertification that you have to go through?

Trooper Saunders: Well we learn it in, um, in patrol school and then we came back for in-service for high speed, um, PIT maneuver once we got, um, cleared for that high speed.

SA M. G. Hammonds: And so is that a, um, is that something you have annually? Then you have some type of PIT maneuver course every year or...

Trooper Saunders: Well for in-service, when you go for driver in-service.

SA M. G. Hammonds: Okay. So just an annual in-service with something geared towards PIT maneuvers?

Barry Henline: (Inaudible) Yea they probably wouldn't do it annually.

SA M. G. Hammonds: Okay.

Barry Henline: Periodically.

SA M. G. Hammonds: Okay. And so we also talked about felony stops.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: When did you have training, um, geared towards felony stops?

Trooper Saunders: Um, patrol school and all throughout, uh, (Inaudible) in-service.

SA M. G. Hammonds: Okay. So same thing, periodically in-service?

: (Inaudible)

SA M. G. Hammonds: Um, I know that, um, we talked about surviving the first three seconds a minute ago and you don't recall going through that particular training, but have you had any additional trainings, um, that were kinda parallel with this type of incident and how you would handle it?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: No other training specific...

Trooper Saunders: No specific training.

SA M. G. Hammonds: Okay. All right. The, um, the taser that you were gonna get back that night, I guess it was taken, was it taken that Friday or was it taken the day of the Catawba incident?

Trooper Saunders: Taken the day of.

SA M. G. Hammonds: Okay. The, um, in any of your trainings that we talked about a minute ago, is there any kind of instruction given on what, how you are to respond to somebody running directly at you just like the driver of the Volvo did?

Trooper Saunders: What do you mean?

SA M. G. Hammonds: Is there any, any training that, I think I've already asked this question,

but just to review it again, you guys have anything that says, hey if somebody runs directly at you, this is what you do? Or does training get that specific?

Trooper Saunders: (Inaudible) they have different scenarios.

SA M. G. Hammonds: Okay. But have you ever had a scenario where somebody was running directly at you and you've been trained to do...

Trooper Saunders: Different (Inaudible)

SA M. G. Hammonds: Okay. Outside of Carnegie, were you aware of any other officers that were in the pursuit?

Trooper Saunders: He's the only one I heard on the radio.

SA M. G. Hammonds: Is that Carnegie?

Trooper Saunders: Carnegie. Yes, sir.

SA M. G. Hammonds: Okay. What is the, um, do you know what your clearance process is for returning back to work, like, you had the taser incident. What's the steps? What's the process for a Highway Patrolman coming back to work after a similar incident?

Trooper Saunders: With a taser?

SA M. G. Hammonds: Yea, the, the Catawba incident.

Trooper Saunders: I returned back to work right after it happened.

SA M. G. Hammonds: Okay. So it wasn't like after that incident, they, they didn't send you home, you just, that was, the next days were your days off.

Trooper Saunders: Yea, I worked the next day and just 'cuz of the incident, um, my first sergeant told me to take the rest of

the day off.

SA M. G. Hammonds: So it wasn't like you were on administrative leave or...

Trooper Saunders: No, sir. I worked that day.

SA M. G. Hammonds: Okay. All right. Is there anything I have not asked you thus far that you feel like is pertinent or important for me to know about this incident?

Barry Henline: The only thing I think is, we had talked about this too, about whether he thought that shiny object was a weapon.

SA M. G. Hammonds: Okay. Did you think the...

Trooper Saunders: I did.

SA M. G. Hammonds: You talking about the metal object in...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: ...The driver's left hand. Okay.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: You thought that was a weapon?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: All right. Okay. Anything else?

Barry Henline: I think that pretty much covers it.

SA M. G. Hammonds: Okay. Um, if you could, I need to hit the restroom real quick. If you can give me one second...

Barry Henline: Sure.

SA M. G. Hammonds: ...To run back here. I'll be right back with you shortly...

Barry Henline: Okay.

SA M. G. Hammonds: ...And we should be cleared out of here.

: (Inaudible)

SA M. G. Hammonds: If you guys, do ya'll need to use the restroom? Water? If you...

: (Inaudible)

SA M. G. Hammonds: If you need to talk outside of this being videoed...

: (Inaudible)

SA M. G. Hammonds: ...If ya'll need to go over there.

