

MEMORANDUM

TO: FILE
FROM: OFFICE OF STATE ATTORNEY, R. J. LARIZZA, ASA JASON LEWIS
DATE: MAY 11, 2016
RE: VCSO CASE NO. 150029661

The State Attorney's Office has reviewed the materials submitted by the Volusia County Sheriff's Office regarding their case number 150029661 regarding the shooting death of Raymond Davis on November 6, 2015. For purposes of documentation, we received and reviewed numerous reports and supplements, numerous recorded interviews, the 911 call, CAD Records, a search warrant, numerous property receipts, photographs and videos of the home taken during execution of the search warrant, several FDLE reports, and the Medical Examiner's reports and photographs documenting the autopsy of Raymond Davis..

The materials submitted demonstrated the following facts. On or about November 6, 2015, at about 6:34 p.m. the Volusia County Sheriff's Office (VCSO) received a 911 call from Bobby Harrelson. During the 911 call Mr. Harrelson stated he had shot his uncle in the head. Further, he stated that his uncle was attacking his mother. He stated that he is a law enforcement officer and he had to shoot to protect his mother. The VCSO responded at 6:36 pm to the residence located at [REDACTED]. Upon arrival, Bobby Harrelson was outside the residence with his hands in the surrender position. Deputies secured Bobby Harrelson. Harrelson stated to the securing deputy

"that he was sitting on the sofa in the living room and his mother, Hazel Hinds, was sitting in the recliner. Harrelson's Uncle, Raymond Davis, came out of the bedroom in an angry manner and began yelling at Hinds for making too much noise. Davis became physical with Hinds and began strangling her. Harrelson grabbed his department issued handgun

and fired one shot at Davis in order to stop him from strangling his mother. Harrelson stated he was in fear for his mother's life and needed to stop the threat."

Other deputies with VCSO proceeded to enter the residence to secure the scene and to look for Hazel Hinds. Hazel Hinds was located inside the residence near a table lying in the fetal position. She was crying and moaning. On the floor to the left of Hinds was a deceased male with blood emanating from his head area. A Glock Handgun was located on the couch in close proximity to the deceased male.

A Search of the residence revealed there was a sign of struggle in the living room/dining room area. Raymond Davis, the deceased, was found lying in the living room area with his body facing upwards with a large amount of blood beneath him. Blood was observed coming from the nose, eyes, and ears. A Glock Handgun was located on the couch in the living room near the body of the deceased. A spent .40 caliber casing was found in the living room on the couch near the deceased. A bottle of alcohol and a beer can was located in the living room. An open two liter bottle of Diet Coke was located in the living room. There was a gun belt located in Bobby Harrelson's bedroom which had a Taser and an asp. A blue walking cane broken in half was found in the living room/dining room area.

On 11/6/2015 at about 10:30 pm, Bobby Harrelson voluntarily submitted to a GSR examination. On 11/7/2015 at approximately 12:14 am, Bobby Harrelson voluntarily provided his shirt and shorts. Harrison also voluntarily submitted to a visual examination and photographing of injuries. Injuries observed during the examination were an abrasion on the exterior right forearm, bruising on the right shin, bruising to the right bicep, pectoral, and shoulder, bruising on the left bicep and pectoral, redness around the top of the back, redness on the right wrist, and possible swelling on the right side of the head.

Hazel Hinds was contacted in an interview room in a wheel chair. She was visibly upset. She was visually examined and photographs of her injuries were taken which revealed redness on the nose,

forehead, and left side of the face, loose hair on the back of her t-shirt where the shirt meets the neck, red marks on the back left of the neck, and redness and abrasion on the left portion of the upper lip.

Hazel Hinds was interviewed about what happened. Hazel Hinds stated that her brother Raymond Davis moved in with her three years ago. Her son Bobby Harrelson moved in with Hinds in January of 2015. Davis is an alcoholic and often drinks himself to sleep. She stated that she was sitting in the recliner in the living room. Bobby Harrelson was sitting in the couch next to the recliner. The two of them were watching T.V. Raymond (Ray) Davis, exited his bedroom in the house in a fit of rage saying "I am going to kill you." Ray Davis then lifted her off of the recliner and began choking her. Davis threw her to the floor and he continued to choke her while she was on the floor. Harrelson tried to separate them during the fight but he was unsuccessful in getting Davis off of her. The next thing Hazel heard is that there was a loud bang. The choking and strangling then stopped. She would not look at Davis after the gunshot went off and still during the interview had not known of his death.

Ms. Hinds stated that her brother Ray had been physically abusing her for a while. She had never told anyone before and this was the first time she was disclosing this information. Her son Bobby did not know that there was physical abuse.

A subsequent interview with Hinds revealed that she has had a living trust for almost 30 years. The living trust's beneficiary was her son Bobby Harrelson. It has always been him and she had never stated they she was going to amend the Living Trust. She made no promises to her brother, Raymond, about leaving him anything upon her death.

