

# Florida Department of Law Enforcement

Case Number: DB-27-0044

## *Seventh Judicial Circuit of Florida*



### *Investigative Summary:*

Police Use of Force

Holly Hill Police Department

Incident Date: October 22<sup>nd</sup>, 2012

Case Agent:

Special Agent Josh Mead

**VICTIM:**

**Michael Jon Morrison  
805 South Flamingo Drive  
Holly Hill, FL 32117  
White/Male  
DOB: 01/13/1956**

**LAW ENFORCEMENT:**

**Corporal Matt Armstrong  
1065 Ridgewood Ave.  
Holly Hill, Florida 32117**

**INCIDENT LOCATION:**

**805 South Flamingo Drive  
Holly Hill, Florida 32117**

## **INVESTIGATIVE SUMMARY**

### **FDLE Response to Scene**

**(IR-1)**

On October 22nd, 2012, at approximately 3:40 AM, Florida Department of Law Enforcement (FDLE) Special Agent (SA) Josh Mead received a telephone call from the Florida Fusion Center in reference to an officer involved shooting. During the call, SA Mead learned that a suspect in a Daytona Beach Police Department (DBPD) domestic violence investigation, Michael Morrison, had pointed a handgun at Corporal Matt Armstrong from the Holly Hill Police Department (HHPD). As a result, Corporal Armstrong fired his weapon, wounding Morrison in the back. Morrison was subsequently transported to Halifax Medical Center in Daytona Beach, Florida. The medical examination revealed that the round struck Morrison on one side of the back then exited near the other side of his back. The wound was described as non-life threatening.

Assisting in the Investigation were Special Agent Supervisor David M. Lee, and SA's Scott Peterka, and Steve Brenton. The Volusia County Sheriff's Office (VCSO) crime scene processed the crime scene at the request of FDLE.

### **FDLE Review of DBPD Radio Transmissions**

**(IR-2)**

On October 23rd, 2012, SA Peterka obtained the audio of the police radio transmissions, audio of the initial complaint and the detailed history (CAD) for event numbers P122952103, P122952117, and P122960134 relative to case numbers DB120019656 and HH120003958.

A review of the police radio traffic documented an officer involved shooting that occurred at 805 South Flamingo Drive, Holly Hill, Florida. The radio transmissions were consistent with the CAD and 9-1-1 calls.

A review of the CAD, initiated at 22:10:40 hours on October 21st, 2012, begins at the initial location of the domestic violence complaint, the 300 block of Ridgewood Avenue, Daytona Beach, Florida. The report documented the receipt and dispatch of DBPD units regarding a domestic violence altercation involving Michael Morrison and Leah Mays. Subsequent CAD entries documented events relative to an attempt to arrest Morrison for the domestic violence and an officer involved shooting that occurred at 805 South Flamingo Drive, Holly Hill, Florida.

A review of the 911 telephone calls revealed Morrison being heard on the recording as verbally combative toward the on-scene police officers. Morrison reported that his girlfriend (Leah Mays) and the police were breaking into his home.

### **Sworn Interview of HHPD Corporal Matthew Armstrong (Participant)**

**(IR-3)**

On October 25th, 2012, at approximately 10:47 AM, SA Scott Peterka conducted a sworn and recorded interview with Corporal Matt Armstrong, HHPD, at the FDLE Daytona Beach Field Office. The following is a synopsis of the interview:

HHPD Corporal Armstrong was dispatched to assist the DBPD in a domestic violence investigation. Corporal Armstrong met DBPD Officer Dale Kelley who had recently investigated a domestic battery incident that involved Leah Mays, the victim, and Michael Morrison, the

suspect. The domestic violence incident occurred in the 300 block of Ridgewood Avenue, Daytona Beach, Florida. Based on his investigation, Officer Kelley completed an arrest affidavit on Morrison and needed Corporal Armstrong's assistance in locating and arresting Morrison.

Corporal Armstrong and Officer Kelley drove to Morrison's residence, 805 South Flamingo Drive, Holly Hill, Florida. Officer Kelley transported Mays to the area so that Mays could retrieve her personal belongings from inside the residence. However, Officer Kelley dropped Mays off down the street from the residence prior to reaching the residence. HHPD Sergeant Rodney Erdman also responded to the residence.

