

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

GRAND JURY, FALL TERM 2018

IN RE: Officer Involved Death of Eddie Morris in the area of 1346  
Lawndale Road, Tallahassee, FL on or about May 22, 2018.

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 September 27, 2018, to review the facts and circumstances of the officer-involved death of Eddie Morris on or about May 22, 2018 in Tallahassee, Florida. This Grand Jury inquiry is to determine if the use of force by the Tallahassee Police Department (TPD), specifically by Officer Michael Malafronte, was a justifiable use of force and thus lawful under the provisions of Florida Statutes Sections 843 and 776. The Grand Jury heard testimony from: the medical examiner; the investigators of this incident; and law enforcement and civilian witnesses who observed this incident. We heard testimony about the actions of Eddie Morris prior to and during his arrest. We also learned about the physical evidence collected from the scenes in this case.

GRAND JURY  
LEON COUNTY, FLORIDA  
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## FACTUAL SUMMARY

On May 22, 2018, Tallahassee Police Officers were dispatched to a burglary in progress. While in route to the call, the call notes indicated one of the homeowners had the suspect (Eddie James Morris) at gun point. Upon arrival, Officer Mike Malafronte entered the home. By this time, Morris had broken through one of the front windows and crashed into the home screaming about a bear chasing him. He was heard to growl and was not responsive to normal commands. The homeowner, Daniel Wessner, was armed with a handgun and ordering him to stop as he shielded his child.

Officer Malafronte entered and immediately began ordering him to stop and get down on the ground. Morris held a lamp in an aggressive manner and charged trying to hit them with the base of the lamp. Officer Malafronte deployed his Taser, which shot two probes into Morris' clothing. As Morris fell forward, Officer Malafronte attempted to handcuff him and Morris charged out the front door. Officer Scott tackled him and a fight ensued in the front yard. Once outside, Morris continued to show extraordinary strength and to not comply with the officers commands to lay down and stop. Officer Malafronte then shot him a second time with the Taser as he would not release his arms from under his body and would not allow himself to be handcuffed. Other officers arrived and attempted to overpower Morris with little success.

Only after multiple officers physically overpowered and handcuffed him, was Morris physically under control. At this point, they began to address why he was behaving this way.

While Morris was on the ground, he continued moaning. He was

not saying any “real” words. Officers suspected he was experiencing Excited Delirium based on his bizarre behavior, excessive sweating, and his extraordinary strength. They began calling for both an ambulance and for a supervisory paramedic who might have a Narcan injector to counteract the delirium. Officers were able to position him on his side in case he went into cardiac arrest. They retrieved an AED from their patrol vehicles and monitored his breathing until EMS arrived.

Morris was still breathing and handcuffed when EMS arrived. As they began to transport him in the ambulance, he went into cardiac arrest. He was resuscitated and arrived at Tallahassee Memorial Hospital alive. He required CPR and other advanced resuscitative efforts in an attempt to keep him alive.

Upon arrival at the hospital, he was found to have a temperature of 103. He never regained consciousness and died two days later on May 24, 2018. The medical examiner testified that he was found to have large quantities of cocaine and cocaine metabolites within his system. An autopsy was done including extensive toxicological examinations. It was discovered there was no evidence the Taser probes ever actually touched his skin. His death was not related to electrical currents of the Taser, nor the struggle he had with the officers.

The Medical Examiner concluded that Eddie Morris died of complications of cocaine induced Excited Delirium and his behavior on the night of May 22, 2018 was a classic example of Excited Delirium. The toxicological samples both on the night of the incident and at the resulting autopsy are also consistent with death due to Excited Delirium.

The actions of law enforcement and the homeowners did not contribute to his death in any way, though his behavior and delirium made their confrontation inevitable. Excessive cocaine rendered Eddie

Morris delirious and violent toward innocent citizens and law enforcement that attempted to restrain him. The same cocaine eventually caused his heart to stop.

### 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 Officer Michael Malafronte and each of the other Tallahassee Police Department Officers in this case were attempting to make a lawful arrest of Eddie Morris whom they had probable cause to believe had committed a violent felony. The arrest was a lawful execution of a legal duty. Further, Mr. Morris was clearly acting

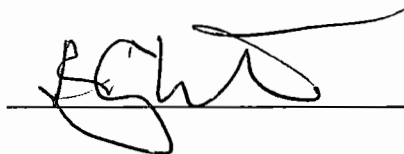
erratically and emergency action was necessary to stop him from further injuring himself or others due to his bizarre behavior and apparent belief that he was being chased by a bear. This belief led him to force entry into a home in the middle of the night and attempt to attack the homeowners and a police officer.

Specifically, we find that Michael Malafronte conducted himself appropriately and in accordance with his training and the law when confronted with Eddie Morris' unlawful and dangerous actions. He immediately stepped between scared and armed homeowners and an out-of-control man. Such an act is heroic. His recognition of a possible medical condition and his actions to save this violent man are in the highest traditions of law enforcement. Sadly that was not possible, and we find that cocaine has claimed another life in Leon County, Florida.

THEREFORE, with a quorum present and twelve or more in we find that the conduct of law enforcement; and specifically the conduct of Michael Malafronte in reference to the death of Eddie Morris, was a lawful and justifiable use of force pursuant to Florida Statutes.

Your Grand Jurors say nothing further in these premises.

RESPECTFULLY SUBMITTED this 27thday of September, 2018.

A handwritten signature in black ink, appearing to be "J. G. H.", written over a horizontal line.

Foreperson

Attest: J. Dawn Lynch  
Grand Jury Clerk