



**In re: JAI LATEEF SOLVEIG WILLIAMS
REPORT OF FINDINGS**

28th PROSECUTORIAL DISTRICT

Todd M. Williams, District Attorney

OVERVIEW

On Saturday, July 2, 2016, at approximately 8:12 p.m., I personally requested, via email, that the N.C. State Bureau of Investigation (SBI) conduct a full independent investigation regarding the officer-involved shooting of Jai Lateef Solveig Williams (DOB 7-12-1980) that occurred at the entrance of Deaverview Apartments, located at 275 Deaverview Road, Asheville, North Carolina.

The incident began on Saturday, July 2, 2016, around 7:00 p.m. when according to a Buncombe County event report from dispatch, officers of the Asheville Police Department (APD) received a call for service at Pisgah View Apartments involving a black male subject driving a white older model Cadillac who was actively discharging a rifle. Asheville Police Department Patrol Units responded to a "shots fired" call to locate the suspect.

The SBI conducted a comprehensive investigation. The agency interviewed dozens of witnesses, canvassed Deaverview and Pisgah View Apartments, recovered multiple hours of video, thoroughly photographed the scene and relevant evidence and accumulated extensive pertinent documentation of other facts.

The following is a summary of evidence most informative of the charging decision.

INTERVIEW SYNOPSIS, Asheville Police Department Sergeant Kelly Tyler Radford:

Tuesday, July 5, 2016 at 10:14 a.m.

This interview was video recorded. Asheville Police Sergeant Kelly Tyler Radford was seated in an interview room at the Fletcher Police Department at 10:14 a.m.; the interview commenced at 10:15 a.m. He was interviewed by a Special Agent with the SBI and accompanied by his attorney. The period from 10:14 a.m. until completion of the interview at 1:26 p.m. is preserved by video recording. The recording is part of Sergeant Radford's personnel record and is protected from disclosure by NCGS § 160A-168.

On Saturday, July 2, 2016, Asheville Police Sergeant Kelly Tyler Radford stated that he was working the night shift from 6 p.m. to 6 a.m. At the start of his shift, he was preparing for roll call when dispatch provided notification of a call for service at Pisgah View Apartments. Dispatch stated that a black male subject driving a white older model Cadillac had been "actively discharging ["10-82 long" a rifle] at 1B [building]." Sergeant Radford stated that he and other officers initiated their response to the shots fired call. Radford stated that he left the Asheville Police Substation on Haywood Road and was traveling to the call when he was passed a white sedan matching the description given by dispatch, which was also driven by a black male subject.

Sergeant Radford stated that the original call for service at Pisgah View Apartments indicated the vehicle was a white older model Cadillac.

Sergeant Radford stated that he first noticed a vehicle fitting the description given by dispatch on Haywood Road in West Asheville. Radford stated that he turned around and attempted to get behind the vehicle when it turned right off of Haywood Road and onto Blue Ridge Avenue. Radford stated that Blue Ridge Avenue is a U-shaped road, which circles back to Haywood Road. Radford stated to dispatch he had located a possible subject at approximately 7:10 p.m. Radford provided a North Carolina registration plate number of ECA-5093 and stated on radio to dispatch that the vehicle appeared to be occupied by two individuals. Radford followed behind as the vehicle sped through a stop sign. Radford stated that he turned on his lights and attempted to stop the vehicle. Radford stated that the vehicle did not stop and a chase ensued.

Radford stated that as they approached Deaverview Apartments at speeds exceeding 70 mph, the vehicle slowed down and turned into the entrance of the apartment complex and stopped.

Sergeant Radford stated that he exited his vehicle and drew his pistol while ordering the driver to show his hands. As he drew his weapon, the back passenger door opened and another female stuck her head out and said, "I need you here." Radford stated that he observed the front female passenger struggling with the driver. Radford stated that it was at this time that he holstered his pistol and retrieved his service rifle, a Colt M4 Carbine, caliber 5.56, from the back seat of the marked Asheville Police Department Ford Explorer he had driven to Deaverview.