Corporal Armstrong, Officer Kelley and Sergeant Erdman knocked on the front door of the residence and received no answer. After a few minutes, Mays arrived on foot and insisted Morrison was home. Mays reported she lived at the residence with Morrison and reiterated her desire to claim her belongings from inside the house. Mays escorted Sergeant Erdman, Corporal Armstrong and Officer Kelley to the back of the house and then into an enclosed back porch. Mays retrieved her cat and two boxes from the back porch and placed the items into Officer Kelley's patrol car. Mays returned to the back porch and explained to the officers that she had more items inside the house. However, Mays did not have keys to the house because she had either lost her key or Morrison had taken her key from her. Mays first attempted to enter the home through several doors but found them locked. Mays called inside the residence, for Morrison to let her in and that she had the police with her. No answer was received from inside the residence.

Mays explained to Corporal Armstrong that Morrison had locked her out of the residence before. On that occasion, Mays broke one of the windows to gain access. Mays asked Corporal Armstrong for permission to break a window in an effort to get in. Corporal Armstrong responded, "It is your house, do whatever you are going to do, just hurry up." Mays climbed on top of a cat cage that was located inside the back porch then kicked the window. The window broke and Mays hopped down from the cat cage.

After the window broke, Morrison suddenly appeared in the window pointing a gun in the direction of Mays, Corporal Armstrong and Officer Kelley. Morrison screamed, "You motherfuckers! You fucking bitch! I'll kill you all!" Corporal Armstrong responded, "Police! Police! Drop the gun! Drop the gun!" Morrison's gun was a black-colored semi-automatic pistol and was extended straight out pointing at the three of them. Corporal Armstrong and Mays took cover behind a hot tub located on the porch. Corporal Armstrong drew his handgun and focused on the broken window; however, Morrison had backed out of view from the window. Corporal Armstrong coordinated Mays' escape from the back porch and to the front yard. Corporal Armstrong and Officer Kelley remained in the back porch. During the standoff, Morrison told the officers that he had considered shooting them through the front door when they first arrived at the residence. Morrison also said he had been watching Corporal Armstrong, Officer Kelley and Mays the entire time they were there. Corporal Armstrong told Morrison to put his gun down and talk to Officer Kelley and him. Morrison responded, "Fuck you! I'm not coming out unless I'm in a body bag!" Corporal Armstrong said Morrison made several telephone calls during the standoff where Morrison was overheard telling whomever that he would likely never see them again and that Morrison was "not making it out of the situation alive". SA Mead later learned Morrison had called several of his neighbors in an effort to have the neighbors tell the police that Morrison lived alone. Morrison himself told Corporal Armstrong and Officer Kelley that Mays did not live there.

VCSO Sergeant and hostage negotiator, Greg Miles, came to the back porch. Sergeant Miles attempted to establish a dialog with Morrison, but this only further enraged Morrison. Sergeant Miles left the porch and was replaced by a DBPD hostage negotiator who was also unsuccessful in diffusing the situation.

Morrison came into view of the broken window a second time and shined a flashlight at Corporal Armstrong and Officer Kelley. Morrison yelled more profanities at the officers then ducked out of view. Corporal Armstrong did not see a firearm during this second observation of Morrison but heard a noise consistent with Morrison loading ammunition into a magazine. Corporal Armstrong called out to Morrison in an attempt to determine Morrison's position inside the residence. Morrison came into Corporal Armstrong's view a third time while simultaneously screaming at the top of his lungs. This time, Corporal Armstrong saw Morrison's right hand holding what appeared to be the same handgun as before. Corporal Armstrong instructed Morrison to drop the gun and Morrison began pointing the handgun toward Corporal Armstrong. Corporal Armstrong fired one round from his handgun in Morrison's direction and then immediately took cover behind the hot tub. Corporal Armstrong expected return fire from Morrison, but instead heard nothing. Corporal Armstrong did not see what happened to Morrison, what direction he went, or if the bullet struck Morrison. Corporal Armstrong next heard Morrison calmly say, "I'm shot. Okay, I'm gonna come out." Corporal Armstrong thought Morrison was attempting to trick Officer Kelley and him because Morrison spoke much calmer this time. Corporal Armstrong did not move from cover until he heard over the police radio that Morrison had exited the front door of the residence and was handcuffed. Officer Kelley was the only other officer present at the time of the shooting. Corporal Armstrong testified that he fired his handgun at Morrison because Corporal Armstrong was afraid he was going to die.

