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GWEN MARSHALL
CLERK & COMPTROLLER
LEON COUNTY, FLORIDA

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

GRAND JURY, FALL TERM 2020

IN RE: Officer Involved Shooting involving suspect Natosha McDade in the area of 2502 Holton Street on or about May 27, 2020.

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

NO TRUE BILL PRESENTMENT

THIS MATTER came before the Grand Jury on September 2nd, 2020 to review the facts and circumstances of the officer involved shooting of Natosha “Tony” McDade [hereafter “McDade”] on or about May 27, 2020 in Tallahassee, Florida. This Grand Jury inquiry is to determine if the use of deadly force by Tallahassee Police Department Officer [REDACTED], was a justifiable use of deadly force and thus lawful under the provisions of Florida Statutes Sections 843 and 776. The Grand Jury heard testimony from an expert on law enforcement’s use of force training and protocols as well as the investigator of this shooting incident, Investigator Amanda Bailey. We heard from Tallahassee Police Department witnesses Officer Trent Roberts, Officer Candice Jernigan, Investigator James Couch, and Information Technology Specialist Jason Lowe. We heard from State Attorney Investigator Jason Newlin. We heard testimony from civilian witnesses including: Jennifer Jackson’s sister, Abigail Jackson; Wanda McDade [hereafter “McDade’s Mother”]; the stabbing victim’s cousin, Jaheim Nixon, who witnessed McDade stab Malik Jackson to death; friend of McDade, Deshavion Lindsey. We reviewed a video of the incident from officer cameras on scene during the shooting. We were not able to review the body worn camera footage from the shooting officer because the officer failed to turn on his camera that day. We did hear from civilians who witnessed McDade’s behavior leading up to and during the incident that caused McDade’s death. We reviewed a video of McDade which was posted on social media. We also learned about the physical evidence collected from, and photographs of, the scenes in this case. And we heard from the medical examiner, Dr. Lisa Flannagan.

FACTUAL SUMMARY

We are the Leon County Grand Jury for the Fall term of 2020. We are 21 members of this community. We have heard testimony from Clerk of Court Gwen Marshal on how we were summoned. We were randomly selected from the rolls kept by the Florida Department of Highway Safety and Motor Vehicles for adults with either driver's licenses or ID Cards residing in Leon County. Our only criteria for being selected was our willingness to serve for the next six months and our agreement to follow the law. We range in age from 20 to 69. We include a mix of men and women of Caucasian, Black, and Asian descent. We include a student, a retired law enforcement officer, an attorney, IT professionals, state workers, and healthcare professionals. Our decisions are based on the sworn testimony and physical evidence that we reviewed. We endeavor to apply these facts to the law in a way that is wise and just.

On May 26, 2020 at around 8:15pm, Tallahassee Police Department responded to 2261 Saxon Street in Tallahassee, Florida regarding 39-year-old McDade who entered Jennifer Jackson's residence and displayed a handgun and a knife. This incident resulted in a physical altercation involving McDade, the son of McDade's ex-girlfriend (Malik Jackson), and several other people. McDade fled before law enforcement's arrival. Only the trespassing, and not the physical altercation, was reported to law enforcement at this time. A portion of the altercation was recorded, posted onto social media, and eventually provided to police after the officer-involved shooting incident. In the video, McDade is slammed to the ground, kicked and punched.

Approximately two hours later around 10pm, police returned to 2261 Saxon Street in response to a complaint that McDade was in the driveway of the residence brandishing a handgun and yelling "I'm gonna get you" to Malik Jackson. Again, McDade was not present at the scene upon the arrival of law enforcement.

A few hours later at approximately 1:05am on May 27, 2020, McDade broadcast a Facebook Live video in which McDade discussed McDade's relationship with Jennifer Jackson, the altercation with Jennifer Jackson's family members, and vowed to kill members of Jennifer Jackson's family before engaging in a suicide-by-cop shootout with police. This recording includes the following statement from McDade: "This is Tony the Tiger, all alone, coming for your blood. And after I get to killing you bitches, I am going to get back on Live, if I have the opportunity, because I will not be going back to prison. Me and the law will have a standoff after I end you bitches' lives, because I am fed up."

Approximately ten hours later at 10:45am on May 27, 2020, McDade approached 19-year-old Malik Jackson who was seated in his vehicle in the

driveway of his residence and began stabbing Jackson through the open driver's door, causing injuries that resulted in Malik Jackson's death. Another occupant of the vehicle was able to take the knife from McDade and stab McDade several times, causing non-lethal injuries to McDade. At that point, McDade displayed a handgun and fled the scene on foot. Law enforcement arrived at the scene of the stabbing at 10:46am. At 10:48am a BOLO (be on the lookout) was issued for a bald black female in a black shirt armed with a gun and a knife who had just stabbed someone.

After fleeing the scene, McDade called McDade's Mother and said McDade had been involved in a stabbing. McDade's Mother drove to McDade's location on Holton Street, but police arrived there and located McDade before she could pick up McDade. Tallahassee Police Officer Trent Roberts arrived in a marked patrol vehicle, wearing a standard police uniform, and wearing a functioning body-worn camera. Upon arrival, Officer Roberts was approached by McDade's Mother who reported that McDade was suicidal. As Officer Roberts was assessing the situation, he heard loud noises and recognized that the noises were Officer [REDACTED] giving loud verbal commands in a very animated or frightened tone of voice. Officer Roberts then observed McDade in a shooting stance approximately 10-15 yards from Officer [REDACTED] while walking purposefully towards Officer [REDACTED]. Next, Officer Roberts heard Officer [REDACTED] fire his handgun. Officer Roberts was fearful for his own life as well as for the life of Officer [REDACTED]. Officer [REDACTED] fired 7 shots, striking McDade 3 times. One of the bullets struck McDade in the abdomen causing internal injuries that resulted in McDade's death. McDade fell to the ground and Officer Roberts assisted in securing McDade and moving McDade's gun from where it came to rest near McDade's head. The report of shots fired and suspect down was made at 10:59am, within seconds of the officers' arrival on scene. Life-saving efforts were performed on McDade on scene but McDade could not be resuscitated. Immediately after the shooting, Officer [REDACTED] can be heard on Officer Roberts' body-worn camera stating that McDade had a gun.

