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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 Wilbon Woodard in the area of 2698 North Monroe Street on or about May 19, 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 1st, 2020 to review the facts and circumstances of the officer involved shooting of Wilbon Woodard on or about May 19, 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 Dan Warren. We heard testimony from Richard Haines, the victim of the initial altercation with Woodard; and Casey Durrance, who observed the initial altercation between Woodard and Haines. We also heard testimony from law enforcement Officer DeGraw and watched videos of the incident from officer-worn cameras which captured the shooting in great detail. We examined crime scene photographs of the scene. We learned about the actions of Wilbon Woodard leading up to and during this incident. We also learned about the physical evidence collected from the scene in this case.

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 the 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 health care professionals. Our decisions are based on the sworn testimony and physical evidence that we reviewed. We endeavor to apply these facts to the laws for the State of Florida in a way that is wise and just.

On May 19, 2020, a 911 call was placed by a cashier at the Circle K located at 2683 North Monroe Street in Tallahassee, Florida regarding a man who was bleeding and needed help. Tallahassee Police Department Officers Elijah DeGraw and [REDACTED] responded and contacted Richard Haines who reported that he had been attacked by a man across the street in the parking lot of the China Super Buffet. Per Haines, the suspect who he knew as "William" but who was later identified as Wilbon Woodard, tried to gouge his eyes out and was threatening Haines and others with a knife.

Witness Casey Durrance was later located and confirmed Haines' version of events stating he observed the suspect in the China Super Buffet parking lot. Per Durrance, the suspect appeared to be mentally disturbed, did engage in a physical altercation with Haines causing Haines' injuries, and did threaten him (Durrance) with a large hunting-style knife.

Officer DeGraw remained with Haines who was receiving medical attention while [REDACTED] went across the street to retrieve Haines' phone for him. [REDACTED] arrived in the parking lot and exited his marked patrol vehicle wearing a standard police uniform including readily visible badge. Both [REDACTED] vehicle and uniform made him readily recognizable as law enforcement. Both [REDACTED] and his vehicle would have been visible to suspect Woodard from Woodard's position in the bushes. [REDACTED] detected the presence of Woodard in the bushes and partially illuminated Woodard with his flashlight ordering Woodard to "come out." [REDACTED] was not able to see Woodard's right hand and suspected Woodard may be in possession of a weapon.

Next, Woodard charged towards [REDACTED] at which time [REDACTED] saw a large hunting-style knife in Woodard's right hand. [REDACTED] repeatedly yelled for Woodard to drop the knife, but Woodard continued to advance towards the Officer with the knife in an aggressive manner whereby [REDACTED] fires two rounds at Wilborn. At this point Wilborn continues to advance towards [REDACTED] and says "I'll kill ya." [REDACTED] ultimately fired a total seven shots while backing up before Woodard fell to the ground. Woodard was struck with five of the rounds fired by [REDACTED]. Woodard was pronounced deceased on scene from

his injuries which included a lethal gunshot wound to the head. Woodard's knife came to rest near Woodard's body. The knife was a hunting-style knife with a long fixed blade.

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.

CONCLUSION

We find that the law enforcement officers in this case were lawfully attempting to assist Richard Haines who was a victim of Wilbon Woodard. Assisting Haines and investigating the crime committed against him was a lawful execution of a legal duty. The complaint of Battery and/or Aggravated Assault with a Knife was a lawful reason for the Tallahassee Police Department to go to the area of the China Super Buffet to recover the victim's phone, investigate the reported crimes and/or potentially make an arrest.

Woodard's decision to possess a knife, to conceal himself and his weapon, and to charge towards [REDACTED] with the knife constituted a felony and created a situation in which [REDACTED] was reasonably put in fear of imminent bodily harm or death. We learned that officers are trained to keep a certain amount of distance from a subject to maintain officer safety. Woodard charged well-within what could be considered a safe distance for [REDACTED] – and he did so with a very imposing weapon that he appeared ready to use on [REDACTED]. Woodard's final words were "I'll kill ya."

We find that Woodard's actions made necessary the deadly force used by [REDACTED]. Woodard ignored [REDACTED] repeated lawful orders to drop his weapon and gave every indication through his words and actions that he intended to kill [REDACTED].

Specifically, we find that all the officers involved in this incident conducted themselves appropriately in accordance with their training and the law when confronted with Woodard's unlawful and dangerous actions. We find that the actions of the officers involved in this matter, specifically those of [REDACTED] [REDACTED] were appropriate and in compliance with the training provided to all law enforcement officers. We thank [REDACTED] for his willingness to put himself in harm's way in service to our community.

We find that it was reasonable for [REDACTED] to believe that he, his fellow officers, and/or civilians in the area were in imminent danger of death or great bodily harm when confronted by Woodard. In light of all the facts and circumstances surrounding this incident, we believe that law enforcement's use of force was justifiable pursuant to their training and the laws of the State of Florida.

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

Your Grand Jurors say nothing further in these premises.

RESPECTFULLY SUBMITTED this 1st day of September 2020.

Attest: [REDACTED]
Grand Jury Clerk

[REDACTED]
Foreperson