Corporal Armstrong stated he was dressed in issued HHPD uniform that night, which clearly displayed his identity as a police officer. Corporal Armstrong announced his presence as a police officer at least 50 separate times during the incident. Additionally, Corporal Armstrong reported that he personally had previous encounters with Morrison while on duty. These encounters were limited to what Corporal Armstrong described as routine calls for police service.

<b>Sworn Interview of DBPD Officer Dale Kelley (Witness)</b>
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<b>(IR-4)</b>
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On October 24th, 2012, SA Josh Mead conducted a sworn and recorded interview with DBPD Officer Dale Kelly at the FDLE Daytona Beach Field Office. The following is a synopsis of that interview:

On October 22, 2012, Officer Kelley was dispatched to conduct a domestic battery investigation at the 400 block of South Ridgewood Avenue, Daytona Beach, Florida. Through his investigation, Officer Kelley determined the battery victim, Leah Mays, and the suspect, Michael Morrison, were involved in an intimate relationship and lived together at 805 South Flamingo Drive, Holly Hill, Florida. After speaking with Mays, Officer Kelley contacted Morrison, via telephone, to provide Morrison with an opportunity to speak about the alleged battery. Morrison told Officer Kelley he would not meet Officer Kelley. Officer Kelley believed Morrison was likely at home; as a result, he requested assistance from HHPD for follow up.

Officer Kelley met HHPD Corporal Armstrong and asked if Corporal Armstrong would accompany him to Morrison's residence. Officer Kelley explained that he planned to arrest Morrison for domestic violence as well as assist Mays in retrieving her belongings from inside

the residence. Corporal Armstrong said he was familiar with Mays and Morrison and warned that Morrison did not like police.

Corporal Armstrong and Officer Kelley drove to the area of South Flamingo Drive and dropped Mays off at a nearby intersection situated to the west of the target residence. Officer Kelley did not want Mays at the house unless Morrison was either in custody or determined to not be home. Officer Kelley and Corporal Armstrong were met at the residence by an HHPD sergeant. Officer Kelley knocked on the front door and side door several times and received no answer. About that time, Officer Kelley observed Mays walking to the residence.

Mays led the officers to an enclosed back porch where she gathered her cat and two boxes of cat litter. Mays said she wanted to get the remainder of her belongings from inside the residence but she did not have her house key. Officer Kelley explained to Mays that she had the right to be at the residence if she was, in fact, a resident at that address. Mays told Officer Kelley she had entered the home previously by kicking in a window. Officer Kelley told Mays to take whatever action necessary to obtain entry. Mays climbed atop a cat cage and kicked the window in.

After the window broke, Morrison jumped into view from the interior of the residence and pointed a black colored semi-automatic handgun at Mays, Officer Kelley and Corporal Armstrong. Morrison said, "I'm gonna kill you motherfuckers!" Morrison had the handgun positioned in front of him in a hip shooting position. Officer Kelley and Corporal Armstrong immediately drew their weapons and took cover. Officer Kelley said, "Mike, put your weapon down! The police are out here!" Morrison responded, "I hate you fucking Holly Hill cops!" Morrison moved east and out of Officer Kelley's view.

Mays was removed from the back porch area for her safety. A few minutes later, Morrison came into Officer Kelley's view a second time. Morrison did not point the handgun at the officers this time but Officer Kelley saw Morrison still had the handgun in his right hand. Morrison again moved out of Officer Kelley's view. Sergeant Greg Miles, a negotiator with the Volusia County Sheriff's Office responded to the residence. DBPD Officer Mike Robinson, also a negotiator, arrived after Sergeant Miles. Ultimately, Officer Robinson and Sergeant Miles were unsuccessful in diffusing the situation, so they left the back porch.

