



Monique H. Worrell
State Attorney
Ninth Judicial Circuit
Orange and Osceola County, Florida

February 21, 2023

Chief Timothy Volkerson
500 N. Virginia Avenue
Winter Park, Florida 32789

RE: Officer Involved Critical Incident involving your

Dear Chief Volkerson,

The Office of the State Attorney for the Ninth Judicial Circuit is responsible for reviewing all investigations into Officer Involved Critical Incidents (OICI) that occur in Orange and Osceola counties. On August 9, 2022, the Office of the State Attorney received all documents from the Florida Department of Law Enforcement detailing their complete investigation into an OICI by Winter Park Police Department against **DANIEL KNIGHT** on February 19, 2022.

I am writing to advise you that our review of this investigation is complete and that the Office of the State Attorney has determined that there has been no violation of Florida Law; and therefore our office will not be filing criminal charges against for his use of force resulting in the death of Daniel Knight.

Attached, please find the State Attorney's Office final report detailing our review of this OICI. Documents and supporting evidence submitted to this agency are public records under Florida Statute 119 once our investigation has been completed and can be obtained via email request to PublicRecords@sa09.org.

Sincerely,

Alfredo Zamora, Esq.
Deputy Chief Assistant State Attorney

Enclosed: SAO OICI Report 2022-UF-000016
Cc: Lee Massie, FDLE

Officer-Involved Critical Incident
Investigation of Winter Park Police
Department

February 19, 2022



State Attorney's Office
Ninth Judicial Circuit of Florida
Orange and Osceola Counties
February 21, 2023

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I. STATE ATTORNEY'S ROLE IN OFFICER-INVOLVED CRITICAL INCIDENT

The State Attorney's Office (SAO) has the responsibility of reviewing all investigations of Officer Involved Critical Incidents (OICIs) that occur within the Ninth Judicial Circuit of Florida, which encompasses Orange and Osceola Counties. The Florida Department of Law Enforcement (FDLE) acts as an independent law enforcement agency which investigates the OICI. The State Attorney's Office receives the investigation packet from FDLE and conducts its own independent review of FDLE's investigation. The SAO will pursue any supplemental investigation that it believes is necessary. The purpose of this independent review is to determine whether there is any violation of criminal law. In making that determination, the SAO acknowledges and agrees that an OICI resulting in the loss of life or great bodily injury must be handled with a high level of attention, diligence and transparency.

II. OFFICE POLICY ON OFFICER- INVOLVED CRITICAL INCIDENTS

The office of the State Attorney understands the importance of an independent, thorough and transparent investigation of all OICIs. As such, please see the Office of the State Attorney for the Ninth Judicial Circuit's policy on all OICI as EXHIBIT "A"

III. APPLICABLE FLORIDA LAW

To establish criminal liability, the State must prove all the elements of a crime beyond a reasonable doubt. In addition to proving the statutory elements, the prosecution must also disprove any statutorily recognized justification defense, such as self-defense or the defense of others, beyond a reasonable doubt.

When a law enforcement officer uses physical force against an individual who they are not in the process of arresting, Sections 776.012 and 776.051 of the Florida Statutes govern whether it is lawful.

Section 776.012(2) provides, in relevant part:

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.

As long as an officer is engaged in the lawful execution of a duty, he or she is entitled to the protections of Section 776.012, above. *See Fla. Stat. § 776.051(2); State v. Perez*, 259 So.3d 728 (Fla. 2018) (a law enforcement officer is a "person" for purposes of Section 776.012).

The United States Supreme Court provides the following instruction in assessing the reasonableness of an officer's belief when using physical force:

The “reasonableness” of a particular use of force must be made from the perspective of the law enforcement officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. *Graham v. Conner*, 490 U.S. 386, 396-397 (1989).

Unlike many other defenses, when a person, including an officer, raises a justification defense under Section 776.012, the State must prove, beyond a reasonable doubt, that the force used was **not** justified or permitted by law. *Williams v. State*, 261 So. 3d 1248, 1252 (Fla. 2019).

IV. THE FACTS OF THIS OFFICER INVOLVED CRITICAL INCIDENT

On February 19, 2022, Winter Park Police Department (WPPD) [redacted] and [redacted] responded to an emergency call at the Winter Park Events Center (Events Center), located at 1050 West Morse Boulevard, Winter Park, Florida 32789. The emergency caller advised there was a white male wearing a black tank top and black pants on the east side of the building acting irate, shoving people, and trying to fight. Upon arriving, the officers made contact with event staff who directed the officers to the side exit and stated, “he is right by the lake right there and he is yelling” As the officers approached, they see a white male wearing a black tank top with black pants and screaming. This male was later identified as **Daniel Knight** (Knight).

Knight had his back to the officers and was standing face to face with his sister, Katrina Brown-Knight (Ms. Brown-Knight). As the officers approached, Knight is heard saying “I don’t give a fuck who is behind me” and Ms. Brown-Knight immediately tells officers, “He’s ok, he’s ok, he’s our brother.” Before Officer [redacted] could say anything, Knight said, “man that bitch doesn’t have anything to do with me” and yelled for Officer [redacted] to “shut up!”, while pointing his finger in close proximity towards Officer [redacted] face. Officer [redacted] immediately told Knight to “back up” and gave several verbal commands to Ms. Brown-Knight to “move out of the way”, but she refused. Officer [redacted] attempted to gain Ms. Brown-Knight’s compliance by pulling her hand towards him and away from Knight. Knight aggressively grabbed Ms. Brown-Knight’s other arm and pulled her toward him, yelling “don’t you snatch my motherfucking sister.” Officer [redacted] was forced to let go of Ms. Brown-Knight. ; [redacted] pointed his taser towards Knight and also gave Ms. Knight-Brown a verbal command to “Get away from him”. Guests began to exit the building to see what was going on. Officer [redacted] continued to give verbal commands and tried to grab Knight’s wrist to separate Knight from Ms. Brown-Knight, but Knight swatted Ofc. [redacted] hands away. Ms. Brown-Knight and other guests unsuccessfully attempted to calm Knight down. Knight let go of Ms. Brown-Knight and for a moment it appeared he was going to comply, telling Officer [redacted], “Ok...Ok...” Suddenly, Knight punches Officer [redacted] in the face, knocking him to the ground, causing him to become unconscious.

