

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

GRAND JURY, SPRING TERM 2006

IN RE: Shooting Death of Abdusalam Nabel Bashimam by Tallahassee
Police Department Officer Richard Pulido on August 18, 2006

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 into the shooting death of Abdusalam Nabel Bashimam, 25 years of age, on August 18, 2006 at about 4:17 a.m. by Officer Richard Pulido, of the Tallahassee Police Department, to determine if the use of deadly force was justifiable and therefore lawful as authorized by Chapter 776, Florida Statutes, and consistent with the conclusion of the investigation conducted by the Tallahassee Police Department. Our investigation included hearing statements from Mr. Bashimam's girlfriend, a Leon County Deputy who was first to arrive after the shooting and police officers who were on the scene shortly after the shooting. We have also examined photographs and diagrams showing the layout of the scene, items of evidence and video evidence from the scene.

FACTUAL SUMMARY

On the morning of August 18, 2006 Abdusalam Nabel Bashimam was driving around Tallahassee in his 1990 red Chevrolet truck along with his girlfriend Melissa

FILED
FELONY DIV.
2006 NOV -6 P 5:12
ERIK INZER
CIRCUIT COURT
LEON COUNTY, FLORIDA

Dixon. They had previously stopped to purchase cocaine and Mr. Bashimam had consumed the cocaine which had been purchased. Shortly prior to 4:17 a.m. Mr. Bashimam and Ms. Dixon were traveling on N. W. Capital Circle and stopped to buy gasoline at the Shell station located at 1699 N. W. Capital Circle. Prior to Mr. Bashimam turning off Capital Circle and into the Shell station Tallahassee Police Officer Richard Pulido was patrolling the area and was driving on Capital Circle behind Mr. Bashimam. As Officer Pulido was following Mr. Bashimam, he had called in the tag number to check and make sure it was valid. As Mr. Bashimam pulled into the Shell station, Officer Pulido continued on N. W. Capital Circle since no information had come back on Mr. Bashimam's vehicle.

After passing the Shell station, Officer Pulido received information that the registered owner of the 1990 Chevrolet truck had outstanding warrants for his arrest. Officer Pulido then turned around and came back to the Shell station to investigate further whether or not the registered owner of the truck, Abdusalam Nabel Bashimam, was in fact the driver of the truck. Officer Pulido pulled into the Shell station and parked behind the 1990 red Chevrolet truck.

Officer Pulido approached Mr. Bashimam and inquired if he was the owner of the truck. Mr. Bashimam advised that he was the owner of the truck. Officer Pulido requested Mr. Bashimam's driver's license and was handed the license. Officer Pulido then called into dispatch to check the driver's license to confirm the outstanding warrants. Once the warrants were confirmed, Officer Pulido advised Mr.

Bashimam that he was under arrest for three warrants out of Colorado.

Officer Pulido grabbed Mr. Bashimam by the arm in an attempt to turn him to face the truck so that Mr. Bashimam could be handcuffed. Mr. Bashimam began to struggle and try to pull away from Officer Pulido. Officer Pulido pulled his pepper spray from his belt and sprayed Mr. Bashimam directly in the face with the pepper spray. The pepper spray had no effect on Mr. Bashimam and he continued to struggle and pull away from Officer Pulido. Officer Pulido attempted to move Mr. Bashimam from the side of the truck to the back of the truck so he could gain more control over Mr. Bashimam. As this was happening, Mr. Bashimam continued to pull away from Officer Pulido and eventually pulled in such a way as to cause Officer Pulido to fall and Mr. Bashimam was able to get away.

Mr. Bashimam ran to the rear of the Shell station with Officer Pulido running after him. Ms. Dixon started the truck and pulled out of the parking lot toward Capital Circle NW at a very high rate of speed. Mr. Bashimam ran around the Shell station building coming out on the north side of the building. As he ran back to the front of the store, the truck is seen pulling onto Capital Circle. Mr. Bashimam waived at the truck then cut through the trees to Commonwealth Boulevard with Officer Pulido in pursuit.

The truck driven by Ms. Dixon turned right on Commonwealth Boulevard and slowed so that Mr. Bashimam could enter the truck. Ms. Dixon opened the driver's side door however Mr. Bashimam ran past the door and jumped into the bed of the

truck. At the same time Officer Pulido emerged from the trees and saw the truck heading in his direction. Officer Pulido pulled his firearm from it's holster and aimed at the truck. When Officer Pulido saw that Mr. Bashimam had run past the driver's door and jumped into the bed of the truck, Officer Pulido ran down the passenger side of the truck and jumped into the bed of the truck as well. Officer Pulido still had his pepper spray in his left hand and his firearm drawn in his right hand at the time he jumped into the bed of the truck.