Morrison came into Officer Kelley and Corporal Armstrong's view a third time. Morrison swept the gun past Officer Kelley then toward Corporal Armstrong (west to east). Morrison had the gun at shoulder level with his right arm extended straight out. As Officer Kelley glanced over at Corporal Armstrong, then back toward Morrison, Officer Kelley heard one gunshot. Corporal Armstrong then announced over the police radio that he had fired his weapon. Officer Kelley heard Morrison say, "You shot me in the back. I'm going out the front door." Once Officer Kelley and Corporal Armstrong confirmed Morrison was secured at the front of the residence, they left their positions on the back porch.

During the shooting, Officer Kelley was dressed in his department issued police uniform which clearly identified Officer Kelley as a law enforcement officer. Additionally, Officer Kelley reportedly announced "Police!" at the back door before Mays kicked the window in.

On October 22<sup>nd</sup>, 2012, SA Steve Brenton conducted an interview with Michael Morrison. Morrison had already been treated for a gunshot wound at Halifax Medical Center and released to the Holly Hill Police. The following is a synopsis of that interview:

Morrison said he and his girlfriend, Leah Mays, had been out riding his motorcycle earlier in the evening on October 21<sup>st</sup>, 2102. Morrison planned to meet friends later that night. Mays did not want to go visit with Morrison's friends, she wanted to stay at the house and cook dinner. Morrison said Mays could not stay there because Morrison was determined to leave and visit with his friends. Mays argued with Morrison over the topic while Morrison drove Mays to her separate residence located in Daytona Beach, Florida. While driving to Mays' home (on Morrison's motorcycle) Mays was hitting Morrison on his back and head. Once at Mays residence, Morrison told Mays several times to get off his motorcycle; however, Mays refused. Morrison had to physically remove Mays from his motorcycle several times, because she kept getting back on. Ultimately, Morrison was successful in leaving on his motorcycle alone.

Morrison went to his friend's house located in Ormond Beach, Florida. While there, Morrison received a telephone call from a Daytona Beach Police officer requesting him to return to Mays' residence; Morrison refused. The officer said an arrest warrant would be put in the system for Morrison. Morrison decided to let his attorney handle the issue the following morning then drove home, took some medication and fell asleep.

Morrison was awakened by loud banging at his door and saw flashlights shining in his windows and decided to not answer his door. Morrison lay back in bed then heard more banging at the door. Morrison saw flashlights by the back patio so he got up to see what, "they were doing." Morrison heard a man's voice and Mays' voice outside. Morrison believed Mays brought someone with her to break in, so Morrison retrieved a 9 millimeter handgun. Morrison heard the man ask, "Do you have your key?" Morrison then heard Mays say she did not have a key but could break in through a window she had broken in the past. Morrison heard the man tell Mays to go ahead and break the window, at which time, Mays kicked the kitchen window in. Morrison said, "You have no right to be on my property! Get the fuck off my property!" At this point, Morrison still had the gun in his hand. Someone then said, "Holly Hill Police Department"; however, Morrison never saw a police officer or badge. Morrison called 9-1-1 in an effort to have a sheriff's deputy respond because he does not trust the Holly Hill Police Department. The 9-1-1 operator told Morrison there were police officers already outside of his house. Morrison then called his daughter and his neighbors. Morrison requested his daughter and neighbors tell the police that Morrison lived at the residence alone. At one point, Morrison spoke with a person who identified themselves as the chief of the Holly Hill Police Department. Morrison agreed to talk with the chief outside Morrison's home if Morrison's daughter accompanied the chief.

Morrison was on the telephone with his daughter when he walked to his kitchen to retrieve a cookie from his cabinet. Morrison did not have the gun in his hand at the time; he left it on a table in the dining room area. When Morrison reached into the cabinet to get a cookie, he heard the "click of a gun" and "the bullet released." Morrison was shot and fell to the ground. Morrison told his daughter over the phone that the police had just shot him. Morrison then went out his front door where he was put in an ambulance and transported to the hospital. Morrison was later released from the hospital and then transported to the Holly Hill Police Department.