Sergeant Radford stated that he continued to give commands to the occupants of the vehicle as the back passenger exited the vehicle with a small child and ran. Around this time, the driver's door opened and the driver was seen attempting to get out, but the female passenger appeared to be holding him in the car. Radford stated that he continued to ask the driver to show his hands. Radford stated that the driver appeared to pull away from the passenger, and he saw the driver get out of the vehicle and open the back driver's side door. Radford stated that the driver was looking into the rear seat of the vehicle. While

Radford continued to demand the driver to show his hands, the driver reached into the vehicle and grabbed what Radford recognized to be the butt stock of a rifle and pulled it from within the vehicle. At this moment, Sergeant Radford stated he shouldered his weapon and fired at the driver.

Sergeant Radford stated that he could not remember the number of times he fired his weapon or remember the driver falling to the ground. Radford stated that he radioed to dispatch "shots fired" at approximately 7:13 p.m., and urgently and repeatedly called ten-codes "10-18" and "10-52" to request emergency medical services (EMS) and back up to Deaverview Apartments. Radford stated that no other officers were present on scene to provide assistance when shots were fired. Radford stated that he waited for backup's arrival before assistance and first aid was rendered to the driver. Radford stated that once the scene was secured he requested a supervisor to respond due to it being an officer-involved shooting.

INTERVIEW SYNOPSIS, front passenger, Jane Doe1: Saturday July 2, 2016 at 10:17 p.m.

This interview was video recorded. Jane Doe1 was seated in an interview room at the Asheville Police Department at 7:49 p.m.; the interview commenced at 10:17 p.m. The entire time-period from 7:49 p.m. until completion of the interview at 10:49 p.m. is preserved by video recording. She was interviewed by a Special Agent with the SBI. Jane Doe1's identity will not be disclosed to ensure truthful testimony and candid witness cooperation in other cases.

Jane Doe1 was a front-seat passenger in the car operated by Mr. Williams throughout the event.

Jane Doe1 was Mr. Williams' girlfriend and a passenger in the car. Doe1 stated that earlier in the afternoon she, her one-year old child, Jane Doe2, and Mr. Williams agreed to take Doe1's sister to Pisgah View Apartments to confront Doe1's sister's ex-boyfriend.

While at Pisgah View Apartments, Jane Doe1 stated that, during an argument, Mr. Williams pulled a gun from the car and fired the weapon one time into the air. Doe1 described the gun as big and black with a skinny barrel and looked like a rifle. After the argument and discharge of the firearm, Doe1's sister left the group on foot while Doe1, her child, and Doe2 together left Pisgah View with Williams to return to Deaverview. Williams was driving.

Jane Doe1 stated that after leaving Pisgah View, on the way to Deaverview, the group noticed that police were behind them with blue lights activated. Both Doe1 and Jane Doe2 told Mr. Williams to pull over and reminded Williams that Doe1's child was in the car, but he would not. Williams stated that he was "not going to jail". Williams turned down a side road off Haywood Road, and then sped off in a high speed chase until arrival at Deaverview Apartments. Doe1 stated that Williams was driving so fast that other cars pulled over to allow them to pass.

Upon arrival at Deaverview Apartments with police parked behind their vehicle, Jane Doe1 stated that she attempted to keep him from retrieving the gun from the back seat floorboard behind the driver. Doe1 stated the gun was pointed downward, seated between the "B" pillar or door of the car, and driver's seat.

Once the vehicle came to a stop, Jane Doe1 stated that the officer was giving commands to "put their hands up", however, no one complied with the commands. Doe1 stated that "as soon as he [the officer] said that, he [Mr. Williams] went and reached for the gun." When Doe1 realized Williams' intentions, she grabbed a hold of the gun "because [she] seen the butt of it" to prevent him from gaining control of the

weapon. She stated that during the struggle over the gun she told Williams, “my baby’s in the car, just stop, just stop, just stop.” While doing this, Doe1 saw Jane Doe2 grab her child from the car seat and run from the car.

