

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

GRAND JURY, SPRING TERM, 2004

IN RE: Shooting of Leon Rains on August 25, 2004 by
Leon County Sheriff's Department Deputy Sam Bruce

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 shooting of Leo Rains by Leon County Deputy Sheriff Sam Bruce on August 25, 2004 to determine if the use of deadly force was lawful pursuant to Chapter 776, Florida Statutes.

On the morning of August 25, 2004 a woman phoned her employer and whispered for him to have law enforcement come to her apartment but could not describe her problem. Leon County Deputy Sheriff Lee Nicholson responded to 1602 Stuckey Avenue where the woman stepped outside her door and told the deputy that Leo Rains had broken into her apartment that morning and forced her to have sex telling her he had a gun. She said she never saw a weapon but Rains held something hard to the back of her head and she was too scared to look and see exactly what he was holding. Deputies Arlisa Reeves and Sam Bruce arrived as backups and shortly afterwards Rains opened the front door and became involved in a physical altercation with Deputy Reeves while saying to her "I've got a gun." Deputy Bruce assisted Reeves in forcing the door open to attempt to arrest Rains as he broke free and ran into the bedroom. Deputy Bruce was able to prevent the bedroom door from being completely closed by blocking the door with his arm but Rains slammed the door on Bruce's wrist causing him to drop his electric Taser weapon into the bedroom with Rains. Deputy Bruce drew his firearm as he and Deputy Reeves forced their way into the darkened bedroom where they confronted Rains who was standing in the doorway leading into the bathroom. Deputy Bruce reports he approached to about a foot away from Rains when Rains raised what appeared to be a handgun towards him as Deputy Bruce used his left hand to try to knock the weapon away simultaneously firing one shot from his pistol striking Rains in the chest. Rains immediately fell to the floor dropping the

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weapon which was Deputy Bruce's electronic Taser. After hospitalization for his gunshot injury Leo Rains was booked into the Leon County jail on September 30, 2004 on various felony charges and on October 8, 2004 a State Attorney's Information was filed formally charging him with burglary of a dwelling with person assaulted, sexual battery, false imprisonment, battery on law enforcement officers, aggravated assault on an officer, and depriving an officer of weapon.

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

CONCLUSION

The use of deadly force by Leon County Deputy Sheriff Sam Bruce was justifiable and lawful as provided in Chapter 776 of Florida Statutes.

RESPECTFULLY SUBMITTED this 13th day of October, 2004.

Attest:



Foreperson