On October 22<sup>nd</sup>, 2012, at approximately 1:00 PM, SA Mead met Michael Morrison at the Volusia County Branch Jail (VCBJ) in an effort to obtain Morrison's consent for his medical records relative to the shooting incident. After signing the consent form, Morrison provided a spontaneous statement reiterating the events leading up to and including the shooting. SA Mead noted several inconsistencies after comparing the testimony in this statement against the statement provided previously to SA Brenton.

During the VCBJ statement, Morrison told SA Mead he heard a "cop" talking to Mays at his front door then again at his back door on the night of the shooting. Morrison previously told SA Brenton he heard an unknown male voice, possibly an accomplice to assist Mays in breaking into his house. Additionally, in the VCBJ statement, Morrison made a conflicting statement regarding the moment he was shot. Morrison originally told SA Brenton the police shot him while he was reaching for a cookie in a cabinet. However, Morrison later told SA Mead he was holding his cell phone in his hand and was in view of the broken window. In his statement to SA Mead, Morrison was clear about the cell phone in his hand because Morrison felt the police should have known the difference between a gun and a cell phone.

<b>Sworn Interview of Leah Mays (Civilian Witness)</b>
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<b>(IR-9)</b>
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On October 22<sup>nd</sup>, 2012, at approximately 6:21 AM, SA Josh Mead conducted a sworn and recorded interview with Leah Mays. The following is a synopsis of that interview:

On October 21<sup>st</sup>, 2012, at approximately 10:00 PM, Mays and her boyfriend, Michael Morrison, arrived at 805 South Flamingo Drive, Holly Hill, Florida. They originally planned to cook dinner at home; however, Morrison wanted to go visit with friends instead. Mays and Morrison argued over the topic. Morrison decided to drive Mays to her own residence to resolve the matter. Mays did not want to leave and became upset. Mays pled with Morrison to return to 805 South Flamingo Drive because she did not have the keys to her separate apartment. Morrison continued to the area of Mays' apartment. When the couple arrived, Morrison stopped the motorcycle and knocked Mays off. Mays remounted the motorcycle, which angered Morrison further. Morrison "side armed" Mays then punched her in the eye twice. Morrison then sped off on his motorcycle.

Witnesses to the battery came to Mays' aid and the DBPD was called. DBPD Officer Kelley was assigned to investigate the battery incident. Mays told Officer Kelley that she wanted to retrieve personal items from the residence located at 805 South Flamingo Drive. Because the address was outside his jurisdiction, Officer Kelley called for a Holly Hill Police Department officer for assistance.

Upon reaching the neighborhood, Mays exited Officer Kelley's patrol car down the street from the residence. Officer Kelley and the HHPD Corporal Armstrong continued to the residence. Morrison did not answer the door for the police; however, Mays said she knew Morrison was home. Mays reiterated she lived at the residence and had items inside she wanted to collect. Mays hopped the gate and Officer Kelley and Corporal Armstrong followed Mays to the back yard. Mays yelled to Morrison from outside the residence for him to open the door. After receiving no answer, Mays retrieved her cat and secured it in Officer Kelley's patrol car. Mays returned to the back porch to see if any of her other belongings were there. The officers confirmed with Mays again that she lived there. Mays said that HHPD knew Mays lived there because she and Morrison were previously involved in a domestic violence incident where the police responded.

Mays then kicked in a window located in the back porch of the residence with her foot. At that time, Morrison came out screaming "Get the fuck out of my house! Get off my fucking property!" Officer Kelley and Corporal Armstrong responded, "Put the gun down! Nobody wants to get hurt! We don't have to do it this way!" Mays dropped down behind a hot tub located on the back porch because Morrison had a black-colored handgun. Mays specifically remembered the barrel of the handgun. As Morrison pointed the gun at Officer Kelley and Corporal Armstrong, the officers drew their handguns. Morrison said, "I will shoot you all! I will kill you all!" The officers stated, "We are police officers, we came here with her (Mays)." Mays said Officer Kelley and Corporal Armstrong were wearing police uniforms, clearly identifying them as police. When asked, Mays said, "I thought he (Michael Morrison) was gonna shoot me if he saw me. I was scared for my life. I wanna get my stuff and never see him again." Mays eventually crawled out of the back porch and escaped to the front yard once additional officers arrived.