Barry Henline: (Inaudible) Anything you need to talk about while we waiting?

SA M. G. Hammonds: If ya'll need to step over there, feel free to, so...

: Okay.

SA M. G. Hammonds: And I'll be back.

: (Inaudible)

SA M. G. Hammonds: Okay. Yes, sir.

: (Inaudible)

SA M. G. Hammonds: Appreciate ya'lls patience.

: (Inaudible)

SA M. G. Hammonds: Feels much better out there, though.

: (Inaudible)

SA M. G. Hammonds: All right. Good deal. So can you explain to me a little bit further, um, a PIT maneuver. I mean I have a pretty good idea as to what it is, but just so that we're clear.

Trooper Saunders: Um, basically just disabling, uh, the

vehicle, just to get them to stop. Um, you can use, um, either the left or right, uh, rear quarter panel...

SA M. G. Hammonds: So it's a move used to disable? If you were going to walk me through how to perform a PIT maneuver, can you walk me through that?

Trooper Saunders: I can.

SA M. G. Hammonds: Okay.

Trooper Saunders: Um, depending on which side, wherever you want to put the vehicle...

Barry Henline: (Inaudible)

SA M. G. Hammonds: You can draw a diagram if you want to. Would that be easier?

Trooper Saunders: Um, well this will be a lot easier.

SA M. G. Hammonds: Okay.

Trooper Saunders: Whichever way you want, wherever you want to put the vehicle at, you then, if you want to pull them over to the right, you use the left side quarter panel to PIT them out.

SA M. G. Hammonds: Okay. If this is the vehicle you're trying to PIT...

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: What's the front and back of the vehicle?

Trooper Saunders: This is the front, this is the rear.

SA M. G. Hammonds: Okay. And so, this is...

Trooper Saunders: Front of my, front of the patrol car.

Rear of the patrol car.

SA M. G. Hammonds: Okay. And so, if you want to PIT the driver to the right, you would do what?

Trooper Saunders: To the right?

SA M. G. Hammonds: Yes.

Trooper Saunders: I would PIT them on the left side
(Inaudible)

SA M. G. Hammonds: Okay. So you would, you would actually take your vehicle...

Trooper Saunders: The front of my vehicle.

SA M. G. Hammonds: The front left fender?

Trooper Saunders: Front left fender (Inaudible)

SA M. G. Hammonds: And contact the back right corner?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. And then obviously vice versa if you wanted to...

Trooper Saunders: (Inaudible) Right spin them out this way.

SA M. G. Hammonds: All right. And so the objective of that move is to what?

Trooper Saunders: Get the subject stopped. Um, uh, just disable the vehicle.

SA M. G. Hammonds: Okay. So just stop moving?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. And that was, um, you felt like that was necessary in this particular situation because...

Trooper Saunders: Because it was reckless driving and all the other innocent people on the

roadway.

SA M. G. Hammonds: Okay.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: So you were attempting to stop things quickly as possible..

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: ...And protect the lives of others.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Is that correct? Okay.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: All right. Um, did anyone else have their gun out during the incident that you are aware of?

Trooper Saunders: Not that I'm aware of. No, sir.

SA M. G. Hammonds: Um, I know you said you turned around and saw the GS4 guy and I'm assuming you saw Carnegie also.

Trooper Saunders: Well Carnegie pulled up after I saw the GS4 guy.

SA M. G. Hammonds: Okay.

Trooper Saunders: I saw the GS4 guy and, um...

SA M. G. Hammonds: When you saw the GS4 guy, did he have a gun out, or do you remember? I mean, you may not remember. If you don't, that's fine too.

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. Do you remember...

Trooper Saunders: (Inaudible) Saw him and the gentleman standing in his yard.

SA M. G. Hammonds: Okay. Do you remember if Carnegie ever pulled his gun out?

Trooper Saunders: (Inaudible)

SA M. G. Hammonds: Okay. During your exchanges with the driver of the Volvo, at any point in time did you feel like he had any physical or mental disabilities? Through your observations of his actions.

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. Did you, did you ever say anything to Carnegie after he was on scene, do you remember?

Trooper Saunders: Um, I believe he asked me was I okay.

SA M. G. Hammonds: Okay. And you remember what you told him?

Trooper Saunders: (Inaudible) told him I was good.

SA M. G. Hammonds: You just told him you were good? All right. Nothing else that you remember saying to him? Okay.

