

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

GRAND JURY, FALL TERM, 2002

IN RE: Shooting of Steven L. Gibson by Tallahassee Police Officers
Derek Kidd and Tony Gant on December 8, 2002

03 JAN 14 PM 3:41
BOB INZER
CLERK CIRCUIT COURT
LEON COUNTY FLORIDA
FILED
FELONY DIV.

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 of Steven L. Gibson on December 8, 2002 by officers of the Tallahassee Police Department to determine if the use of deadly force was reasonably necessary within the authority of Chapter 776, Florida Statutes, as was the conclusion of the investigation conducted by the Tallahassee Police Department.

Our investigation into this shooting by police officers included our hearing the sworn testimony of citizen witnesses who cooperated with the police investigation by writing a sworn statement and agreeing to a recorded interview. We also heard sworn testimony from numerous police officers including the two who fired shots. We agree with the police investigation conclusion that this was a justifiable use of deadly force for reasons discussed below.

Probable cause was found for officers to arrest Steven L. Gibson for felony battery occurring as Officer Derek Kidd opened the door of the victim's apartment and for aggravated assault on a law enforcement officer as Mr. Gibson accelerated a motor vehicle toward Officer Kidd to flee the scene and avoid arrest when the officers fired their shots.

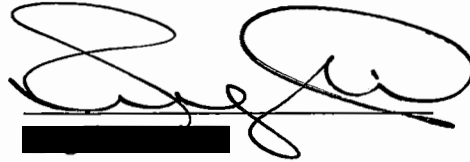
Florida Statute 776.05 states a law enforcement officer need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force which he reasonably believes to be necessary to defend himself or another 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 or to prevent the imminent commission of a forcible felony. Section 776.08 defines "forcible felony" as including aggravated assault and any other felony which involves the use or threat of physical force or violence against any individual.


THEREFORE having reached this decision based on a thorough review of the evidence, we say nothing further in these premises.

RESPECTFULLY SUBMITTED this 14th day of January, 2003.



Foreperson

Attest:


Grand Jury Clerk