Mays reported that Morrison owned a gun safe and Morrison had four or five guns she has seen throughout the years inside the Morrison home. Mays remained in Officer Kelley's patrol car from the time she escaped the back porch and never heard the gunfire.

<b>Sworn Interview of Michelle Morrison</b>
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<b>(IR-11)</b>
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On October 22<sup>nd</sup>, 2012, at approximately 8:05 AM, SA Mead conducted a sworn and recorded interview with Michelle Morrison at the 800 block of Flamingo Drive, Holly Hill, Florida. The following is a synopsis of that interview:

On October 21<sup>st</sup>, 2012, at approximately 11:11 PM, Michelle Morrison received a call on her mobile phone from her father, Michael Morrison. During that call, Michael Morrison reported a disagreement he had with his girlfriend, Leah Mays. The description of the argument was similar to that documented above in a separate interview with Michael Morrison.

On October 22<sup>nd</sup>, 2012, at approximately 12:02 AM, Michael Morrison called Michelle Morrison again to tell her that he was now safe at home. During yet another phone call, Michael Morrison told Michelle Morrison that Mays was, in fact, breaking into the residence. In response, Michelle Morrison hung up with her father and called 9-1-1 to report the burglary. The operator told Michelle Morrison that the police were already at her father's house and the on scene officers needed to speak with Michael Morrison. Michelle Morrison hung up with the emergency operator and called her father again. Michael Morrison told Michelle Morrison "they" were trying to get into his house; she did not know the implied meaning of "they". After repeated phone conversations with her father, Michelle Morrison arrived in the area of 805 South Flamingo Drive, Holly Hill, Florida.

Upon arrival, Michelle Morrison met with HHPD Captain Aldrich and told Captain Aldrich she was on the phone with her father, Michael Morrison. Captain Aldrich explained to Michael Morrison over Michelle Morrison's phone that he (Michael Morrison) needed to come outside and surrender. During the negotiations with police, Michelle Morrison learned her father was believed to have a handgun. Michelle Morrison asked her father over the telephone if he had a handgun; Michael Morrison replied "No". Michelle Morrison said it was likely her father owned a firearm because he possessed a concealed weapons permit; she went on to say her father knew how to handle guns.



While still on the phone with his daughter, Michael Morrison told Michelle Morrison that the police had just shot him in the back. Michael Morrison reported the bullet exited his back and struck a cabinet situated near the kitchen. Michael Morrison was still on the phone with Michelle Morrison when he announced, "I'm coming out the front door." Once Michael Morrison exited the residence, emergency medical personnel treated Michael Morrison for his gunshot wound.

**Sworn Interview of Medical Personnel**

**(IR-16,17,24-28)**

The following are synopses of sworn, digitally recorded interviews of medical personnel from the Holly Hill Fire Department (HHFD) and EVAC ambulance personnel obtained by SA Scott Peterka:

**HHFD Captain Randolph Nowell and Paramedics William Kimmy and Kyle Zimmerman**

On October 22<sup>nd</sup>, 2012, at approximately 3:00 AM, Nowell, Kimmy and Zimmerman arrived at 805 South Flamingo Drive, Holly Hill, Florida in reference to a shooting. Upon their arrival, Nowell, Kimmy and Zimmerman observed Michael Morrison standing in the front yard. Morrison was handcuffed in the front, was wearing only a pair of shorts with no shirt. Morrison was alert and conscious and yelling profanities toward the on scene police personnel. Morrison was provided preliminary medical support but became unconscious. Morrison was subsequently transported by EVAC personnel to the Halifax Medical Center (HMC) for continued treatment.

At approximately 5:53 AM, Nowell, Kimmy and Zimmerman responded to the Holly Hill Police Department. Upon arrival, Nowell, Kimmy and Zimmerman re-banded Morrison's wounds which had previously been treated at HMC. Morrison was subsequently brought back to HMC by EVAC personnel for further treatment.

