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RECEIVED

Date: January 16, 2020 JAN 17 2020

TO: John Mina, Orange County Sheriff

From: Deborah Barra, Chief Assistant State Attorney

RE: Florida Department of Law Enforcement Investigative Case # OR-27-0342

OC SO CQ
PROFESSIONAL STANDARDS DIVISION

I have completed a review of the investigation into the use of deadly force used by Orange County Sergeant Merlin Ghobrial which resulted in great bodily injury to Latarious Oliver.

The incident occurred within the Ninth Judicial Circuit of Florida on April 11, 2019. The case was submitted to the Office of the State Attorney by the Florida Department of Law Enforcement on July 12, 2019. Based upon the sworn statements of the people present and the physical evidence at the scene, the following facts have been established.

On the date of the incident, Sergeant Ghobrial was at a Race Track convenience store and about to pump gas when he heard a dispatch call regarding a man waiving a firearm at a nearby intersection. Civilian witness Michelle Wright was on the phone with 911 updating the information regarding the location and description of the suspect. Ms. Wright also provided information regarding the firearm that she had witnessed in the suspect's hand.

Sgt. Ghobrial left the gas station and proceeded to look for the suspect in his unmarked police car. Shortly thereafter, Sgt. Ghobrial spotted the suspect (later identified as Latarious Oliver) at a nearby intersection. Deputy Jonathan Velez, who was driving a marked Sheriff's Office patrol car also spotted the suspect and was turning around his vehicle to make contact.

Sgt. Ghobrial was first to pull over a short distance from Mr. Oliver. It's important to note that Sgt. Ghobrial is a sergeant in the Aviation Unit and was in the standard uniform issued to that unit. The uniform consists of a green flight suit and a tactical vest over the flight suit that has "Sheriff" printed in large lettering across the front and back of the vest.

As Sgt. Ghobrial was getting out of his car, Mr. Oliver was walking towards him with items in his hand. Sgt. Ghobrial stepped fully out of his vehicle and gave Mr. Oliver verbal commands to put the items down and for Mr. Oliver to get on the ground.

Upon seeing Sgt. Ghobrial, Mr. Oliver placed the items in his hands on the ground. However, prior to getting on the ground, Mr. Oliver used his left hand to pull up his shirt and quickly used his right hand to pull the firearm from his waistband. Upon seeing Mr. Oliver reach for the firearm, Sgt. Ghobrial fired one shot. The shot struck Mr. Oliver in the right arm causing Mr. Oliver to go down to the ground. Sgt. Ghobrial was able to kick the firearm from Mr. Oliver's hand and he was able to place Mr. Oliver in handcuffs. It was later determined that the firearm was a realistic looking toy gun.

Given the totality of the circumstances, it is my opinion that when Sgt. Ghobrial fired his weapon, he was firing in response to what he reasonably believed was a deadly threat to himself and others. As a result, there will be no criminal charges brought forward pertaining to the actions of Sgt. Ghobrial.



Deborah Barra, Chief Assistant State Attorney