Jane Doe1 stated that after Jane Doe2 fled the vehicle, Mr. Williams “stepped both his feet out of the car and started pulling.” Once free, Doe1 stated that Williams opened the back door of the car. The gun then fell to the ground from the car. She stated that Williams “facing the police officer, he picked the gun up like he was going to shoot or something . . .” Jane Doe1 stated that at that time Williams was shot and fell to the ground.

Jane Doe1 stated that at the time of the shooting, only one officer was present: “I just know that there was the one back there in the SUV, then they all just came out of nowhere.” Mr. Williams was rendered aid after approximately five minutes. Fire and Emergency Medical Services arrived at the scene a short time later.

Jane Doe1’s interview concluded at July 2, 2016 at 10:49 p.m.

INTERVIEW SYNOPSIS, rear passenger, Jane Doe2: Saturday, July 2, 2016 at 10:29 p.m.

This interview was video recorded. Jane Doe2 was seated in an interview room at the Asheville Police Department at 7:52 p.m.; the interview commenced at 10:27 p.m. The entire time-period from 7:49 p.m. until completion of the interview at 11:34 p.m. is preserved by video recording. She was interviewed by a Special Agent with the SBI. Jane Doe2’s identity will not be disclosed to ensure truthful testimony and candid witness cooperation in other cases.

Jane Doe2 stated she was a witness throughout the event until just before she heard shots fired. She was located in the back-seat, passenger-side of Mr. Williams’ car for most of the events described.

Jane Doe2 stated that sometime during the afternoon hours that same day, she went to the home of her friend and neighbor, Jane Doe1. When Jane Doe2 arrived, Doe1, Doe1’s child, Mr. Williams, and Doe1’s sister were all at the home. Doe2 stated that she is also the godmother of Doe1’s one-year-old child.

Jane Doe2 stated that conversation was made and the group decided go to Aldi’s grocery store before it closed at 7 p.m. She stated it was planned that everyone would ride to the store, then go to Pisgah View Apartments where the group would recover a cellphone that had been taken from Jane Doe1’s sister on an earlier date.

Jane Doe2 stated that everyone got into Mr. Williams’ vehicle and drove to Pisgah View Apartments where they stopped and parked. As the phone was recovered, Doe2 stated that an argument broke out between Williams and another individual over the allegedly stolen phone. Doe2, who was holding Jane Doe1’s child, tried to stop the fight which ended only when the cellphone was finally given to Doe1, who in turn, gave it to her sister.

Jane Doe2 stated that Jane Doe1’s sister left on foot as Mr. Williams, Doe1, her child, and Doe2, got back into Williams’ car and left. Doe2 stated that Williams drove; Doe1 was in the front passenger seat; Doe2 was in the backseat behind Doe1, and Doe1’s child was placed in a car-seat behind Williams.

Once on Haywood Road, Jane Doe2 stated that Mr. Williams spotted a police officer and turned down a side road. The officer followed and a vehicle pursuit began. Jane Doe1 and Doe2 began to yell at Williams to stop but he would not.

Jane Doe2 stated that Mr. Williams drove at high speeds to Deaverview Apartments where Williams abruptly stopped the vehicle near the main entrance. Once the vehicle came to rest, Doe2 stated that Williams said he was “not going back to jail” and immediately reached for a black rifle sitting beside the child’s car-seat. She stated that at this time, “[Jane Doe1] was trying to stop him, like ‘no’, ‘cause he was really about to try to shoot the policeman.” Doe2 stated that the officer was standing outside of his police vehicle giving commands directly behind Williams’ car. She stated that she then opened her door.

Jane Doe2 stated that in an attempt to prevent Mr. Williams from obtaining the gun, Jane Doe1 placed Williams in a chokehold. While the couple in the front seat struggled, Doe2 stated that she thought “what am I supposed to do besides grab her [the child] and go? . . . that was my only thinking.” She then unbuckled the child from the car-seat and fled the car carrying Doe1’s one-year old child. She stated: “I just ran behind the bushes . . . because I didn’t know what to do. I was just in so much shock like ‘oh my god’. I was worried about her [Doe1] but at the same time she was trying to handle him. I couldn’t do that.”

