

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

GRAND JURY, SPRING TERM, 2000

IN RE: Shooting of David Eugene Edmondson
on August 17, 2000 by Tallahassee Police
Department Investigator Hoyt Schmidt

00 SEP 13 PM 3:19
DAVE LANG
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

FILED

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

NO TRUE BILL PRESENTMENT

THIS MATTER came before the Grand Jury for us to review the facts and circumstances of the shooting death of David Eugene Edmondson on August 17, 2000 by Investigator Hoyt Schmidt of the Tallahassee Police Department to determine if this was a justifiable use of deadly force authorized by section 776.05, Florida Statutes, as was the conclusion of the investigation conducted by the Tallahassee Police Department. We agree that it was for these reasons:

FACTUAL FINDINGS

1. On July 30, 2000 Kapplen Henderson and David Eugene Edmondson escaped from the Cook County jail in Adel, Georgia, where each was being held awaiting felony trial. On August 15, 2000 the Cook County Sheriff's Department contacted the Leon County Sheriff's Department and requested assistance in locating and arresting these fugitives and provided information they might be at a West Tennessee Street motel. This was relayed to the Violent Fugitive Task Force consisting of the United States Marshals Service assisted by designated officers of the Leon County Sheriff's Department and the Tallahassee Police Department.
2. Extensive investigation during the next few days resulted in positively identifying both fugitives as having checked out the morning of August 17, 2000 from a Days Inn motel on North Monroe Street. Later that same afternoon officers learned the fugitives were likely to return to the same motel to meet with an acquaintance about 6:00 P.M. who had spoken to Edmondson on a cell phone about setting up a large drug deal.
3. Surveillance was established in the parking lot and surrounding areas of the motel. Officers were briefed as to the criminal histories of the fugitives including carjacking, armed robbery, distribution of controlled substances, resisting officers, and other crimes and

photographs of the defendants were distributed. They were known to be traveling in a gray 1992 Cadillac bearing a Georgia license plate and with damage to the left front fender area. It was also learned that on August 15, 2000 the escapees were in possession of several ounces of powder and crack cocaine wanting to set up an illegal drug business in Leon County and were armed with three 9mm semiautomatic pistols.

4. At about 6:30 P.M. the defendants drove the gray Cadillac into the motel parking lot and approached the office area where the acquaintance/informant in the company of a Deputy U. S. Marshal again positively identified both occupants as the Georgia fugitives. This was relayed to all officers hidden around the area. After pulling into a parking space the defendants then backed out, turned around, and drove towards the northern exit at Callaway Road as both the Callaway and the North Monroe Street exits were sealed off by multiple city and federal law enforcement vehicles with emergency lights activated and visible law enforcement officers. A police van with five officers pulled behind the Cadillac and as it was coming to a stop David Eugene Edmondson opened the passenger door of the Cadillac.

5. As the clearly identified officers jumped from the police van commanding the fugitives not to move and headed towards the Cadillac, the driver Kapplen Henderson ultimately complied but David Edmondson quickly ran with a black object in his hand that resembled the grip or butt of a pistol. With just a few steps eastward he left the paved parking area distancing himself from the closest officer, Investigator Hoyt Schmidt, and started down a steep slope towards a Texaco Station where various persons were present using pay telephones, pumping gasoline, or waiting for the restroom, and towards North Monroe Street where many people were in vehicles backed up from the traffic lights.

6. As Edmondson ran Investigator Schmidt had only a brief moment where the background was such that he could reasonably fire without his shots going onto the occupied paved area of the Texaco Station or into heavy traffic on North Monroe Street. If he had not fired when he did David Edmondson would have been down among innocent persons where in his desperation to escape the officers reasonably believed that he posed a serious threat to public safety. Investigator Schmidt fired striking Edmondson as per his training and his duty to contain the escapee from the public. Sgt. James Fairfield at the side of Investigator Schmidt believed likewise and was in the process of squeezing his trigger to shoot when Edmondson fell before

reaching the populated areas. Immediate emergency medical treatment efforts were started by police officers and paramedics arrived about four minutes later who transported David Edmondson to the hospital where he was pronounced dead.

7. The black object in Edmondson's hand turned out to be a cellular telephone. There was \$1,652 in cash recovered from his clothing. In the Cadillac officers found a HiPoint 9mm pistol loaded with 8 bullets in the driver's floorboard, a Taurus 9mm pistol loaded with 14 bullets on the center of the front floorboard, and a Glock 9mm pistol loaded with 10 bullets in the glove compartment along with 12 more bullets. From the trunk of the vehicle 23 more bullets were recovered and scales commonly used in illegal drug transactions.

APPLICABLE FLORIDA LAW

Florida Statute 776.05 specifies when a law enforcement officer may use force, including deadly force, in making an arrest. An 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 when necessarily committed in retaking felons who have escaped, or when necessarily committed in arresting felons fleeing from justice. This statute does not constitute a defense in any civil action for damages brought for the wrongful use of deadly force unless the use of deadly force was necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning had been given, and, the officer reasonably believed that the fleeing felon posed a threat of death or serious physical harm to the officer or other persons.

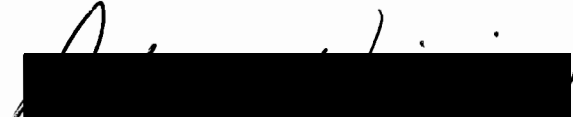
FACTUAL CONCLUSION

David Eugene Edmondson was a felon who had escaped from a Georgia jail facility on July 30, 2000. While in Leon County he and a codefendant were engaged in the felonies of trafficking in cocaine and on August 17, 2000 possession of a firearm by a convicted felon and was fleeing from justice as he ran from officers trying to arrest him. The use of deadly force was necessary to prevent his defeating the arrest by his flight, visual and verbal warnings were given, and Investigator Schmidt reasonably believed that Edmondson posed a threat of death or serious physical harm to the officer or other persons as he fled towards a populated service station and backed up traffic on North Monroe Street. Credible information was received that he had firearms, the cellular phone gripped in his hand as he ran reasonably appeared to be a pistol, and three loaded pistols were found in the vehicle from which he fled. David Edmondson's

inappropriate choice of actions put him clearly within the terms of Florida Statute 776.05 leaving Investigator Schmidt no reasonable choice but to stop him by using deadly force.

THEREFORE having reached this decision following an independent and thorough review of the evidence presented before us by sworn material witnesses including officers from the Tallahassee Police Department, the Leon County Sheriff's Department, the Georgia Bureau of Investigation, and the United States Marshals Service, we find this shooting incident was a justifiable use of deadly force.

RESPECTFULLY SUBMITTED this 13th [REDACTED]


[REDACTED]
Deborah Williams
Foreperson


[REDACTED]
Jury Clerk