Trooper Saunders: No, sir.

SA M. G. Hammonds: Okay. All right. Um, and I know earlier you said you, you were in fear for your life, um, and you also made mention that you thought the metal object in his left hand was a weapon.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Can you expound upon both of those? What did you think he was gunna do with the weapon and, um, explain to me why you were in fear for your life.

Trooper Saunders: Well I thought he was going to strike me with it. He had it raised up.

SA M. G. Hammonds: Okay.

Trooper Saunders: Coming straight at me.

SA M. G. Hammonds: All right.

Trooper Saunders: Full sprint.

SA M. G. Hammonds: Okay. And..

Trooper Saunders: It was clear to me he wasn't going to give up 'cuz after everything.

SA M. G. Hammonds: Okay. So you, you mean, after everything, obviously you've, he's wrecked, you've pitted him one time, um, you've given verbal commands, um, let me ask you this. The, I know you were, there wasn't anything obstructing his visibility as far as you could tell. Um, did he acknowledge you in any way or give any gestures that, um, made you aware that he was understanding you or he saw you or, um, he knew that you were trying to get him to stop? Did he make eye contact with you?

Trooper Saunders: Well he looked at me.

SA M. G. Hammonds: Okay.

Trooper Saunders: He looked directly at me.

SA M. G. Hammonds: So you felt like he was going to strike you with the metal object?

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Okay. And you were in fear for your life just because of the, everything that had happened leading up to..

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: That right? All right. Anything else before we leave? You guys good? All right.

Trooper Saunders: Yes, sir.

SA M. G. Hammonds: Well very good. Well I, um, I greatly appreciate your, your time, um, you've got my mobile numbers if you have any questions and, um, if I have any follow-up questions, will it be okay if I reach out to...

Barry Henline: Yea, absolutely.

SA M. G. Hammonds: ...To you.

Barry Henline: Yea, yea. If you'd just reach out to Me, we will get them answered.

SA M. G. Hammonds: Okay. Well good deal. I, um, either myself, another agent, or maybe both will, uh, go and review your files and you said that the personnel files would be at Raleigh?

Barry Henline: Yea, they keep all the internal affairs files in Raleigh.

SA M. G. Hammonds: Okay. Do you know who would be my best contact to be able to access those?

Barry Henline: Probably Todd Evans.

SA M. G. Hammonds: Okay. So I probably need to call him...

Barry Henline: Yea.

SA M. G. Hammonds: Do you have, um, you wouldn't by chance have a direct number for him, do you?

Barry Henline: No. I've got headquarters' number, they can give it to you.

SA M. G. Hammonds: Okay. If you don't mind.

Barry Henline: Yeah (Inaudible)

SA M. G. Hammonds: It's all right. (Inaudible) If you had it readily available.

Barry Henline: (Inaudible) I know I got it in their (Inaudible)

SA M. G. Hammonds: No problem.

Barry Henline: (Inaudible) I think I do know I was trying to get the lesson plan for the last three seconds to see if there was anything specific in it to this. I called Joe (Inaudible), who is the attorney for the patrol (Inaudible) through the AG's Office.

SA M. G. Hammonds: Uh huh.

Barry Henline: I think 919-733-2126. I think this should be headquarters' number.

SA M. G. Hammonds: Good deal.

Barry Henline: I think that's it.

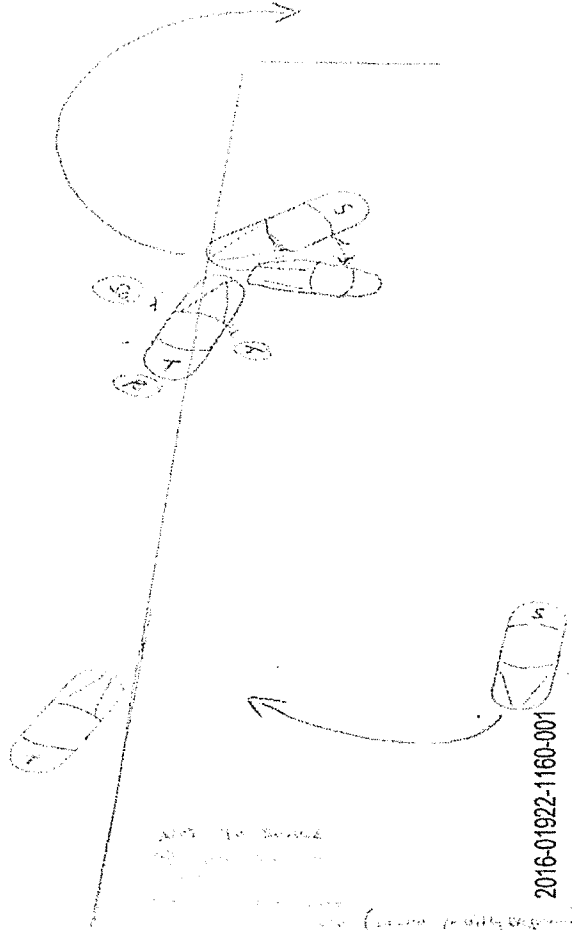
SA M. G. Hammonds: All right. Well I appreciate your patience.