Jane Doe2 stated moments after leaving the vehicle, she heard gunshots. She stated she did not witness the shooting.

Jane Doe2 stated, she believed that Mr. Williams “really tried to shoot the officer and the officer did what he had to do.” Doe2 went on to say that, “To me, the officer was not in the wrong . . . because [Williams] had three people’s life in danger. Three.”

The interview of Jane Doe2 concluded July 2, 2016 at 11:34 p.m.

INTERVIEW SYNOPSIS, Deaverview Apartments eyewitness, Jane Doe3: Saturday, July 25 at 1:35 p.m.

On Monday, July 25, 2016, at 1:35 p.m. an in-person interview was conducted with Jane Doe3. The interview was neither audio nor video recorded. She was interviewed by a Special Agent with the SBI. Jane Doe3’s identity will not be disclosed to ensure truthful testimony and candid witness cooperation in other cases.

On July 2, 2016 at around 7:00 p.m. Jane Doe3 and an unnamed friend were leaving Deaverview Apartments after visiting with a resident. Doe3 stated that she heard a car coming, heard police sirens, and observed a white four-door older model car pull into Deaverview Apartments. Doe3 described the occupants of the vehicle, which included a black male driver and a black female passenger.

Jane Doe3 stated the black male driver appeared to be hitting the black female passenger who was screaming for her child. Doe3 stated the officer was giving verbal commands to “put hands up” and “step out of the car.” Doe3 stated the driver got out of the front seat after approximately one to two minutes and the driver did not put his hands up. Doe3 stated the driver opened up the back door of the car and reached into the car about the crack or “V” formed in between the rear driver’s door and the car itself. Doe3 stated she thought the driver was probably reaching for a gun. Doe3 stated the driver pulled

something black out of the car. She stated it was not a pistol and described the object as bigger than a pistol. Doe3 said it was probably a rifle.

Jane Doe3 stated the driver stood behind the rear door the entire time and never moved in front of the back door. Doe3 stated this explained why there were bullet holes in the rear driver's door.

Jane Doe3 stated the driver reached for the weapon and pulled it up and out from the crack in the door when the officer shot the driver. Doe3 reported she heard approximately seven to eight shots. Doe3 stated the officer said "put your hands up" when the driver got out of the car. Doe3 stated the driver got out of the car quickly and opened the rear door. She stated the driver acted as if police were not even there. Doe3 stated the driver looked like he was moving with a purpose. Doe3 stated she thought the driver was pulling the gun out of the car to hurt someone.

Jane Doe3 stated it was approximately one to two minutes, three minutes at most, when the driver appeared to be struggling with the female passenger of the car. Doe3 stated she thought the driver was in the wrong for resisting arrest, but that police could have done more than just give commands during that time.

Jane Doe3 stated that once the driver got out of the car and had the gun, police "had to do what they had to do".

INTERVIEW SYNOPSIS, Deaverview Road eyewitness, Jane Doe4: Saturday July 2, 2016 at 10:19 p.m.

Jane Doe4 was interviewed Saturday July 2, 2016 at 10:19 p.m. in-person at Deaverview Apartments. The interview was neither audio nor video recorded. She was interviewed by a Special Agent with the SBI. Jane Doe4's identity will not be disclosed to ensure truthful testimony and candid witness cooperation in other cases.

Jane Doe4 stated that she was employed as a food delivery driver. At the time of the shooting, Doe4 was delivering food to nearby apartments. After making her delivery, she was leaving when her attention was drawn to two vehicles. She observed one vehicle described as a cream or tan colored older four-door vehicle, "old school sedan," swerving on the road like it was fleeing from something. Doe4 observed a marked police car behind the vehicle with all of its emergency equipment activated. Doe4 stated that the police vehicle was less than a car length behind the other vehicle. Doe4 stated her music was very loud and she did not hear the siren. Doe4 stated that she was traveling toward Patton Avenue on Deaverview Road. She stated both vehicles passed her and she heard tires squealing as they passed. She stated that the vehicle that was being pursued jumped over a curb; it was obvious that something was happening so she pulled into a driveway past where the incident was taking place. She pulled her vehicle in a way that she could turn in her seat to see what was happening.