Officer [REDACTED] arrived on Holton Street in his separate marked patrol vehicle at 10:59am. As soon as Officer [REDACTED] arrived, McDade began walking towards Officer [REDACTED] patrol car. Officer [REDACTED] was dressed in a marked uniform that readily identified him as a law enforcement officer. Officer [REDACTED] uniform was equipped with a body worn camera, which officers are required per Tallahassee Police Department policy to turn on when they begin each shift. There is no footage from Officer [REDACTED] camera because Officer [REDACTED] failed to power up his camera that morning. McDade's Mother witnessed McDade raising McDade's hand in a shooting position in the direction of Officer [REDACTED] and heard Officer [REDACTED] giving McDade loud verbal commands. McDade had indicated to McDade's Mother that McDade was suicidal, and McDade's Mother indicated that McDade may have been ready to end McDade's life when McDade

confronted law enforcement in the manner McDade did.

Video evidence from the scene shows that a crowd began to assemble after this shooting incident. The crowd was shouting things such as “Fuck the police” and referring to the officers as “crackers.” Several witnesses from the crowd gave statements on scene alleging that Officer ██████ jumped out of his car and shot McDade for no reason. All of these known witnesses were under subpoena to appear to testify before the Grand Jury. Transportation to court was available to be provided to these witnesses. Only one of these witnesses, Deshavion Lindsey, appeared in court. Deshavion Lindsey testified that he was with McDade after the stabbing incident. McDade was bleeding from the shoulder area and asked to use his phone to call McDade’s Mother. Shortly thereafter, McDade’s Mother arrived, and Lindsay and McDade were talking to McDade’s Mother near McDade’s Mother’s vehicle. A police car approached, an officer got out, said “A,” and then the officer immediately began shooting. Lindsey indicates he was approximately 5 feet from McDade when McDade was shot. Per Lindsey the officer continued shooting after McDade had fallen to the ground. Lindsey testified that at no point did he see anything in McDade’s hand, nor did McDade raise McDade’s arms in any way consistent with having a weapon. Officer Roberts’ body worn camera refutes Lindsey’s version of events in that the footage shows McDade does raise McDade’s arm consistent with the testimony of McDade’s Mother and Officer Roberts. In addition, the video evidence refutes Lindsey’s assertion that he was 5 feet from McDade when McDade was shot. The footage shows that nobody was near McDade at the time of the shooting.

APPLICABLE FLORIDA STATUTES

Florida Statute 843 states one may not knowingly and willfully resist, obstruct, or oppose any officer in the lawful execution of any legal duty. Once probable cause for an arrest occurs, Section 776.05 Florida Statutes states that a law enforcement officer need not retreat or desist from efforts to make a lawful arrest because of 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.

CONCLUSIONS REGARDING USE OF FORCE

We find that the law enforcement officers in this case were lawfully attempting to investigate the stabbing of Malik Jackson. Investigating the crime committed against Malik Jackson was a lawful execution of a legal duty. Once Officer [REDACTED] was confronted with an armed subject fitting the description of the stabbing suspect, the situation quickly evolved into a self-defense situation for Officer [REDACTED]. McDade's actions of pointing a gun at Officer [REDACTED] while advancing to within 10-15 yards of the officer constituted an Aggravated Assault on a Law Enforcement Officer with a Firearm and created a situation which reasonably put Officer [REDACTED] in fear of imminent bodily harm or death. McDade's actions coupled with the information that McDade had just stabbed someone, gave Officer [REDACTED] a reason to believe he was about to be shot or killed. This belief is further substantiated by the statements McDade made on Facebook about planning to harm others and then get in a shoot-out with the police.

We find that McDade's actions made necessary the deadly force used by Officer [REDACTED]. Specifically, we find that the use of deadly force by Officer [REDACTED] in this incident was appropriate in accordance with the law and in compliance with the training provided to all law enforcement officers. We thank Officer [REDACTED] for his willingness to put himself in harm's way in service to our community.

THEREFORE, with a quorum present, we unanimously find that the conduct of law enforcement, and specifically the conduct of Officer [REDACTED] in reference to the shooting of Natosha "Tony" McDade, was a lawful and justifiable use of deadly force pursuant to Florida Statutes.

CONCLUSIONS REGARDING FAILURE TO TURN ON BODY WORN CAMERA

We find that Officer [REDACTED] failure to turn on his body worn camera before beginning his shift on May 27, 2020 was a failure to comply with Tallahassee Police Department policy, and this failure should be handled internally by his Department. We find no evidence that Officer [REDACTED] deliberately failed to turn the camera on, or that he tampered with evidence in this case in any way. We learned that officers do not have the access to alter or delete existing video in any way. We also learned that there is no evidence to suggest that this particular Officer had a history of failing to power up his camera. However, in order to avoid this type

of failure in the future, we do recommend to Tallahassee Police Department that they review all body-cam policies and procedures, investigate any failsafe measures that could be added to prevent this type of failure in the future, and audit all the body-cam equipment routinely, rather than maintaining the current practice of spot-checking the equipment.

Your Grand Jurors say nothing further in these premises.

RESPECTFULLY SUBMITTED this 3rd day of September 2020.

Attest
Grand Jury Clerk



Foreperson