Upon seeing Knight punch Officer [redacted] deployed his taser at Knight, but it did not have its intended effect of restraining Knight. The crowd of people surrounding the

altercation began to scream and Knight moved forward towards : gave Knight verbal commands to back away, but Knight continued to advance. began to back up when he suddenly fell to the ground, on his back. As lay on his back, Knight continued to advance, standing over him. discharged his firearm at Knight striking him five times. Additional officers arrived at the scene and attempted to gain control of the crowd and assist with providing first aid to Knight until paramedics arrived. Knight was transported to the Advent Health Hospital where he was pronounced deceased as a result of his injuries.

V. EVIDENCE REVIEWED

Deputy Chief Assistant State Attorney Alfredo Zamora (DCASA Zamora) and Investigator Raul Rivas (Inv. Rivas) from the SAO responded to the Events Center after the OICI occurred. The SAO received the investigative packet for this incident from the FDLE on August 9, 2022. The evidence received in this case included the following and has been reviewed in the course of our independent investigation into this OICI:

- Investigatory reports;
- Police Communications via CAD;
- 911 calls;
- Body Worn Camera footage
- Surveillance Camera footage from the Events Center
- Cell phone camera footage
- Scene photos & diagrams
- Witness statement of Law Enforcement Officers
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 - Officer Justina Cabarcas
 - Officer Dalton Millard
 - Officer Kiara O'Hara
 - Deputy Andy Reynolds
 - Officer Jeancarlo Rojas
 - Officer Mariano Roman
 - Detective Jonathan Maingot
- Witness statements of Civilians
 - Melissa Cruz
 - Alexis Young
 - Dwayne Knight
 - Melville King
 - Julie Largent
 - Freddy Williams
 - Patricia Keeby
 - Theodore Keeby

- Jennel Knight-Smith
- Gionni Paul
- Janisha Knight-Paul
- Marsha Paul
- Shawn Nies
- Katrina Brown-Knight
- Alexander Pate
- Joel Perez
- Tanya Bitar
- Kyle Easter
- Erica Fernstrom
- Robert Flick
- William Gallagher
- Antonio Ingram
- Natalie Caudle
- Brook Causey
- Philomena Freeman
- Shirell Roundtree-Baldwin
- John Baldwin
- Christian Baldwin

VI. KEY INDIVIDUALS AND WITNESSES

A. DANIEL PATRICK KNIGHT BACKGROUND AND HISTORY

Daniel Patrick Knight was a 39-year-old male residing in Polk County, Florida. Knight had seven felony convictions.

B. § _____ BACKGROUND AND HISTORY

_____ has been employed with the Winter Park Police Department since _____. Prior to his employment with the Winter Park Police Department, he was employed with the _____ from _____, until _____. This was _____ first officer involved critical incident, and he has no sustained incidents involving use of force in his work history.

C. STATEMENTS OF LAW ENFORCEMENT WITNESSES

The SAO thoroughly reviews all witness statements conducted in this investigation but may not include them in the OICI report if they do not provide material evidence for review of this OICI. This OICI report summarizes key witness statements collected from law enforcement officers and civilians relevant to this investigation.

1)

On March 1, 2022, Special Agent David Snowden (SA Snowden) from FDLE was contacted by attorney David Bigney, Esq. (Mr. Bigney) who advised that he was representing [redacted] and at his direction, [redacted] would not be providing a statement to investigators.

2) Officer [redacted]

Officer [redacted] interview was compelled by an investigative subpoena requested by FDLE and issued by the SAO. On March 10, 2022, SA Snowden, and Special Agent Gus Mendoza (SA Mendoza) from FDLE conducted a sworn and recorded interview of Officer [redacted]. Attorney Warren Lindsey, Esq. (Mr. Lindsey) who represents Ofc. [redacted] was present for the interview. DCASA Zamora and Chief Investigator Eric Edwards (Chief Edwards) from the SAO were also present for the interview.

Officer [redacted] stated on the date of the OICI he arrived at the Events Center in response to a disturbance call. During the dispatch communications, he overheard [redacted] request extra officers, and Officer [redacted] volunteered to help. When Officer [redacted] arrived, he observed a woman on her cell phone who appeared to be under duress. The woman stated to Officer [redacted] "he's right down there, he's outside." As Officer [redacted] walked in the direction, other people pointed in the general direction of the disturbance.

Officer [redacted] states that upon arriving to the east side of the building, he heard a loud voice and observed a male, later identified as Knight, wearing a black tank top and black pants. Knight was standing next to his sister, Ms. Brown-Knight. Officer [redacted] noticed Ms. Brown-Knight was attempting to calm Knight down, but he appeared to be irate. Ofc. [redacted] stated that, "things were not easy" between Knight and Ms. Brown-Knight. As soon as Officer [redacted] approached Ms. Brown-Knight stated, "he's ok...he's my brother...he's had too much to drink." Based on the nature of the call, Officer [redacted] intended to separate the two.

[redacted] stood next to Officer [redacted] as he made contact with Knight and Ms. Brown-Knight. Officer [redacted] heard Knight call him a "bitch", which demonstrated that Knight had no regard for him as an officer. Officer [redacted] gave verbal commands for Ms. Brown-Knight to walk towards him. Knight prevented Ms. Brown-Knight from moving by pulling her towards him. Officer [redacted] attempted to grab Ms. Brown-Knight's hand and pull her towards him. Knight then pulled Ms. Brown-Knight back in the opposite direction. At one point, Officer [redacted] noticed Knight's right arm was around Ms. Brown-Knight's throat. Officer [redacted] gave repeated commands to Knight to "calm down, talk to me", but he refused to comply.

Officer [redacted] stated that he stepped closer towards Knight in attempt to remove Ms. Brown-Knight from Knight's grasp. As he did this, other guests began to walk towards him and engage with him, there was one male specifically who got his attention. Officer [redacted] then stated, "and that was it." Officer [redacted] did not remember being struck and knocked down. He

states that the next thing he remembers was that he heard voices, and somebody was trying to help him up. As Officer [redacted] was gathering his bearings, he heard four gunshots. He reached down to feel for his firearm to make sure no one took his firearm, they did not. A male, later identified as John Baldwin, helped Officer [redacted] with his microphone. Officer [redacted] did not see [redacted] or Knight at the time of the use of force. Officer [redacted] was taken to the hospital where he was treated for a concussion and received four stitches to his lower lip.