: (Inaudible)

JDW:mcs

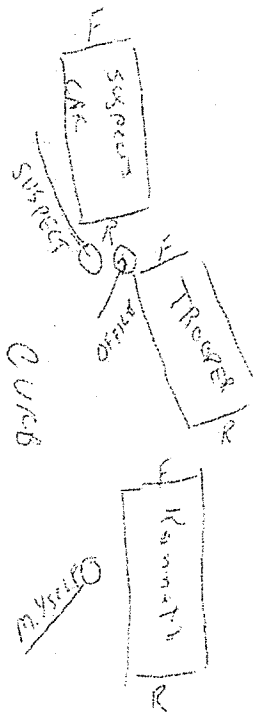
Exhibit 2

Place this
in a bin of
Saves by
Council
with 1m



APR 10 2016
11:00 AM
11:00 AM (11:00 AM - 11:00 AM)

Exhibit 3



2/18/16

10:39 PM

2016-01922-1172-001

Exhibit 4

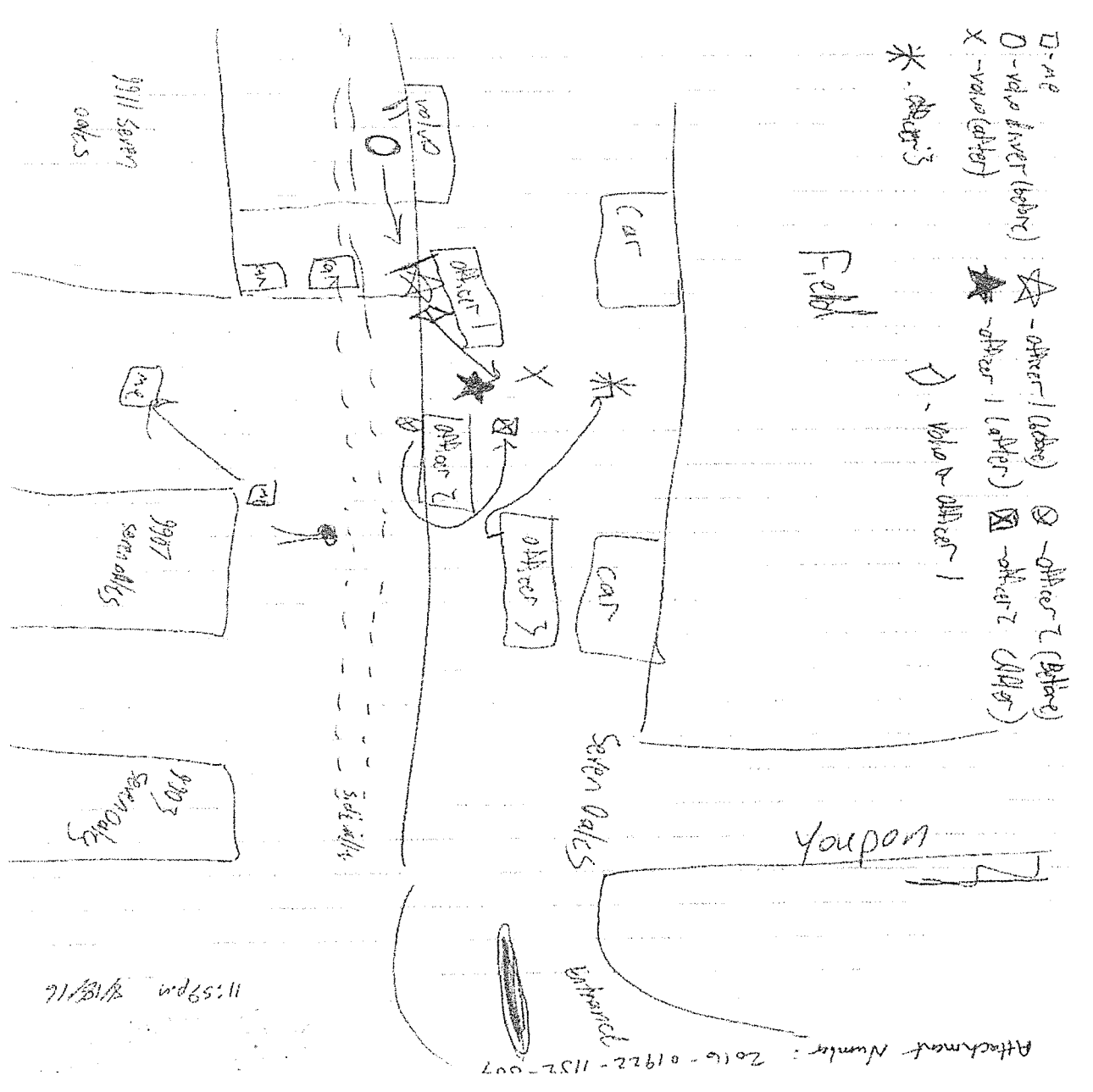
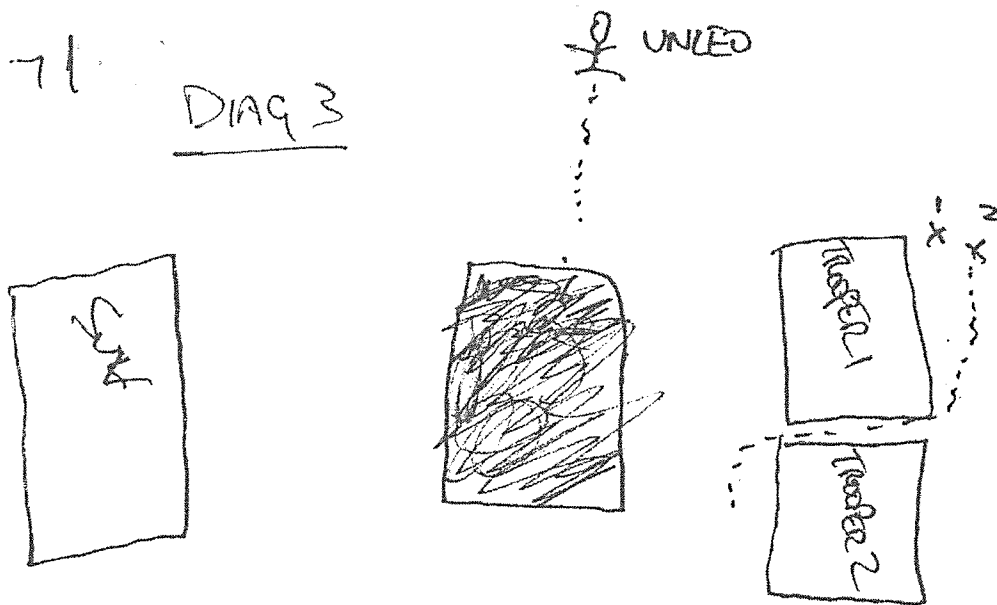


Exhibit 5

71

DIAG 3



- AND THERE WAS NO WAY - I WAS GOING ANYWAY NEAR THAT SCENE.
- I DROVE TO PLAZA MIDWOOD AND TO PORTAFINO'S REST WHERE I STARTED THE ARROW'S DOCUMENTATION PROCESS - I ATE 1/4 OF MY FOOD AND THREW IT UP - I DID HAVE TO PASS THE SCENE ON MY WAY HOME - PLENTY OF EMERGENCY VEHICLES - THE ROAD WAS LITTERED WITH SHREDDED RUBBER, A MUFFLER, AUTOMOBILE METAL ETC.

