

FILED

2010 FEB 24 P 1:01

C-08  
BOB INZER  
CLERK CIRCUIT COURT  
LEON COUNTY, FLORIDA

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

GRAND JURY, FALL TERM 2009/2010

IN RE: Officer Involved Shooting at 1105 East Lafayette Street, Tallahassee, FL, on or  
about January 16, 2010

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

**NO TRUE BILL PRESENTMENT**

THIS MATTER came before the Grand Jury to review the facts and circumstances of the officer involved shooting of Matthew R. Crockett on January 16, 2010. The Grand Jury inquiry is to determine if the use of deadly force by Tallahassee Police Officers was a justifiable use of deadly force and thus lawful under the provision of Florida Statutes, 776.

The Grand Jury heard testimony from the officers of the Tallahassee Police Department and reviewed statements of witnesses reporting the actions of Matthew R. Crockett prior to the shooting. The Grand Jury reviewed evidence, including the weapon used by Matthew R. Crockett.

**FACTUAL SUMMARY**

On January 16, 2010, Tallahassee Police Officers Clay Fallis and James Harris were working an off duty detail at the Moon Nightclub located at 1105 E. Lafayette Street, Tallahassee, Florida. While performing their general police duties for the nightclub, witness Ryan P. Indindoli made contact with Officer Harris. Witness Indindoli told Officer Harris that after he had parked his vehicle in the eastern most grassy parking lot, a white male in the same area of the parking lot had pointed a gun at his friend Charles' head. In

fear for his life Charles ran away. After being notified of this incident, Officer Harris summoned back up. Officer Clay Fallis, along with Officer J. Rudd answered the back up request. All three uniformed officers proceeded to answer this call for service. Indindoli directed the officers to the white male who was seated inside of a blue truck bearing Florida Tag G521XY.

Officers Fallis and Harris approached the suspect vehicle from the rear and Officer Rudd approached it from the front. Officers ordered the suspect located in the drivers seat to "show his hands." Matthew Crockett slid open the rear pass-through window to the truck and displayed what appeared to be a black semi-automatic firearm.

Officers Fallis and Harris then fired and Crockett was shot in the head.

#### APPLICABLE FLORIDA STATUTES

Florida Statute 776.05 states a law enforcement officer need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force which he or she reasonably believes to be necessary to defend himself or herself 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 or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself, herself or another.

#### CONCLUSION

Fortunately for the officers, Crockett's weapon was not real. However, the officers had no reason to believe it was not an authentic firearm. These officers conducted themselves as they were trained, acted bravely and heroically, when confronted with the actions of Crockett.

The officers' actions were authorized by Florida Statute to protect themselves and others from the threatening acts of Crockett. The actions of Crockett posed a threat of death or serious personal injury both to the officers and others.

THEREFORE, with a quorum present and twelve or more in agreement we find that the shooting of Matthew R. Crockett was lawful and a justifiable use of deadly force.

Your Grand Jurors say nothing further in these premises.

RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of February, 2010.

  
Foreperson

Attest: \_\_\_\_\_  
Grand Jury Clerk

In the Circuit Court of the Second Judicial Circuit of the State  
of Florida in and for LEON County FALL Term, 2009

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**THE STATE OF FLORIDA**

vs.

**Officer Involved Shooting @ 1105 E. Lafayette St.,  
Tallahassee, Florida, on or about January 16, 2010**

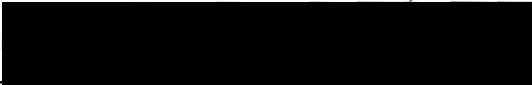
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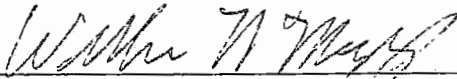
**NO TRUE BILL**

  
Foreperson of the Grand Jury

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This is to certify that the undersigned, as Assistant  
State Attorney, as authorized and required by law,  
has advised the Grand Jury returning this NO TRUE  
BILL.

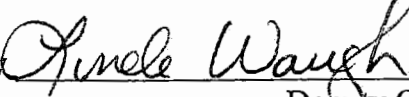
  
AS ASSISTANT STATE ATTORNEY,  
SECOND JUDICIAL CIRCUIT OF FLORIDA,  
IN AND FOR LEON COUNTY, FLORIDA.  
**WILLIAM N. MEGGS**  
**STATE ATTORNEY**

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Presented in open Court by the Grand Jury and filed this  
24<sup>th</sup> day of February, 2010.

Clerk of the Circuit Court

By   
Deputy Clerk