2) Interview of Officer Justina Cabarcas

On March 1, 2022, SA Snowden, and SA Mendoza from FDLE conducted a sworn, voluntary, and recorded interview with WPPD Officer Justina Cabarcas (Officer Cabarcas). WPPD Detective Amy DiCarlo (Det. DiCarlo) was also present for the interview.

Officer Cabarcas stated that on the day of incident she arrived at the Events Center in response to a disturbance call. As Officer Cabarcas arrived on scene, she observed a large crowd outside the building and heard a lot of yelling but did not see a physical altercation. As she got closer, she saw Officer [redacted] laying on the ground, unconscious and tried to help him to his feet. Officer Cabarcas continued to walk to the area in an attempt to identify the cause of the commotion. Due to the size of the crowd, Officer Cabarcas was unable to get a clear view of what was happening. Officer Cabarcas saw a raised hand fire two gunshots and later identified the shooter as [redacted] who was laying on the ground during the shooting. Officer Cabarcas did not see Knight when the shots were fired due to the large crowd. After the shooting, Officer Cabarcas observed officers and guests rendering aid to Knight.

3) Interview of Officer Dalton Millard

On March 1, 2022, SA Snowden and SA Mendoza from FDLE conducted a voluntary, sworn, and recorded interview with WPPD Officer Dalton Millard (Officer Millard) Det. DiCarlo was also present for the interview.

Officer Millard responded to the Events Center, and according to the dispatch notes there was an intoxicated individual hitting people and choking a woman. Officer Millard stated that as he was walking on the east side of the building, he heard 5-6 gunshots. Officer Millard unholstered his firearm and started sprinting towards the fired shots. Officer Millard saw [redacted] with his gun out and a crowd of people yelling at him. Officer Millard also saw Knight lying face down on the ground. Officer Millard cleared people off of Knight so that he and [redacted] could turn Knight over onto his back. He unbuckled Knight's pants to look for wounds and discovered two (2) gunshot wounds to Knight's chest. Officer Millard immediately radioed for fire rescue. A guest identified herself as a nurse and started to give CPR while Officer Kiara O'Hara applied pressure to Knight's wounds. Officer Millard did not witness the use of force.

4) Interview of Officer Kiara O'Hara

On February 20, 2022, SA Snowden from FDLE conducted a voluntary, sworn, and recorded interview with WPPD Officer Kiara O'Hara (Officer O'Hara). WPPD Detective Pam Woehr (Det. Woehr) was also present for the interview.

Officer O'Hara stated that she responded to the Events Center in reference to an intoxicated individual. Upon arriving, Officer O'Hara parked on the west side of the building and approached from the south side. Officer O'Hara heard gunshots and radioed "shots fired". Officer O'Hara saw a crowd of people around Knight, who was lying on the ground bleeding. She put on gloves and applied pressure to Knight's chest wounds. Officer O'Hara was handed _____ firearm, placed it in an evidence bag, and into her patrol vehicle. The firearm was later turned over to the OCSO crime scene personal. Officer O'Hara did not witness the use of force.

5) Interview of Officer Jeancarlo Rojas

On February 20, 2022, SA Snowden from FDLE conducted a voluntary, sworn, and recorded interview with WPPD Officer Jeancarlo Rojas (Officer Rojas). Det. Woehr was also present during the interview.

Officer Rojas states that he arrived at the Events Center after the use of force occurred. He made no firsthand personal observations regarding _____ use of force. Officer Rojas noticed Officer _____ appeared to have been "knocked out." He also noticed _____ had blood on his lip but could not tell whether the blood resulted from an injury.

6) Interview of Officer Mariano Roman

On February 20, 2022, Special Agent Roy Long (SA Long) from FDLE conducted a voluntary, sworn, and recorded interview with WPPD Officer Mariano Roman (Officer Roman). WPPD Detective Nick Carpenter (Det. Carpenter) was also present during the interview.

Officer Roman stated that he arrived at the scene after the use of force occurred. He made no firsthand personal knowledge regarding _____ use of force. Officer Roman assisted with rendering aid to Knight.

7) Interview of Detective Jonathan Maingot

On March 1, 2022, SA Snowden and SA Mendoza from FDLE conducted a voluntary, sworn, and recorded interview with WPPD Detective Jonathan Maingot (Det. Maingot). Det. DiCarlo was also present during the interview.

Det. Maingot stated that he arrived at the scene after the use of force occurred. He has no firsthand personal knowledge regarding _____ use of force. Det. Maingot assisted with rendering aid to Knight and noticed taser wires next to his body.

8) Interview of Captain Brad Grainger

On March 9, 2022, Special Agent Kevin McGinley (SA McGinley) conducted a voluntary, sworn, and recorded interview with WPPD Captain Brad Grainger (Cpt. Grainger).

Cpt. Grainger stated that he arrived at the scene after the use of force occurred. He has no firsthand personal knowledge regarding [redacted] use of force. Cpt. Grainger assisted in getting [redacted] and [redacted] medical attention. [redacted] and Officer [redacted] informed Cpt. Grainger they were struck, but did not elaborate who struck them. Cpt. Grainger noticed Officer [redacted] sustained facial injuries around his eye, lip, and jaw. Captain Grainger also noticed [redacted] had lacerations on the side of his head.

D. STATEMENTS OF CIVILIAN WITNESSES

1) Interview of Melissa Cruz

On February 20, 2022, SA Long from FDLE conducted a voluntary, sworn, and recorded interview with Melissa Cruz (Ms. Cruz). Detective Carpenter was also present for the interview.

Ms. Cruz stated that she and Knight have been in a domestic partnership for eight years. In the moments before the shooting incident, Ms. Cruz explained that the wedding reception was coming to an end. Ms. Cruz and other family members accompanied Knight outside so Knight could “sober up”. Ms. Cruz stated that Knight had “a little too much to drink” and he was “a little bit drunk.”

