

FILED

2010 JUN 11 P 12:36

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BOBINZER
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

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

GRAND JURY, SPRING TERM 2010

IN RE: **Officer Involved Shooting at 2115 Owens Street, Tallahassee,
FL, on or about May 31, 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 on June 11, 2010 to review the facts and circumstances of the officer involved shooting of Jerome Ferrier which occurred May 31, 2010 at 2115 Owens Street, Tallahassee, Florida. The Grand Jury inquiry is to determine if the use of deadly force by Leon County Sheriff's Deputies and Tallahassee Police Officers was a justifiable use of deadly force and thus lawful under the provision of Florida Statutes Sections 843 and 776. The Grand Jury heard testimony from several law enforcement officers and reviewed the statement of a lay witness regarding the actions of Jerome Ferrier prior to and during this shooting incident. The Grand Jury reviewed evidence and photographs of the crime scene and the firearm used by Jerome Ferrier.

FACTUAL SUMMARY

On May 31, 2010, Leon County Sheriff's Office received a report from Chastity Williams who advised that her ex-boyfriend, Jerome Ferrier, was armed with a firearm and possibly suicidal. Deputies responded to 2115 Owens Street, Tallahassee, Florida, where they attempted several times to contact Ferrier to check on his welfare. When Ferrier did not come to the door, Deputies made entry into the apartment.

Immediately upon Deputy Shea beginning to open the door, Ferrier opened fire on Deputy Shea and Sergeant Graham. As these deputies ran from the front door,

Ferrier fired several more shots at them and the other officers present. Ferrier shot Lieutenant Blackburn once in the right shoulder. Lieutenant Blackburn fell to the ground and then began returning fire. Blackburn was shot in the shoulder area and the bullet exited his back. Deputy Cutcliff heroically came to the assistance of Lieutenant Blackburn and returned fire as Ferrier continued to fire on the officers. Deputy Shea went to his patrol vehicle to retrieve his rifle. As Deputy Shea made his way back to the building, Ferrier was shooting at him through one of the apartment windows.

At this point, officers from the Tallahassee Police Department were responding to provide back-up. Ferrier fired on these officers as well and Officer Davis returned fire. At this point Sergeant Graham fired two shots into the apartment striking Ferrier once in the right arm. Ferrier fell to the floor but still refused to follow commands insisting that the officers were going to have to come inside and kill him.

Entry was made by the Leon County Sheriff's Office SWAT Team and Ferrier was taken into custody without further incident.

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. And 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 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


We find that the officers' response to check on the welfare of Ferrier was a lawful execution of a legal duty. Ferrier resisted those efforts with violence. Once Ferrier


opened fire, there was probable cause for arrest and the officers were then justified in their use of deadly force to protect themselves against Ferrier's attack. Fortunately, no law enforcement officers were killed during this incident. However, the threat to all the officers on scene is evidenced by the shots fired by Ferrier and the fact that he struck a Deputy Sheriff. He posed a threat of death or serious personal injury to all officers present as well as other citizens in the area. All the officers involved in this incident conducted themselves in a manner which speaks highly of both their training and bravery when confronted with Ferrier's violent and unprovoked actions.

THEREFORE, with a quorum present and twelve or more in agreement we find that the conduct of all officers involved in this incident and specifically the shooting of Jerome Ferrier 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 11th day of June, 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 SPRING Term, 2010

THE STATE OF FLORIDA

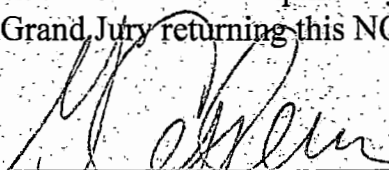
vs.

**Officer Involved Shooting @ 2115 Owens Street,
Tallahassee, Florida, on or about May 31, 2010**

NO TRUE BILL

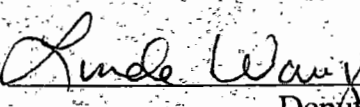
[REDACTED]
Foreperson of the Grand Jury

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

Presented in open Court by the Grand Jury and filed this
11th day of June, 2010.

Clerk of the Circuit Court

By 
Deputy