Jane Doe4 stated she saw the passenger front door of the vehicle was open and a black male was outside the vehicle. Doe4 stated that the officer had his weapon drawn and was giving verbal commands to the person he had at gunpoint. It was also apparent by the tone and volume that the person the officer was giving the verbal commands to was not doing what the officer was asking. Doe4 stated it was loud and she could also hear sirens coming in the distance. Doe4 stated she then heard six to eight shots fired in rapid succession. Doe4 stated she could not see who fired the shots. Doe4 stated that her telephone was

in her lap and as soon as she heard the shots fired she picked her phone up and began to record the rest of the event.

Jane Doe4 stated that as soon as the shots were fired a big commotion took place near the scene. Doe4 stated that people were running and screaming near the scene. Doe4 observed a black female carrying a child running from the scene.

Jane Doe4 recalled that after she heard the shots she could hear the officer saying, "Don't move, stop moving, put your hands up." Doe4 stated that during the encounter it was obvious that the officer was giving commands and that the person was not obeying those commands. Jane Doe4 stated she originally stopped because she wanted to witness the incident in case a white police officer was stopping a black man just because he was black.

Jane Doe4 stated that, in her opinion, it was obvious the man did not do what the officer said and that that was what caused in the shooting.

Video obtained from Jane Doe4's cell phone: The video was taken a short distance down from the entrance to Deaverview Apartments. Approximately 12 to 13 seconds into the video, the listener can hear a male voice shouting, "Don't move. Put your hands up. Put your hands up." At 46 seconds, seven APD patrol vehicles arrive to the location, parking in various positions. Officers exited their vehicles and can be seen running towards the entrance of the Deaverview Apartments.

SCENE AFTERMATH DESCRIPTION:

The scene, outdoors, was located just off the roadway inside Deaverview Apartments. A white Chevrolet Caprice with North Carolina License Plate ECA-5093 was facing north near a tree and the 4 Building of Deaverview. All four doors were open on the Chevrolet and just outside the driver's door was a Bushmaster Model XM-15 rifle (commonly referred to generically as an "AR-15"). The rifle contained a magazine and the safety was set to "fire."

Parked behind the Chevrolet Caprice was a marked Asheville Police Department Ford Explorer with the two driver's side doors open. On the front driver's side of the vehicle were photo markers, numbered one through eight. These were placed there by an APD officer and showed the locations of .223 shell casings. The Ford Explorer was parked approximately 30' behind the Chevrolet Caprice.

The vehicle was identified as a 1990 Chevrolet Caprice bearing North Carolina registration plate number: ECA-5093. The driver of the vehicle was located beside the vehicle and was identified as Jai Lateef Solveig Williams, DOB: 07/12/1980; Mr. Williams was the registered owner of the vehicle.

THE FOLLOWING RELEVANT ITEMS WERE COLLECTED DURING EVIDENCE PROCESSING AT DEAVERVIEW:

One loaded Bushmaster rifle, Model XM15-E25 #L061045, recovered in close proximity to the Chevrolet Caprice, one round in the chamber and 9 rounds in the magazine, the magazine had a 30-round capacity.

Eight (8) spent .223 caliber shell casings from photo markers 1 through 8 near Asheville Police Department Ford Explorer.

Chevrolet's Passenger's Side Front Seat: Two (2) cell phones from front passenger seat of the vehicle; hammer; Old English Malt Liquor.

Chevrolet's Driver's Side Back Door: Three (3) projectile holes inside to outside, pink child's seat, bottle of Hennessey cognac.

On **November 29, 2016**, at approximately 4:30 p.m., NC SBI received a telephone call from Asheville Police Department. APD stated that a .223 caliber shell casing had been found on the vehicle of Asheville Police Department Sergeant T. Radford while moving it from a secured lot.