Ms. Cruz did not know the reason why police were called. She re-entered the venue momentarily and when she returned outside police had already made contact with Knight. Ms. Cruz heard police telling Knight repeatedly to “get on the ground”. Next, Knight punched Officer [redacted] in the face knocking him to the ground. Knight was tased, but he did not go to the ground. He kept walking towards [redacted]. According to Ms. Cruz, Knight “may have hit [redacted] too...”. As Knight continued to walk towards [redacted], [redacted] shot Knight four or five times.

2) Interview of Alexis Young

On February 20, 2022, SA Long from FDLE conducted a voluntary, sworn, and recorded interview with Alexis Young (Ms. Young). Detective Carpenter was also present for the interview.

Ms. Young is Knight’s niece. Ms. Young stated family members attempted to get Knight to go outside as the wedding reception was ending so he could “cool down because he had been drinking.” Ms. Young further explained that family members were trying to get Knight to stop drinking, not because he was aggressive when he drinks, but because he becomes too much to handle; “Like, he’ll want to stay longer, or he’ll want to party more.”

When the police arrived, Ms. Young stated that she walked outside as the officers approached Knight. According to Ms. Young, the officers never introduced themselves to Knight;

she stated, "they just immediately grabbed him" and that Knight pulled himself from the officer and began walking away. Ms. Young explained, that when an officer attempted to tase Knight. "I don't know if it was from shock or what, but he pushed the officer. When he pushed the officer, the officer did fall down and hit his head, like on the back of a- like a little wall that was kinda right there."

Ms. Young went on to say, "...another officer-went to tase him [Knight] and I think he pushed that one down too, but that's when the officer had gotten up and started shooting him." Ms. Young stated that she was approximately ten feet away from Knight with no one in front of her when she witnessed the shooting.

3) Interview of Dwayne Knight

On February 19, 2022, SA Mendoza from FDLE conducted a voluntary, sworn, and recorded interview with Dwayne Knight (Dwayne). Det. Woehr was also present for the interview.

Dwayne is Knight's uncle. Dwayne stated Knight was heavily intoxicated and excessively drunk in the moments leading up to shooting. Dwayne noticed two officers outside trying to calm Knight down but Knight "didn't want to listen." One officer was talking to Knight, and the other officer had his taser out. Dwayne described the demeanor of the officers as good and trying to reason with Knight.

Dwayne stated that he observed Knight strike Officer [redacted] knocking him unconscious. Next, Dwayne heard the "pop" from [redacted]'s taser. [redacted] ran away as Knight advanced towards him, causing [redacted] to stumble backward and "lose his footing." Dwayne then heard about five gunshots and saw Knight on the ground.

4) Interview of Melville King

On February 20, 2022, SA Mendoza from FDLE conducted a voluntary, sworn, and recorded interview with Melville King (Mr. King).

Mr. King stated he was present at the Events Center during the wedding reception when he noticed Knight was intoxicated and family members escorted Knight outside. Mr. King stayed inside the building. He heard a commotion outside causing him to exit. As Mr. King exited the Events Center, he saw Knight laying on the ground face down. Mr. King had no firsthand personal knowledge of [redacted] use of force because he was inside the Events Center when the shooting occurred.

5) Interview of Julie Largent

On February 24, 2022, SA Mendoza from FDLE conducted a telephonic interview with Julie Largent (Ms. Largent).

Ms. Largent is the groom's (Giovanni Paul's) cousin. She did not know Knight prior to the wedding but was introduced to him at the reception. Later in the evening, Ms. Largent saw family

members and Knight exit the Events Center. Ms. Largent did not see Knight act aggressive with anyone, but it appeared the family was trying to calm him down. Ms. Largent then observed police lights and an officer approach Knight while he stood outside with his sister, Ms. Brown-Knight. Ms. Largent explained that Knight had one of Ms. Brown-Knight's arms and the officer had the other. Ms. Largent described their actions being in a tug-of-war.

Ms. Largent sensed that the interaction between Knight and the officers would become "out of control" and decided to walk away. Upon doing so, Ms. Laurent was pushed from behind. When she looked back, Ms. Largent stated he saw "an officer on the ground, facing [Knight]," and Knight was facing the officer. Ms. Largent recalled that she then saw Knight "kind of shake" and blood hitting the sidewalk.

6) Interview of Freddy Williams

On February 20, 2022, SA Mendoza from FDLE conducted a voluntary, sworn, and recorded interview with Freddy Williams (Mr. Williams).

Mr. Williams stated that he noticed there was a commotion outside involving the mother of the bride [Ms. Brown-Knight]. Mr. Williams went outside to check on Ms. Brown-Knight and noticed she was engaged in a conversation with other family members. In that moment, Mr. Williams saw police officers approaching. According to Mr. Williams, an officer "automatically starts to tackle [Knight] and tries to handcuff [Knight]. Knight pushes the officer away. Mr. Williams then looked in the opposite direction for a moment and heard seven shots. After the shooting, Mr. Williams heard _____ say, "I had to shoot him because he took my gun and my Taser."

7) Compelled Statement of Patricia Keeby

On March 2, 2022, SA Snowden and SA Long from FDLE conducted sworn, recorded, and compelled interview with Patricia Keeby (Ms. Keeby). DCASA Zamora and Chief Edwards were present for the interview. Attorney Farnita Hill, Esq. (Ms. Hill) was also present for the interview as representation for Ms. Keeby.

Ms. Keeby is Knight's mother. Ms. Keeby stated that she, Knight, and other family members went outside towards the end of the wedding reception to "get some air." Ms. Keeby described Knight as being drunk but not agitated. Ms. Keeby recalled Knight telling her, "I love you mom", "I'm having a good time. Are you having a good time?", and "I'm so happy."

Ms. Keeby has no firsthand personal knowledge of _____ use of force. She stated that she was seated near the doorway of the exit on the eastside of the Events Center. It was so dark outside that Ms. Keeby could not see anything except an officer's flashlight. At one point, Ms. Keeby heard what she believed to be the sound of a gunshot.

8) Compelled Statement of Theodore Keeby

On March 2, 2022, SA Snowden and SA Long from FDLE conducted sworn, recorded, and compelled interview with Theodore Keeby (Mr. Keeby). DCASA Zamora and Chief Edwards were present for the interview. Ms. Hill was also present for the interview as representation for Mr. Keeby.