As soon as Officer Pulido jumped into the bed of the truck Mr. Bashimam confronted him. Both Officer Pulido and Mr. Bashimam were on their knees at this point. Mr. Bashimam grabbed the barrel of Officer Pulido's gun and Officer Pulido grabbed Mr. Bashimam's hand to keep Mr. Bashimam from taking the gun. The truck lurched forward and both Officer Pulido and Mr. Bashimam fell toward the back of the truck bed with Officer Pulido almost falling from the truck.

Officer Pulido and Mr. Bashimam continued to struggle over the gun. Officer Pulido was able to get the gun pointed away from his body and felt he had no choice but to fire the gun to maintain control over it. Officer Pulido fired the gun injuring his own hand as well as Mr. Bashimam. Mr. Bashimam still struggled with Officer Pulido so the Officer continued to fire his gun until Mr. Bashimam stopped struggling with him. A total of three shots were fired at Mr. Bashimam.

Once Mr. Bashimam stopped struggling, Officer Pulido pointed the gun at the back windshield of the truck and ordered Ms. Dixon to stop the truck, which had

been moving throughout the struggle. The truck lurched again and one shot was accidentally fired into the back windshield of the truck striking the frame of the driver's seat. Ms. Dixon stopped the truck and complied with Officer Pulido's orders to turn off the truck, get out and lay down on the pavement outside of the driver's door. Officer Pulido then called for emergency medical services and back up. Less than 1 ½ minutes had elapsed from the time Mr. Bashimam ran from Officer Pulido until the time Officer Pulido announced "shots fired" over the radio.

Autopsy findings revealed that Mr. Bashimam had cocaine as well as alcohol in his system at the time of his death. Mr. Bashimam was shot once in the left hand and this shot is thought to have then traveled through the bed of the truck. Mr. Bashimam was shot once in the right forearm which is believed to also be the shot that then traveled into the right lateral upper chest, exited the chest and then traveled back into the upper chest at midline. The bullet was recovered in the left chest cavity. The third shot to Mr. Bashimam was to the left lower chest which traveled front to back and struck the heart and lung. The bullet was recovered from the left mid back. This last injury is the one which caused Mr. Bashimam's death.

Firing warning shots or attempting to shoot a person in a leg or shoulder is not realistic or practical and poses a danger to the public and increases the likelihood of death or injury to the officer. Officers are trained to resort to deadly force only when it is necessary based on a similar degree of force being directed at them or at other persons. When deadly force is necessary to prevent imminent death or great

bodily harm, all law enforcement officers are trained to shoot at the largest target, generally the center mass of the body, until the threat is stopped. The test on the legal use of force likely to cause death or great bodily harm by any person is whether he or she reasonably believed that such force was necessary to prevent death or great bodily harm.

Florida Statute 776.05 states that 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. An officer is justified in the use of any force which he reasonably believes to be necessary to defend himself while making an arrest.

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 or to prevent the imminent commission of a forcible felony. "Forcible felony" is defined in Florida Statute 776.08 and includes murder, aggravated assault, aggravated battery, and any felony which involves the use or threat of physical force or violence against any individual.

Florida Statute 782.02 states 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.

Florida Jury Instruction 3.6(f) states that in deciding whether a person was justified in the use of deadly force, he must be judged by the circumstances by which

he was surrounded at the time the force was used. The danger he faced need not have been actual; however, to justify the use of deadly force the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, he must have actually believed that the danger was real.

CONCLUSION

The evidence demonstrates that it reasonably appeared to Officer Richard Pulido that the use of deadly force was necessary to prevent his own death or great bodily harm. Abdusalam Nabel Bashimam ran from Officer Pulido when Officer Pulido was attempting to arrest him on three outstanding warrants from Colorado. Mr. Bashimam jumped into the bed of a moving truck and when Officer Pulido followed him into the bed of the truck Mr. Bashimam fought with Officer Pulido over the Officer's gun. Only when Officer Pulido felt his life was being threatened because his gun was being taken from him did he fire. Mr. Bashimam attempted a "forcible felony" listed in Section 776.08 of murder, aggravated battery or aggravated assault by trying to obtain Officer Pulido's firearm.

THEREFORE, with a quorum present we find this was a justifiable homicide
and say nothing further in these premises.

RESPECTFULLY SUBMITTED this 6th day of November, 2006.


Clerk


Foreperson