**EVAC Paramedic David Kelly, EMT James Tahlier and Paramedic Student Adam Bolas**

On October 22<sup>nd</sup>, 2012, at approximately 3:00 AM, Nowell, Kimmy and Zimmerman arrived at 805 South Flamingo Drive, Holly Hill, Florida in reference to a shooting. Upon their arrival, Kelly, Tahlier and Bolas observed Michael Morrison standing in the front yard; Morrison was conscious and alert while handcuffed in the front. While receiving preliminary medical support, Morrison was espousing general comments that the police had shot him while he was unarmed. Morrison also stated the "police" allowed an "estranged person" to "unlawfully" enter his residence. Morrison briefly lost consciousness then subsequently loaded into the EVAC transport unit. Morrison was escorted by a HHPD police officer, later determined to be Thomas Bentley.

**EVAC Paramedic Jamie Weimer and EMT Corey Charles**

On October 22<sup>nd</sup>, 2012, at approximately 5:58 AM, Weimer and Charles responded to the Holly Hill Police Department. Upon arrival, Weimer and Charles observed Morrison being treated by HHFD medical personnel. During that time, Morrison said he was shot earlier by police. Additionally, the officer that shot him was "shooting for the heart"; however, Morrison "ducked", which explained why he was struck in the back instead. Charles and Weimer transported Morrison back to the HMC in the EVAC unit and were followed by two HHPD officers.

**Neighborhood Canvass**

**(IR-29, 31, 33, 34, 36)**

During the course of the investigation, SA Peterka interviewed the following neighbors regarding this incident. None of the neighbors witnessed the shooting of Morrison but several reported

receiving telephone calls from Morrison requesting they tell the police that Morrison lived alone.

David Apicella of 804 South Flamingo Drive, Holly Hill, Florida.

Arthur Hobbs and Kelly Merrick of 800 South Flamingo Drive, Holly Hill, Florida.

Mary Ryscovyan of 802 South Flamingo Drive, Holly Hill, Florida.

Roger and Barbara Koehler of 803 South Flamingo Drive, Holly Hill, Florida.

Clay Andrews of 807 South Flamingo Drive, Holly Hill, Florida.

<b>Michael Morrison Medical Records</b>
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<b>(IR-15)</b>
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On October 24<sup>th</sup>, 2012, SA Mead received the requested medical records for Michael Morrison from the Halifax Medical Center (HMC). A review of the records revealed that on October 22<sup>nd</sup>, 2012, at approximately 3:25 AM, Morrison was admitted to the HMC with a gunshot wound to the upper back. The injury was a through and through gunshot wound with no serious intra-abdominal or intra-thoracic injury. Morrison was bandaged and release to law enforcement shortly thereafter.

<b>FDLE Background Review of Participating Officer</b>
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<b>(IR-20)</b>
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On May 30<sup>th</sup> and 31<sup>st</sup> 2011, SA Mead conducted a comprehensive review of Corporal Armstrong's employee discipline history which did not reveal any outstanding or unresolved use of force complaints against Corporal Armstrong that were of concern to this investigation. In fact, Corporal Armstrong had no documented use of force complaints in his file.

SA Mead also reviewed Corporal Armstrong's firearms training records which revealed Corporal Armstrong completed and passed the HHPD firearms training on April 27<sup>th</sup>, 2012 with his department issued Glock (Model 22) 40 caliber handgun, serial number HYR370. The weapon's serial number was consistent with the serial number on the weapon recovered from Corporal Armstrong the morning of the shooting.

<b>VCSSO Crime Scene Report</b>
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<b>(IR-19)</b>
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On October 22<sup>nd</sup>, 2012, Volusia County Sheriff's Office (VCSSO) crime scene Detective Richard Graves responded to the incident and processed the crime scene. Detective Graves recovered and collected multiple items of evidence to include one spent 40 caliber bullet casing, one 40 caliber Glock handgun with magazine and 15 rounds (belonging to Corporal Armstrong).

Detective Graves also recovered a copper jacketed lead projectile, a Smith & Wesson semiautomatic pistol and a High Point 9mm semiautomatic pistol all from inside of Morrison's residence. All items were later submitted to the FDLE crime lab for further analysis.

Detective Graves subsequently provided SA Mead with compact disks containing crime scene photos and video.