Mr. Keeby is Knight's stepfather. Mr. Keeby stated that towards the end of the wedding reception Knight was accompanied outside by his sisters to "get some air." While outside, Mr. Keeby stated he saw "officers running up. One officer had his gun drawn, never introduced themselves, didn't follow protocol." Mr. Keeby described Knight as "very intoxicated but believed Knight's sisters had the situation under control." Mr. Keeby re-entered the Events Center to check on this wife who was seated inside near the exit doorway. As Mr. Keeby stepped inside the door, he saw the taser hit Knight from the corner of his eye. Before the door closed, Mr. Keeby stated that he heard gunshots, he turned around, and he saw Knight falling to the ground.

9) Compelled Statement of Jennel Knight-Smith

On March 2, 2022, SA Snowden and SA Long from FDLE conducted sworn, recorded, and compelled interview with Ms. Jennel Knight-Smith (Ms. Knight-Smith). DCASA Zamora and Chief Edwards were present for the interview. Ms. Hill was also present for the interview as representation for Ms. Knight-Smith.

Ms. Knight-Smith is Knight's sister. Ms. Knight-Smith stated she and her sister (Ms. Brown-Knight) walked Knight outside to get fresh air and water. Once outside, Ms. Knight-Smith and Ms. Brown-Knight tried to calm Knight down. Ms. Knight-Smith explained that Knight had a lot to drink and he was "a happy drunk guy."

While outside, Ms. Knight-Smith saw two police officers approach. She identified them as police officers because of their "gun belts and accessories." The officers gave commands to "get back". Ms. Knight-Smith was unsure who the officers were directing their commands towards, but she complied and backed up. Ms. Knight-Smith recalled Ms. Brown-Knight saying to the officers, "he's unarmed, please," and, "He's just had a lot to drink."

Ms. Knight-Smith saw Officer [redacted] advance toward Knight and grab Ms. Brown-Knight's arm in an attempt to pull her away from Knight. Knight told the officer, "Let go of my sister," as Officer [redacted] tased Knight. According to Ms. Knight-Smith, Knight attempted to "swat the little taser things away, and I don't know if contact was made with his face, but the cop fell back...." After Officer [redacted] fell, [redacted] stumbled back. Ms. Knight-Smith further explained that [redacted] lost his footing and when [redacted] regained his footing, he started shooting at Knight from a standing position. Ms. Knight-Smith also stated Officer [redacted] was already on his feet and nodded that he was ok when [redacted] began shooting.

10) Compelled Statement of Gionni Paul

On March 2, 2022, SA Snowden and SA Long from FDLE conducted sworn, recorded, and compelled interview with Gionni Paul (Mr. Paul). DCASA Zamora and Chief Edwards were present for the interview. Ms. Hill was also present for the interview as representation for Mr. Paul.

Mr. Paul was groom at the wedding. He married Knight's niece, Ms. Janisha Knight-Paul. Mr. Paul said he was notified by a wedding guest that the police were responding to the wedding. Mr. Paul noticed a crowd gathering by the back door, and he ran to the area to investigate. While outside, Mr. Paul heard people saying, "He's unarmed, he has just been drinking a little bit. Don't touch him, don't touch him." Mr. Paul saw Officer [redacted] tase Knight. Two prongs hit Knight and he stumbled towards Officer [redacted]. Mr. Paul stated that Knight did not deliberately hit Officer [redacted] and that "if his arm hit the police officer it was probably the effect of him being shot with the taser." Mr. Paul stated Officer [redacted] and Knight returned to their feet and the confrontation stopped. Mr. Paul further observed his wife trying to grab onto Knight, but [redacted] "backed up and unloaded on Danny. He shot about five or six times."

11) Compelled Statement of Janisha Knight-Paul

On March 2, 2022, SA Snowden and SA Long from FDLE conducted sworn, recorded, and compelled interview with Ms. Knight-Paul. DCASA Zamora and Chief Edwards were present for the interview. Ms. Hill was also present for the interview as representation for Ms. Knight-Paul.

Ms. Knight-Paul was the bride at the wedding. She is Knight's niece. During the wedding reception, Ms. Knight-Paul stated that she noticed a commotion by the side exit door of the Events Center. Ms. Knight-Paul saw two police officers standing outside by Knight and her mother (Ms. Brown-Knight). Ms. Knight-Paul witnessed Ms. Brown-Knight tell officers, "He's unarmed. He hasn't done anything." Ms. Knight-Paul saw Officer [redacted] tase Knight but was unsure whether the taser prongs hit Knight. She looked down and noticed the taser prongs on the ground. When Ms. Knight-Paul looked up she could not tell exactly what Officer [redacted] and Knight were doing but they both stumbled. As Ms. Knight-Paul tried to get closer to Knight, [redacted] took two steps backwards and started shooting at Knight. Ms. Knight-Paul stated that Knight was not being belligerent and did not see Knight strike Officer [redacted] or [redacted];

12) Compelled Statement of Marsha Paul

On March 2, 2022, SA Snowden and SA Long from FDLE conducted sworn, recorded, and compelled interview with Marsha Paul (Marsha). DCASA Zamora and Chief Edwards were present for the interview. Ms. Hill was also present for the interview as representation for Marsha.

Marsha is the father of the groom, Gionni Paul. Marsha stated he had no firsthand personal knowledge of [redacted]'s use of force because he was inside the Events Center during the shooting.

13) Compelled Statement of Shawn Nies

On March 2, 2022, SA Snowden and SA Long from FDLE conducted sworn, recorded, and compelled interview with Shawn Nies (Mr. Nies). DCASA Zamora and Chief Edwards were present for the interview. Ms. Hill was also present for the interview as representation for Mr. Nies.

Mr. Nies was a wedding guest and is engaged to Ms. Jennel King-Smith (Knight's sister). Mr. Nies stated that he has no firsthand personal knowledge of [redacted]'s use of force because he was inside the Events Center during the shooting.

14) Interview with Katrina Brown-Knight

On March 2, 2022, SA Snowden and SA Long from FDLE conducted a voluntary, sworn, and recorded interview with Katrina Brown-Knight (Ms. Brown-Knight). DCASA Zamora was present for the interview. Ms. Hill was also present for the interview as representation for Ms. Brown-Knight.

