

FILED

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA.

2010 DEC -1 P 2: 55

GRAND JURY, SPRING TERM 2010

IN RE: ~~Shooting Death of David Mays~~

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA

NO TRUE BILL PRESENTMENT

THIS MATTER came before the Grand Jury for us to review the facts and circumstances regarding the shooting death of David Mays on October 11, 2010, which occurred inside the residence where David Mays resided with his son and his son's mother. The shooting occurred at 4040 Chaires Cross Road in Leon County, Florida.

Your Grand Jurors reviewed the investigation by the Leon County Sheriff's Office; heard the testimony of witnesses, including Mays' family members, the medical examiner; and considered physical evidence from this incident.

Your Grand Jurors find that this was an accidental shooting occurring as a result of a domestic dispute. We find that a shotgun was introduced into the domestic dispute. There was a struggle between Mays, the mother of his child, and his son over the shotgun; and that the shotgun was accidentally discharged during the struggle causing the death of David Mays.

APPLICABLE FLORIDA STATUES

Chapter 782.02 Justifiable use of deadly force is defined as: The use of deadly force is justifiable when a person is resisting any attempt to murder such person or to commit any felony upon him or her or upon or in any dwelling house in which such person shall be.

Chapter 782.03 Excusable homicide is defined as: Homicide is excusable when committed by accident and misfortune in doing any lawful act by lawful means with usual ordinary caution, and without any unlawful intent, or by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation, or upon a sudden combat, without any dangerous weapon being used and not done in a cruel or unusual manner.

THEREFORE, with a quorum present and twelve or more in agreement, we find that the shooting death of David Mays was justified or excusable and file this No True Bill Presentment.

Your Grand Jurors say nothing further in these premises.

RESPECTFULLY SUBMITTED this 1st day of December, 2010.


Foreperson

Attest:
Grand Jury Clerk 