An autopsy was conducted on November 9, 2015 by Dr. Marcela Chiste. The cause of death was a gunshot wound to the head. Manner of death was homicide. The bullet entered the left parietal scalp region and traveled through the left parietal bone, dura, brain, dura, and into the petrous portion of the right temporal bone. The direction of travel of the bullet was back to front, left to right, and downwards.

The projectile was recovered from the head of the victim. Toxicology results indicate Mr. Davis had a blood alcohol level of .169. Furthermore, there was Diazepam, Noridiazepam, Alprozolam, and Benzodiazepines in Mr. Davis system at the time of his death. Davis is 74 inches tall and weighs 247 pounds.

On November 9, 2015, Bobby Harrelson was interviewed consensually by the VCSO. Harrelson stated that he lived at [REDACTED] with his mother Hazel Hinds, and his uncle, Raymond Davis. His mother is 76 years old and his uncle is 68 years old. Mr. Harrelson is 51 years old. Harrelson was at home all day relaxing on Friday, November 6, 2015. He had been in a training school during the previous four days of the week. He was employed as a Sergeant at the Deland Police Department. He had a fine relationship with Davis, however, he was frustrated with his constant drinking problem.

At noon on November 6, Harrelson stated he observed that Ray Davis was already intoxicated. At about 5 pm, he observed Davis start to get dinner ready. Harrelson stated that he consumed a couple of beers and a shot of tequila in the evening time on November 6, 2015. He then observed Davis go into Davis' own bedroom and pass out. From about 6 pm on Harrelson was in the living room area with his mother watching T.V. Harrelson was seated on the couch and his mother was seated on the recliner next to him. Davis then exited his room around 7 pm and started to yell at Hinds for making so much noise at 7am in the morning, although it was 7 pm at night. Davis stood by the recliner and grabbed onto Hinds and pulled her from her seated position. Davis grabbed her by the neck. Harrelson stated that he tried to intervene and pull him off of Hinds but was unsuccessful in removing Davis from her neck. Davis began to strike Harrelson, while he was trying to pull Davis off of Hinds, and pushed him into a table in the vicinity of the struggle. Davis kept stating that he was going to kill both of them.

When Harrelson stood up he saw Davis was straddling Hinds as she was on her back on the floor. Davis was throttling Hind's neck while saying he was going to kill her. Hinds was screaming during part

of the attack. Harrelson then attempted to pull Davis off of his mother again and was unsuccessful, and it appeared to only be hurting Hinds more. Davis was striking and hitting Harrelson while he was choking Hazel. Harrelson continued to tell Davis to stop, however, all Davis would say was "I am going to kill both of you." Harrelson stated that he believed Davis was killing Hinds and he believed that death was imminent. Harrelson believed that Hinds only had a few seconds to live so he went into his bedroom and retrieved his duty weapon (Glock .40). Harrelson quickly returned to the living room and ordered Davis off of his mother by saying "get the fuck off her". He repeated this several times. Davis did not stop and Harrelson fired his duty weapon one time and struck Davis in the head. Davis immediately fell to the floor and ended his attack.

After the attack in the hotel room with Hazel Hinds, she disclosed to Bobby Harrelson that Ray Davis had physically abused her in the past. This was the first time Harrelson had heard of any physical abuse. Furthermore, Harrelson had never seen Davis hitting his mother. Harrelson was questioned about why he did not use a Taser. He stated in response, that he had other experiences with Tasers that were ineffective and her did not believe that his mother had much time. Furthermore, Harrelson was asked why he did not utilize his asp. He responded that he believed it would have been ineffective due to the large stature of Davis.

Barbara Nieland was interviewed. She was Hazel Hines cleaning woman from February 2011 to November 2012. Nieland stated she observed that Ray Davis was quick tempered and did not help Hinds around the house. Nieland saw Davis get angry on one occasion and yelled at Hinds. Nieland never saw any physical confrontation between Davis and Hinds.

Based on the testimony of Harrelson and Hinds and the physical evidence, it is evident that Bobby Harrelson was acting in defense of another when he killed Ray Davis. Based on the circumstances facing Bobby Harrelson on November 6, 2015, he reasonably feared that his mother's life was in danger and he

had an immediate belief that she was on the cusp of being killed by Davis. Harrelson's use of deadly force was legal in this incident. Florida Statute 776.012(2) states

"A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be."

It is clear, based on the facts and circumstances surrounding the attempted murder and battery by strangulation by Ray Davis on Hazel Hind, that Bobby Harrelson was justified in his use of deadly force. A reasonably cautious and prudent person under the same circumstances would have believed the danger facing Hazel Hinds was real and death was imminent. Therefore, no charges will be pursued against Bobby Harrelson.