Ms. Brown-Knight is Knight's sister. Ms. Brown-Knight stated that Knight had a lot to drink at the wedding reception. She and Melissa Cruz decided it was time to leave so they escorted Knight outside the Events Center. Ms. Brown-Knight and Ms. Knight-Smith were standing outside with Knight when the police arrived. She states that the officers did not identify themselves as police when they approached Knight. Ms. Brown-Knight told officers that Knight had not done anything, he was unarmed, and he was drunk. The officers screamed, "Get away, get away, get back, get back!" The officers grabbed Ms. Brown-Knight, and Knight responded, "Get off my sister!" Ms. Brown-Knight moved away from Knight because she did not want Knight to think that the police were trying to hurt her.

As Ms. Brown-Knight states that when she moved away from Knight, "they tased him." Knight swung his arm and stumbled around, hitting one of the officers [Officer [redacted]] on the arm. The officer fell to the ground. Ms. Brown-Knight stated that the officer who tased Knight was the officer who was knocked down. Officer [redacted] got up immediately. As soon as he got up, Ms. Brown-Knight heard several gunshots. She stated [redacted] "lost his footing a little bit on this thing, but he didn't fall." According to Ms. Brown-Knight, Knight never got near [redacted]. She estimated that Knight was walking away from the officer that was on the ground [Officer [redacted]].

15) Compelled Statement of Alexandra Pate

On February 23, 2022, SA McGinley and SA Long from FDLE conducted a voluntary, sworn, and recorded interview with Alexandra Pate (Ms. Pate). DCASA Alfredo Zamora and Inv. Rivas were also present for the interview.

Ms. Pate works for the City of Winter Park and is the event and vending manager for the Events Center. Ms. Pate stated she was present at the Events Center during the shooting, however,

she has no firsthand personal knowledge regarding _____'s use of force, because she locked herself in the library when officers arrived on scene. Ms. Pate heard two or three gunshots.

16) Interview of Joel Perez

On February 20, 2022, SA Mendoza and SA Snowden from FDLE conducted a voluntary, sworn, and recorded interview with Joel Perez (Mr. Perez). Det. Woehr was also present during the interview.

Mr. Perez was the manager working with the event coordinator during the wedding and reception. Mr. Perez stated he saw two police officers sprinting around the corner of the Events Center towards Knight who appeared angry. At one point, Mr. Perez exited the server door and called for his staff that was outside to come inside. While outside, Mr. Perez observed an officer on the ground who appeared "out of it, trying to get up, [as if] he had just been sucker punched." Next, Mr. Perez heard 5-7-gun shots. He did not observe the shooting.

17) Interview of Tanya Bitar

On February 20, 2022, SA Mendoza and SA Snowden from FDLE conducted a voluntary, sworn, and recorded interview with Tanya Bitar (Ms. Bitar). Det. Woehr was also present during the interview.

Ms. Bitar is employed by Arthur's Catering. She works in various capacities, including serving food and bartending. Ms. Bitar stated that she was present at the wedding reception, but she did not observe the shooting incident because her view was blocked by the crowd gathered outside. However, Ms. Bitar heard a taser deployment followed by five gunshots about three seconds later.

18) Interview of Kyle Easter

On February 20, 2022, SA McGinley from FDLE conducted a voluntary, sworn, and recorded interview with Kyle Easter (Mr. Easter). Detective Ronald Budde (Det. Budde) was also present during the interview.

Mr. Easter is employed by Arthur's Catering and was working as a server at the Events Center during the wedding reception. Mr. Easter stated that as officers arrived on scene, he observed officers trying to calm Knight down. He heard the deployment of a taser, then someone fall. Mr. Easter could not determine the identity of who fell, but knew it was not Knight. Three seconds later, Mr. Easter heard four or five gunshots.

19) Interview of Erica Fernstrom

On February 20, 2022, SA McGinley from FDLE conducted a voluntary, sworn, and recorded interview with Erica Fernstrom (Ms. Fernstrom). Det. Budde was also present during the interview.

Ms. Fernstrom is employed by Arthur's Catering and was working as a bartender at the Events Center during the wedding reception. Ms. Fernstrom stated that she has no firsthand personal knowledge of [REDACTED]'s use of force. She and several employees ran upstairs and hid in the kitchen for approximately 20 minutes during the shooting.

20) Interview of Robert Flick

On February 20, 2022, SA McGinley from FDLE conducted a voluntary, sworn, and recorded interview with Robert Flick (Mr. Flick). Det. Budde was also present during the interview.

Mr. Flick is employed by Arthur's Catering and was working as a server at the Events Center during the wedding reception. Mr. Flick stated that he had no firsthand personal knowledge of [REDACTED]'s use of force because he went to the library located inside the building for safety reasons just as officers arrived.

21) Interview of William Gallagher

On February 20, 2022, SA McGinley from FDLE conducted a voluntary, sworn, and recorded interview with William Gallagher (Mr. Gallagher). Det. Budde was also present during the interview.

Mr. Gallagher is employed by Arthur's Catering and was working as a server at the Events Center during the wedding reception. Mr. Gallagher stated that he had no firsthand personal knowledge of [REDACTED]'s use of force because he was inside the building removing alcohol from the bar during the shooting.

22) Interview of Antonio Ingram

On February 25, 2022, SA McGinley from FDLE conducted a voluntary, sworn, and recorded interview with Antonio Ingram (Mr. Ingram). Det. DiCarlo was also present during the interview.

Mr. Ingram is employed by the City of Winter Park in the Parks and Recreation Department. He was present during the wedding reception to gather tables and chairs as the wedding reception was ending. Mr. Ingram stated that he had no firsthand personal knowledge of [REDACTED]'s use of force because he was in the library located inside the Events Center during the shooting.

23) Interview of Natalie Caudle

On February 28, 2022, SA McGinley and SA Long from FDLE conducted a voluntary, sworn, and recorded interview with Natalie Caudle (Ms. Caudle).

Ms. Caudle is employed by Bella Sposa Events as an event planner. She was present during the wedding reception but stated she had no firsthand personal knowledge regarding

's use of force. Ms. Caudle explained that she heard a gunshot, then she and Ms. Brook Causey ran to the second floor of the Events Center where they locked themselves in a room.