<b>FDLE Firearms Report</b>
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<b>(IR-22)</b>
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SA Mead subsequently submitted the evidentiary items to the FDLE crime laboratory for further analysis:

- 40 caliber spent shell casing
- Morrison's Smith & Wesson 9 mm handgun
- Copper jacketed lead projectile (bullet)
- Morrison's Hi-Point 9mm handgun
- Corporal Armstrong's department issued Glock model 22, 40 caliber handgun
- Corporal Armstrong's department issued magazine with 15 rounds

SA Mead later received the FDLE Firearms Laboratory report relative to the shooting; the following is a synopsis of that report:

The 40 caliber spent shell casing was determined to have been fired from Corporal Armstrong's handgun. The copper jacketed bullet was found to have characteristics similar to Corporal Armstrong's handgun. However, due to a lack of corresponding individual characteristics and damage to the bullet, it could not be definitively identified or eliminated as having been fired from Corporal Armstrong's handgun.

A latent print of value was developed from one of the magazines from Morrison's High Point 9mm handgun. No other latent prints of value were developed on either of Morrison's handguns. The latent print on the magazine was not identified with Morrison's fingerprint standards or that of anyone else.

All three handguns were test fired by the FDLE firearms laboratory. Morrison's Smith & Wesson 9 mm handgun was determined to be functional with a trigger pull between 5 and 5 ¼ pounds, single action and between 9 ½ and 9 ¾ pounds, double action. Morrison's Hi-Point 9 mm handgun was determined to be functional with a trigger pull between 6 and 6 ¼ pounds. Corporal Armstrong's Glock model 22 handgun was determined to be functional with a trigger pull between 6 ¾ and 7 pounds.

<b>Morrison's Criminal History Review</b>	<b>(IR-37)</b>
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On October 22nd, 2012, SA Mead requested and received a copy of Michael Morrison's criminal history which reflected the following information:

Felony Charges	10	Felony Convictions	00
Misdemeanor Charges	05	Misdemeanor Convictions	00
Unknown Level Charges	02	Unknown Level Convictions	01

<b>Additional Interviews</b>	<b>(IR-5) (IR-6) (IR-7) (IR-8)</b>
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During the course of this investigation the below listed civilian and law enforcement officers were also interviewed. All were at the scene prior to, during or after the shooting but did not witness the shooting of Morrison.

Sergeant Rodney Erdman	HHPD
Captain Steven Aldrich	HHPD
Officer Thomas Bentley	HHPD
Officer Mike Robinson	DBPD
Michelle Morrison	Michael Morrison's daughter


**FDLE Conclusion**

Testimony and physical evidence presented, to include ballistic analysis, determined that Corporal Armstrong fired one 40 caliber round from his department issued Glock model 22, serial number HYR370, at Michael Morrison. Michael Morrison and Officer Kelley did not fire their handguns.

Through the same evidence and testimony, the FDLE was able to suggest that Corporal Armstrong did, in fact, shoot Michael Morrison. The 40 caliber projectile was removed from Morrison's pantry closet. The projectile appeared to have traveled a path originating from Corporal Armstrong's position in the back porch, through the broken window then to Morrison's position in the kitchen where it penetrated Morrison's back and ultimately came to rest in a bag of sugar in Morrison's pantry. The recovered projectile; however, lacked corresponding individual characteristics to definitively conclude from what firearm the bullet was fired. Testimony also indicated that Morrison pointed a handgun at Corporal Armstrong, Officer Kelly and Mays. Testimony also indicates that Morrison knew at the time that he pointed the handgun at Mays that she was being accompanied by law enforcement officers.

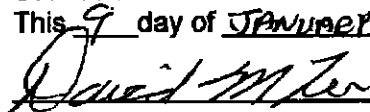
**Notarizations**

I swear the foregoing is true and correct



Special Agent Joshua Mead  
Florida Department of Law Enforcement  
Daytona Beach Field Office  
810 Fentress Court, Suite #110  
Daytona Beach, FL 32117

SWORN to and SUBSCRIBED  
This 9 day of JANUARY, 2013



(Notary Public or LEO)