

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

GRAND JURY, SPRING TERM 2014

IN RE: Officer Involved Shooting involving suspect Myron May in the area of 116
Honors Way on or about November 20, 2014.

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

NO TRUE BILL PRESENTMENT

THIS MATTER came before the Grand Jury on December 16, 2014, to review the facts and circumstances of the officer involved shooting of Myron May on or about November 20, 2014 in Tallahassee, Florida. This Grand Jury inquiry is to determine if the use of deadly force by the Tallahassee Police Department Officer Wayne Staats; and the Florida State University Police Department Officers Oma "Zack" Nations, Cliff "Roy" Wiley, Parise Adams, and Daniel Cutchins, was a justifiable use of deadly force and thus lawful under the provisions of Florida Statutes Sections 843 and 776. The Grand Jury heard testimony from an expert on law enforcement's use of force training and protocols as well as the investigator of this shooting incident. We heard from both a law enforcement witness and a civilian witness who observed portions of this shooting incident. We heard testimony from the Investigator on the case about the history and background of Myron May. We learned about the actions of Myron May during this incident. We also learned about the physical evidence collected from the scenes in this case, including surveillance video which captured part of this incident.

FACTUAL SUMMARY

On or about November 20, 2014, at approximately 12:06a.m., Myron May entered the lobby of Strozier Library located on the campus of Florida State University at 116

Honors Way in Tallahassee, Florida. May approached an entry turnstile located in the lobby and appeared to try to walk through the turnstile but was denied access and exited the library. At approximately 12:23a.m. May, armed with a handgun, began shooting at students outside the entrance to the library. He shot at one student three times. Two of the shots struck the student, one of which severed his spine causing paralysis, and the other penetrated his chest and lodging 4 centimeters from his heart. Then May shot at a second student. The bullet travelled through that student's clothing, but he was unharmed. Myron May also shot multiple times at a third student, striking his bicycle and backpack and grazing his side. Next May walked back into the lobby of the library where he approached the welcome desk. He walked around the desk where two library employees were hiding. He shot one of the employees in the leg and then attempted to shoot the second employee but encountered a problem with his gun. After pulling the trigger multiple times with no results May walks away from the welcome desk, presumably to reload the weapon or to clear it of a malfunction.

Later, another student came forward to report that he had been outside the library and witnessed part of the shooting. When he arrived home, he realized that his backpack had a bullet lodged inside it.

The first 911 call about this incident was received at 12:24a.m. The first dispatch however, was made by FSU dispatcher Camila Peralta who took a call on a non-emergency line and handled the matter very quickly and professionally. The first officer arrived on scene at approximately 12:27a.m. FSUPD Officer Oma "Zack" Nations challenged May who at that time was still armed and walking back and forth outside the library entrance. Officer Nations repeatedly shouted at May to drop the gun but May did not comply and shook his head indicating no. May said something to the effect of "I'm gonna make you kill me." May then raised his gun in the direction of Officer Nations and fired one shot. Fearing for his safety and the safety of everyone in the area, Officer Nations began firing at May. Several other officers who were present also opened fire at this time. The officers who fired at May include Officer Nations, Sergeant Wiley, Officer Adams, Officer Cutchins, and Officer Staats. May was shot approximately 15 times and was pronounced deceased at the scene.

APPLICABLE FLORIDA STATUTES

Florida Statute 843 states one may not knowingly and willfully resist, obstruct, or oppose any officer in the lawful execution of any legal duty. Once probable cause for an arrest occurs, Section 776.05 Florida Statutes states that a law enforcement officer need not retreat or desist from efforts to make a lawful arrest because of resistance to the arrest.

The officer is justified in the use of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. Florida Statute 776.051(1) states a person is not justified in the use of force to resist an arrest by a law enforcement officer who is known, or reasonably appears, to be a law enforcement officer. Florida Statute 776.012 states a person is justified in the use of deadly force only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another.

CONCLUSION

We find that the law enforcement officers in this case were attempting a lawful arrest of Myron May who was in the process of committing multiple violent felonies. The arrest of May was a lawful execution of a legal duty.

Specifically, we find that all the officers involved in this incident conducted themselves appropriately in accordance with their training and the law when confronted with May's unlawful and dangerous actions. We find that the actions of these officers, specifically those of Officer Oma "Zack" Nations in confronting May were heroic and that without these efforts, May would have caused even more injury and death to the officers and civilians in the area. In addition, we find that the prompt response of FSU dispatcher Camila Peralta probably saved lives.

We find that it was reasonable for the Officers in this case to believe that they, their fellow officers, and civilians in the area were in imminent danger of death or great bodily harm when confronted by May. In light of all the facts and circumstances surrounding this incident, we believe that law enforcement's use of force was justifiable pursuant to their training and the laws of the State of Florida.

THEREFORE, with a quorum present and twelve or more in agreement, we find that the conduct of law enforcement, and specifically the conduct of Tallahassee Police Department Officer Wayne Staats; and Florida State University Police Department Officers Oma "Zack" Nations, Cliff "Roy" Wiley, Parise Adams, and Daniel Cutchins in reference to the shooting of Myron May, was a lawful and justifiable use of deadly force pursuant to Florida Statutes.


Your Grand Jurors say nothing further in these premises.

RESPECTFULLY SUBMITTED this 16th day of December, 2014.



Foreperson



Attest: 
Grand Jury Clerk