24) Interview of Brook Causey

On March 2, 2022, SA McGinley from FDLE conducted a voluntary, sworn, and recorded interview with Brook Causey (Ms. Causey). Ms. Causey is employed by Bella Sposa Events as an event planner. She was present during the wedding reception but stated she had no firsthand personal knowledge regarding 's use of force. Ms. Causey explained that she heard a gunshot, then she and Ms. Caudle ran to the second floor of the Events Center where they locked themselves in a room.

25) Interview of Philomena Freeman

On February 20, 2022, SA Mendoza and SA Snowden from FDLE conducted a voluntary, sworn, and recorded interview with Philomena Freeman (Ms. Freeman). Det. Woehr was also present during the interview.

As officers arrived, Ms. Freeman was outside the Events Center and she states that she saw Knight standing outside with his mother and sister. Knight's back was facing the officers as they approached him. Knight's sister [Ms. Brown-Knight] told Knight, "Look who's behind you." Knight responded, "I don't give a fuck who's behind me." Ms. Freeman recalled hearing the sound of a taser, then ten seconds later she heard multiple gunshots.

VII. VIDEO FOOTAGE

A. Body Worn Camera (BWC) – Officer (

Officer 's BWC depicts the initial police encounter with Knight outside the Events Center. As Officer arrived, he was informed by staff "it's getting pretty violent..., he's grabbing his mom." Staff also provided Officer with a description of Knight and directed Officer to the area where Knight was outside yelling. (00:30-42). Officer approached Knight, who loudly stated, "I don't give a fuck who's behind me, shut up ... I don't give a fuck." (00:45). Knight's sisters, Ms. Brown-Knight and Ms. Knight-Smith were standing near Knight as they informed Officer, "He's okay, he's our brother ...". Knight appeared to focus his attention on Officer and stated, "Man, that bitch ain't got nothing to do with me...". As Knight looked towards Officer, he elevated his left arm towards the officer and told the officer to "Shut up." (00:50-55)

During this portion of the BWC, both of Officer 's hands appear briefly in the BWC footage. (00:57 – 00:58) This suggests Officer was not holding a Taser during the initial contact with Knight. Officer gave verbal commands of, "Back up," and was providing instructions to Ms. Brown-Knight, "... Ma'am move out of the way, ... move out of the way." Another voice, believed to be was heard saying, "Put your hands behind your back." Ms. Brown-Knight stated, "He doesn't have any weapons. ...". (00:58 – 01:10) Officer then instructed Knight to, "... come here, come here ..." Officer attempted to pull Ms. Brown-Knight away from Knight, who pulled her back towards

him and stated, "Don't you snatch my mother fucking sister." (01:12 - 1:15) A red-light, consistent with those projected by a taser, was seen on Knight's body and left forearm. (01:21) Officer [REDACTED] continued giving verbal commands to "Back up." Knight made a circular swinging motion(s) with his left arm, appearing to swipe Officer [REDACTED]'s hand(s) away. Next, Mr. Williams exited the Events Center attempting to intervene in the encounter between Officer [REDACTED] and Knight. (01:27 - 1:40).

During the portion of the BWC, Officer [REDACTED] and Knight are facing each other within arms-distance length. Ms. Brown-Knight is no longer standing by Knight's side. Officer [REDACTED] appears to stick his arm out in an attempt to maintain a distance and control over Knight who is flaring his arms and knocking Officer [REDACTED]'s hands away. Officer [REDACTED] stated to Knight, "What's up, man. What's up, talk to me, talk to me." Knight reached backed with his right arm and punched Officer [REDACTED] knocking him to the ground. (1:40-1:49)

Approximately eight seconds after Knight punched Officer [REDACTED], the sound of seven gunshots is heard. (1:47-1:55) Officer [REDACTED]'s BWC does not depict the shooting because Officer [REDACTED]'s BWC is facing upward, consistent with him still being on the ground. Eventually, Officer [REDACTED] slowly returns to his feet (1:47-2:05). Other officers provided Officer [REDACTED] with medical attention; Officer [REDACTED] stated, "The guy knocked me out man, knocked me out ... I got knocked out ... He just knocked me out. That's all, he just knocked me out. ... No, I wasn't shot, ... He [Knight] punched me out ... he knocked me out. ... He punched me in the face. ..." (03:18 - 05:55).

Officer [REDACTED] continued to assist at the scene by cordoning the area with crime scene tape. [REDACTED] and Officer [REDACTED] speak briefly. During the contact [REDACTED] stated, "... He hit me, I know he hit me in the back of my head. I started seeing stars. I went down. I tried to tase him. I was on my back ... He was gonna, he was gonna knock me out...he was gonna knock me out." Officer [REDACTED] responded by stating, "Well, he already knocked me out, so you're the second one." (10:56 - 11:22)

B. Body Worn Camera (BWC) –

[REDACTED]'s BWC depicts the initial police encounter with Knight outside the Events Center. [REDACTED] arrived around the same time as Officer [REDACTED] stood a few feet away from Officer [REDACTED] as he approached Knight. Knight stated, "I don't give a fuck...that bitch ain't got nothing to do with me." Knight's sisters informed officers, "He's okay, he's our brother." (0:30 - 0:50). Officer [REDACTED] told Knight to "get back, get back." Additionally, [REDACTED] repeatedly stated to Knight, "Step away from [Officer [REDACTED]] ...put your hands behind your back." He also utilized his police radio and instructed, "Get some more units over here." (0:50 - 1:07).

During a portion of the BWC, Knight and Officer [REDACTED] appear to struggle over Ms. Brown-Knight. Knight stated, "Don't you snatch my motherfucking sister" and pulled Ms. Brown-Knight away from Officer [REDACTED]. [REDACTED] responds, "Let her go, Taser, Taser, Taser." A red-light, consistent with those projected by a Taser, was seen on Knight's body. [REDACTED] held the taser in his right hand and pointed it towards Knight (01:07 - 01:20) Ms. Brown-Knight

stood very close to Knight. yelled, "Get away from [Knight], get away from him now. Step back, Ma'am, step back." Ms. Brown-Knight did not comply. She positioned herself between the officers which prevented from safely deploying his taser. The officers continued their efforts to remove Ms. Brown-Knight from the area. At times, Knight held Ms. Brown-Knight close to his body with his right arm in apparent attempt to prevent her from moving away from him. Knight swung and flared his left arm towards Officer as Officer's arm was stretched out towards Knight in an apparent effort to maintain a safe distance from Knight. (01:20 – 01:32).

