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RECEIVED

FEB 24 2020

OCSO

PROFESSIONAL STANDARDS DIVISION

Date: February 24, 2020
To: John Mina, Sheriff of Orange County
From: Deborah Barra, Chief Assistant State Attorney
Re: Florida Department of Law Enforcement Investigative Case # OR-27-0345, Use of Force Review regarding the following Law Enforcement Officers from the Orange County Sheriff's Office:

Corporal Stephen Lee
Deputy Sheriff Jonathan Hill
Deputy Sheriff Timothy Epps
Deputy Sheriff Novel Phillip

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 May 1, 2019. It has been determined that these members of your agency fired firearms during an incident at 1504 Majestic Oak Drive in Apopka. This incident occurred within the Ninth Judicial Circuit of Florida. The evidence concerning this engagement was received by the State Attorney's Office on September 17, 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 May 1, 2019, the above-listed members of law enforcement responded to the area of 1504 Majestic Oak Dr. in reference to a noise disturbance. At the time of their arrival, none of the responding deputies heard loud noise. Corporal Lee, Deputy Hill and Deputy Epps spoke with a neighbor who advised that loud noise, late at night, was an ongoing issue from the individuals who reside at house number 1504. After speaking with the neighbor, all three deputies approached the identified residence. While walking up to the door, Deputy Phillip arrived in his marked patrol car

and joined them on scene. All the deputies were wearing standard issued green uniforms that identified them as deputy sheriffs.

Deputy Hill knocked on the front door of the residence. While standing on the porch area, he could observe a white male through the glass panel of the door. He specifically saw the male (later identified as Eric Schmidt) grab an object from the mantel over the fireplace and walk towards the front door carrying that object in his hand. Deputy Hill, assuming it was a firearm, gave the following repeated commands to Mr. Schmidt: "Put the object down!", "Don't open the door with that gun!", "Put that gun down!", and "Let me see your hands!" Mr. Schmidt ignored all commands and exited his residence with the object still in his hand. Once he exited and was illuminated by lighting, it was clear the object in his hand was a firearm. Mr. Schmidt then raised the firearm and pointed it in the direction of Deputy Hill and the other members of law enforcement.

As a result of Mr. Schmidt pointing his firearm in the direction of the uniformed deputies, and his blatant disobedience of lawful commands, Deputy Hill fired approximately 14 rounds, Corporal Lee fired approximately 6 rounds, Deputy Phillip fired approximately 4 rounds and Deputy Epps fired approximately 14 rounds at Mr. Schmidt.

Once the firing began, Mr. Schmidt attempted to retreat inside his residence. Mr. Schmidt was struck several times by projectiles and was knocked to the floor just beyond his front door. When deputies approached, they located and secured Mr. Schmidt's firearm. The deputies then provided medical aid and had Mr. Schmidt transported to the hospital. Mr. Schmidt was treated for multiple gunshot wounds and ultimately released from the hospital.

At the time the deputies fired their weapons at Mr. Schmidt, Mr. Schmidt was pointing a firearm in their direction. 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.

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

Thank you,



Deborah Barra

Chief Assistant State Attorney