SINCE THE SHOOTING - I HAVE NOT SLEPT, AND BEGAN HAVING NIGHTMARES OF BOTH THE SHOOTING AND THE THREATENING BEHAVIOR OF THE UNCLE. (UNKNOWN LEO)

- I MAKE NO JUDGEMENT ON THE TROOPER'S ACTIONS - I DON'T KNOW WHAT TRANSPIRED PREVIOUS TO MY OBSERVATIONS

Q 8/29

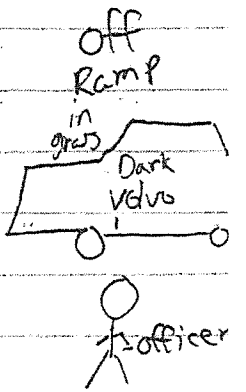
Exhibit 6

Rocky River Road

Takap
9-22-16
5:38 pm

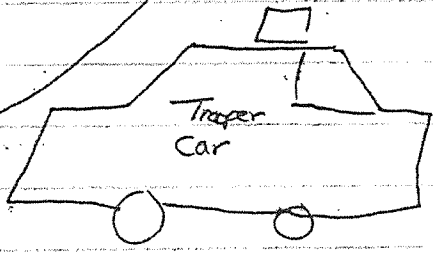
Events on
9-18-16
≈ 6:20 - 6:30

Ramp



NOT TO
SCALE

His car
in this
area



I-485

*
X My car

2016-01922-697-1

Exhibit 7



Complaint No: 2016-01922
Date: 10/14/2016
Type of Case: Negligent Manslaughter
Remarks:

North Carolina State Bureau
of Investigation
5994 Caldwell Pk Dr.,
Harrisburg, NC 28075

Official Report

CONFIDENTIAL: This is an official report of the Charlotte-Mecklenburg Police Laboratory and is to be issued with an official criminal investigation. Do not make public or reveal the contents thereof to any unauthorized person.
The form for this report is found to be in compliance with NCGS 90-95(g) and is hereby approved by the Attorney General.

Items Received

- Item 1: One Speer 357 SIG caliber discharged cartridge case.
- Item 2: SIG Sauer model P226 357 SIG caliber semiautomatic pistol, serial number 47A037209 with one SIG Sauer magazine and twelve live Speer 357 SIG cartridges.
- Item 3: One fired bullet.
- Item 4: One shirt.
- Item 5: One shirt.
- Item 6: One pair of pants with a belt, one pair of boxers, and one pair of socks.

Results

The Item 2 firearm was examined, test fired, and found to be in good operating condition.

The Item 1 cartridge case was examined and microscopically compared to tests fired in the Item 2 firearm. The cartridge case was fired in the firearm.

The Item 3 bullet was examined and determined to be a 357 caliber, copper jacketed bullet with six land and groove impressions and a right twist. The bullet was microscopically compared to tests fired from the Item 2 firearm. The Item 3 bullet has the same class characteristics and some similar individual characteristics as the tests fired from the Item 2 firearm. However, this agreement is insufficient for an identification.

A visual examination of the hole and areas surrounding the hole on Item 4 revealed the presence of gunshot residue which is indicative of the discharge of a firearm. A chemical examination of the hole and areas surrounding the holes failed to reveal a gunshot residue pattern. Based on tests using the Item 2 firearm and cartridges and the presence of gunshot residue on Item 4 a maximum muzzle-to-target distance was determined to be less than 7 feet.

A hole was located in Item 5 that corresponds in location with the hole observed in Item 4. No further examinations were performed with Item 5.

Item 6 was examined and found to exhibit no damage that was consistent with having been produced by the passage of a projectile. No further examinations were performed with Item 6.

Eight live cartridges from Item 2 were used for testing purposes.



Complaint No: 2016-01922
Date: 10/14/2016
Type of Case: Negligent Manslaughter
Remarks:

North Carolina State Bureau
of Investigation
5994 Caldwell Pk Dr.,
Harrisburg, NC 28075

Official Report

CONFIDENTIAL: This is an official report of the Charlotte-Mecklenburg Police Laboratory and is to be issued with an official criminal investigation. Do not make public or reveal the contents thereof to any unauthorized person.
The form for this report is found to be in compliance with NCGS 90-95(g) and is hereby approved by the Attorney General.

Authority Kerr Putney
Chief Of Police

I certify this to be the results of
the tests performed on these
items.

A handwritten signature in black ink, appearing to read "Jennifer A Pohlheber".

Jennifer A Pohlheber

Criminalist Firearm Examiner

End of Official Report