At approximately 5 p.m., the SBI responded to the West Asheville Resource Center where the vehicle was parked and met with APD officers. The Vehicle Control Officer with APD stated that he was asked to move the vehicle issued to Sergeant Radford to another parking lot from where it had been parked since July 2, 2016. The Vehicle Control Officer removed leaves from the windshield area of the windshield and located a .223 shell casing. He placed the shell casing back into its original location and notified his supervisor. At approximately 5:15 p.m., SBI Special Agents collected the .223 shell casing from the windshield area of Sergeant Radford's patrol vehicle.

THE FOLLOWING RELEVANT ITEM WAS COLLECTED DURING EVIDENCE PROCESSING AT PISGAH VIEW:

As a result of the search of the area on the south side of the building of Apartment 1-A, Pisgah View Apartments, the following item of evidence was collected:

One spent .223 caliber shell casing from ground near Apartment 1-A, Pisgah View Apartments.

SBI LAB RESULTS:

On July 6, 2016 at 1:44 p.m. the **Bushmaster rifle**, Model XM15-E25 #L061045 and the spent .223 caliber shell casing recovered from Pisgah View Apartments, were submitted to the North Carolina State Crime Laboratory for analysis. Laboratory results from the North Carolina State Crime Laboratory confirmed that the .223 caliber shell casing was discharged from the Bushmaster rifle, Model XM15-E25 #L061045.

On Tuesday, July 12, 2016, a search was conducted on a **black LGL52VL cellular phone**, with the consent from the phone's owner, Jane Doe1. An analysis of Doe1's phone disclosed numerous text message conversations between Doe1's sister's ex-boyfriend and Mr. Williams. The content of the **text messages** referenced several threats suggesting that Mr. Williams and Doe1's sister's ex-boyfriend could "box or shoot it out". References to an **"a r" (AR-15) and a "mac" (Mac 10)** were noted within the text messages. Doe1's sister's ex-boyfriend had another allegedly stolen cell phone that was an issue of dispute at Pisgah View Apartments when Williams fired the Bushmaster XM-15 leading to the "shots fired" call for assistance.

On Friday, November 4, 2016, the SBI and District Attorney's Office simultaneously received documentation related to the **autopsy** of Mr. Williams from The Office of the Chief Medical Examiner. Dr. Patrick Lantz performed the autopsy. Lantz stated that Williams' body had multiple wounds from fragmentation caused by a projectile breaking up when striking him or the vehicle including an **"exiting gunshot of the left wrist."** The Autopsy Report concluded the **cause of death was "multiple gunshot**

wounds of head, chest, abdomen, and extremities” with eight or less entrance wounds. The results of the **Toxicology analysis** indicated the presence of ethanol (**0.12 BAC**) and nicotine in Williams’ blood.

LEGAL ANALYSIS

The law governing the use of deadly force by a law enforcement officer is rooted in the same common law doctrines that are applicable to everyone.

The North Carolina Legislature codified these common law principles, specifically as applied to law enforcement officers, into North Carolina General Statute 15A-401(d), which provides as follows:

- (d) Use of Force in Arrest. -
 - (1) Subject to the provisions of subdivision (2), a law-enforcement officer is justified in using force upon another person when and to the extent that he reasonably believes it necessary:
 - a. To prevent the escape from custody or to effect an arrest of a person who he reasonably believes has committed a criminal offense, unless he knows that the arrest is unauthorized; or
 - b. To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
 - (2) A law-enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:
 - a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force;
 - b. To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or
 - c. To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony. Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

According to this statute, Sgt. Radford’s use of deadly force may be justified for two independent reasons: first, the use of force was necessary to defend himself or a third person from the imminent use of deadly force, and second, the use of force was necessary to prevent the escape of a person who “by his conduct or any other means” presented an “imminent threat of death or serious physical injury” unless apprehended immediately.

