



Aramis D. Ayala
State Attorney
Ninth Judicial Circuit
Orange and Osceola County, Florida

Deborah Barra
Chief Assistant State Attorney

Kamilah L. Perry
Executive Director/General Counsel

Harold V. Bennett III
Deputy Chief Assistant State Attorney

DATE: December 14, 2018
TO: John Mina, Sheriff, Orange County, Florida
FROM: Deborah Barra, Chief Assistant State Attorney
RE: Florida Department of Law Enforcement Investigative Case #OR-27-0310 – Use of Force Review regarding Orange County Corporal Randy Hovland and Sergeant Bruce Vail

I have completed a review of the investigation into the use of deadly force by Orange County Sheriff Sergeant Bruce Vail and Orange County Sheriff Corporal Randy Hovland. The incident occurred within the Ninth Judicial Circuit of Florida on April 20, 2018. The Office of the State Attorney received the case on August 16, 2018. Based upon the sworn statements of the people present and the physical evidence found at the crime scene, the following facts have been established.

On the date mentioned, Sgt. Vail and Cpl. Hovland were members of the Felony Squad. That squad was tasked to apprehend James Bauduy. Mr. Bauduy was a suspect in a murder, attempted murder, and carjacking and was believed to be armed.

Sgt. Vail received information regarding Mr. Bauduy's location and he, along with Cpl. Hovland and other members of the Felony Squad, approached Mr. Bauduy to apprehend him. Cpl. Hovland and Sgt. Vail repeatedly gave verbal commands identifying themselves as police and ordered Mr. Bauduy to "get on the ground." Mr. Bauduy ignored their commands and ran. Sgt. Vail prepared to engage in a foot pursuit when Mr. Bauduy stopped running and turned towards Sgt. Vail. Sgt. Vail identified an object in Mr. Bauduy's hand and saw Mr. Bauduy raise that object as if he was about to fire a firearm at him. In response, Sgt. Vail fired one round from his agency issued firearm.

Cpl. Hovland also saw Mr. Bauduy turn towards Sgt. Vail with an object in his hand. Cpl. Hovland described the object as "black with silver on top". Cpl. Hovland believed the object to be a firearm and then heard a shot fired. In response, Cpl. Hovland fired three rounds from his agency issued firearm.

Mr. Bauduy suffered multiple gunshot wounds and ultimately died from a gunshot wound to his pelvis. A loaded firearm magazine was found in close proximately to Mr. Bauduy. DNA testing concluded that Mr. Bauduy's DNA was on the magazine as well as the live rounds contained in the magazine. The evidence also shows a portion of the magazine became imbedded in his right hand, supporting the fact that the magazine was the object Mr. Bauduy carried in his hand and raised towards the direction of Sgt. Vail.

Given the totality of the circumstances, it is my opinion the actions of Sgt. Vail and Cpl. Hovland were in response to what they reasonably believed to be a deadly threat. Therefore, no criminal charges will be filed by the State Attorney's Office pertaining to the actions of either law enforcement officer.

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