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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: January 3, 2020
To: John Mina, Sheriff of Orange County
From: Deborah Barra, Chief Assistant State Attorney
Re: Orange County Investigative Case # OCSO, 19-014666, Use of Force Review regarding the following Law Enforcement Officers from the Orange County Sheriff's Office:

Deputy Sheriff Bethany Rising
Deputy Sheriff Kyle Brenard
Deputy Sheriff Nicholas Gramazio

RECEIVED

JAN 10 2020

Office of the Sheriff

RECEIVED

JAN 15 2020
OCSO

PROFESSIONAL STANDARDS DIVISION

I have completed a review of the investigation into the use of deadly force used by the above-listed law enforcement members of the Orange County Sheriff's Office on February 13, 2019. It has been determined that these members of your agency fired firearms during an engagement at Citra at Windermere Apartments. This incident occurred within the Ninth Judicial Circuit of Florida. The evidence concerning this engagement was received by the State Attorney's Office on May 1, 2019. Based upon the sworn statements of the individuals present, ballistic evidence, video evidence and physical evidence at the scene, the following facts have been established.

On February 13, 2019, the above-listed members of law enforcement responded to a 911 call. The 911 caller advised "a woman was being dragged by her hair". Deputy Brenard was first on the scene and witnessed a female and a male matching the descriptions of the parties involved. Both parties were in a one-car garage that contained a yellow Chevrolet Camaro. Deputy Brenard repeatedly attempted to call both parties out of the garage, but neither party complied with his commands. The male (later identified as LaForest Gray), refused to show his right hand throughout the verbal encounter with Deputy Brenard.

Acting Corporal Bethany Rising, Deputy Gramazio and Deputy Martin arrived on scene to assist Deputy Brenard. All four deputies continued to make numerous verbal attempts to have the female (later identified as Rachel Gray) and Mr. Gray exit the garage. They did not comply. The deputies made the decision to go into the garage and physically remove Mrs. Gray for her own

safety. The deputies approached, and Deputy Martin pulled Rachel out of the garage. As Rachel Gray was being moved to the driveway, Mr. Gray raised his right hand and fired his firearm in the direction of the deputies. Deputies Brenard, Gramazio and Cpl. Rising returned fire. Approximately 22 shots were fired by the three deputies towards Mr. Gray. Mr. Gray ducked behind the vehicle for cover and was not injured by the gunfire.

Mr. Gray remained in the garage and refused to comply with the verbal commands of "come out and show us your hands" given by law enforcement. Shortly after the deputies returned fire, Mr. Gray made a quick "pop-up" motion from behind the vehicle that appeared to be an attempt to again fire upon the deputies. In response to this motion, Cpl. Rising fired one additional round towards Mr. Gray. Mr. Gray was not injured.

Approximately 40 minutes after the initial contact between Mr. Gray and Deputy Brenard, Mr. Gray walked out of the garage. Deputies attempted to take Mr. Gray into custody, but he resisted their attempts to handcuff him. A K-9 was utilized to assist in the apprehension of Mr. Gray and he was eventually taken into custody.

It is very clear that at the time the deputies fired their weapons at Mr. Gray, Mr. Gray had already pointed and fired his weapon at them. Therefore, it was reasonable for all of them to believe their lives and the lives of each other were in danger. As a result, it is my finding that every time each member of your agency fired their weapon their actions were justifiable and therefore, no criminal charges will be brought forth regarding their use of force.

It is also clear Mr. Gray resisted arrest. The use of force utilized to gain control over Mr. Gray and get him in handcuffs was reasonable and therefore no criminal charges will be brought forth against any officer involved in the apprehension of Mr. Gray.

Please let me know if you have any questions or need additional information.

Thank you,

A handwritten signature in black ink, appearing to read 'D Barra', with a long horizontal line extending to the right.

Deborah Barra
Chief Assistant State Attorney