The first justification, which is listed in section (d)(2)(a), codifies the common law principles of Self Defense and Defense of Others. Again, these principles apply to everyone, regardless of whether the person using deadly force is a law enforcement officer.

Under North Carolina law, the burden of proof is on the State to prove beyond a reasonable doubt that the defendant (for our purposes this matter, Sgt. Radford) did not act in self-defense. The Supreme Court of North Carolina defined the law of self-defense in *State v. Norris*, 303 N.C. 526 (1981). Under that decision, a homicide is justified if it appeared to a person that it was necessary to kill in order to save himself from death or great bodily harm.

At the time that Sgt. Radford made the decision to use deadly force, he believed that it was necessary to defend himself or others from the imminent use of deadly physical force. This belief was reasonable given the circumstances. Mr. Williams had discharged a firearm at an apartment building, led Radford on a high speed chase through residential districts, and refused to obey repeated commands once his car was stopped. Radford saw a woman and a small child flee from the back seat of the vehicle while Williams was struggling with another woman in the front seat. Most importantly, Radford witnessed Williams pull free of the woman, get out of the car, and then reach back into the vehicle and draw from it a rifle-type firearm later identified to be an assault weapon.

Under these circumstances, Sgt. Radford reasonably believed that the use of force was necessary to defend himself, and perhaps the occupants of the vehicle as well, from imminent death or serious injury. Because of this, his use of deadly force under these circumstances is lawful and specifically justified under section (d)(2)(a).

The second, additional justification is listed in section (d)(2)(b) is applicable specifically to law enforcement officers. Under this provision, if an individual presents an imminent threat of death or serious injury to the community at large, through his conduct or any other means, the statute specifically states that a law enforcement officer is justified in the use of deadly force in that situation.

While the facts of this case may also support the use of deadly force under this second statutory provision, consideration of this prong is unnecessary in light of the strength of the forgoing facts indicating that Sgt. Radford used deadly force in self-defense.

Both statutory justifications for the use of deadly force include the use of all force necessary to end the threat to the individual, third persons, and the community at large. Moreover, it must be noted that Williams possessed a rifle substantially similar to Radford's and equally deadly. In this case, Sgt. Radford fired his service-issued rifle nine times in rapid succession to prevent Williams from being able to discharge his weapon and injure or kill Radford or any others present at the scene. The number of shots fired is not excessive given the clear nature of the threat posed to Sgt. Radford and others.

For all of the forgoing reasons, I have determined, in consultation with my senior staff, that though tragic the fatal shooting of Jai Lateef Solveig Williams by Sgt. Tyler Radford was lawful and justified under the law of the State of North Carolina. The District Attorney's Office is therefore declining to initiate criminal charges against Sgt. Radford.

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ATTACHMENTS (https://drive.google.com/open?id=0BwPpVcbDtX1_bHYySmVONE1PMFE)

Images

- 1: Surveillance capture at Pisgah View Apartment, 7:01.35 pm July 2, 2016;
- 2: Detail of same showing driver's side door;
- 3: Scene photograph at Deaverview Apartments;
- 4: Detail of same;
- 5: Scene photograph of APD vehicle;
- 6: Scene photograph of Chevrolet Caprice;
- 7: Scene photograph of Bushmaster XM-15 taken in proximity to Chevrolet Caprice;
- 8: Scene photograph of driver's rear door of Chevrolet Caprice;
- 9: Scene photograph of driver's door of Chevrolet Caprice;
- 10: Scene photograph of interior front seat of Chevrolet Caprice;
- 11: Scene photograph of interior rear seat of Chevrolet Caprice;
- 12: Scene photograph of exterior windshield of APD vehicle;
- 13: Bystander video.

Documents

- 1: Email to NC SBI;
- 2: Autopsy;
- 3: Firearms forensic laboratory results.

Audio (NOTE: passenger statements voice tone has been altered to conceal their identity and all references to proper names other than the victim's have been redacted);

- 1: Front seat passenger statement 1;
- 2: Front seat passenger statement 2;
- 3: Rear seat passenger statement;
- 4: Dispatch audio with passenger statements.