As the encounter continued, Ms. Cruz walked quickly into the area. Her actions appeared to have drawn's attention away from Officer utilized his left hand and arm to redirect Ms. Cruz's advancement towards him. As Ms. Cruz yelled, "Wait, wait, wait, he's just drunk," yelled several times for her to, "Step back." (01:33 – 01:35). gave a verbal command, presumably to Knight, "Put your hands behind your back now." (01:35 – 01:41). Knight did not comply; instead, he punched Officer causing him to fall backwards to the ground. (01:42). then deployed his taser. The activation of the taser can be heard, and the projectile wires can be seen in the BWC. (01:44 – 01:45).

During a portion of the BWC, appeared to be facing down towards the ground after he deployed his taser as his BWC depicts the grass and gravel area outside the Events Center. (01:44 – 01:45). rolled over, while appearing to still be on the ground, as Ms. Knight-Paul runs passed him in the direction towards Knight. (01:48 -01:49). Knight appeared to be advancing towards as the BWC depicts him rapidly moving closer to with his arms flared and lifting his leg. While on the ground, discharged his firearm at Knight who was standing over him. (01:50 – 01:53). Eventually, stood up. A wedding guest asked, "Why the fuck y'all didn't just tase him." responded, "[Knight] punched me in the back of my head." In that moment, Officer was still on the ground and being assisted by others. (02:34). In another conversation with a wedding guest, recounted, "He punched me in the back of my head ... took my Taser, ... I'm on my back ... my life was in jeopardy." (05:30).

C. Body Worn Camera (BWC) – Various Law Enforcement Officers

In addition to the BWC footage from Officer and , the SAO reviewed BWC footage from fifteen (15) additional officers. All of the additional officers arrived on scene after the shooting incident. Therefore, the BWC footage did not provide any additional evidentiary value in analyzing's use of force.

D. Cell Phone Videos from Wedding Guests

The SAO reviewed several cell phone videos recorded by wedding guests. The general scene depicted in all the videos consisted of officers and wedding guests rendering aid to Knight and officers' interactions with wedding guests after the shooting incident. None of the videos

depicted the use of force. Therefore, the cell phone videos from wedding guests did not provide any additional evidentiary value in analyzing [redacted] use of force.

E. Events Center Surveillance Video footage

The Events Center is equipped with a surveillance video footage system that collectively captures various areas including the ballroom area, parking lot, and exits along the east side of the building, there is no audio to the video footage. The video filed labeled "Service entrance & Grand Ballroom East.g64x" captures both inside the ballroom, where the reception is going on, and outside of the events center near the service entrance.

Video from inside the Grand Ballroom East captures Knight dancing and removing clothes in a 360-video booth (9:23:00) before family members move in to walk him away (9:28:52) Knight is walked over to one of the bars, where family members are seen getting a glass of what appears to be water that is handed to Knight (9:29:27). Knight can be seen moving away from family and pushing a guest with his body (9:33:16). Finally, family members take Knight outside. Video captures family and guests going in and out the side door of the building looking concerned about Knight.

The specific video footage for the area of the service entrance and exit along the east side of the building captures the events of this OICI. In the video, Officer [redacted], and [redacted] run alongside the service entrance of the Events Center towards Knight who is standing outside near the ballroom entrance. (9:41.45 PM) After Officer [redacted] and [redacted] approach Knight, several wedding guests exit the Events Center from the ballroom entrance. Due to the quality of the video, it becomes increasingly difficult to distinguish Officer [redacted], and Knight as a crowd formed around them. (9:42:40 PM). In the midst of the crowd, a person falls backwards towards the ground, which is consistent with Knight striking Officer [redacted] (9:42:50). At that same moment, Officer Cabarcas runs alongside the service entrance towards the ballroom entrance of the Events Center. As you see Officer [redacted] fall to the ground, the video footage captures the shadows of Knight and [redacted] illuminated against the building. Knight's shadow is seen moving toward [redacted]'s shadow with an arm lifted and then dropped on the shadow of [redacted] (9:42:52), this is consistent with [redacted]'s statement that Knight struck him in the back of the head. Seconds later, the crowd rapidly disperses which is believed to be the moment of the use of force. The exact moment of the use of force can not be seen clearly in this video.

VIII. INCONSISTENT STATEMENTS

The investigation revealed several statements from civilian witnesses which were inconsistent with the video evidence in this case. Generally, these statements describe a narrative of events where Officer [redacted] not [redacted] tased Knight; that Knight never struck Officer [redacted], or if he did strike Officer [redacted], it was an inadvertent reaction to being tased by Officer [redacted]; and that [redacted] never fell to the ground prior to shooting Knight. The specific inconsistent statements are referenced below:

A. Inconsistent Statement by Freddy Williams

Mr. Williams stated that he noticed a commotion outside with the mother of the bride (Knight's sister, Ms. Brown-Knight). An officer came up and "automatically tackled the deceased and tried to handcuff him". The statement that an officer arrived and "automatically tackled" Knight is refuted by video evidence in this case which shows that no officer tackled Knight during any portion of the police encounter.

B. Inconsistent Statement by Jennel Knight-Smith

Ms. Knight-Smith stated that Officer [redacted] grabbed Ms. Brown-Knight's arm and Knight said, "Let go of my sister" and Officer [redacted] then tased Knight. Ms. Knight-Smith stated Knight may have "accidentally made contact" with Officer [redacted]'s face while trying to swat the taser. She stated that Officer [redacted] was up "instantly." She went on to say that after Officer [redacted] fell, [redacted] stumbled backwards, but that he "never fell down" and when [redacted] regained his footing, he shot Knight. She also stated that "Officer [redacted] was already up [when [redacted] started shooting at Knight.]" Ms. Knight-Smith's statements are refuted by video evidence in this case which shows that Knight deliberately punched Officer [redacted], knocking him to the ground. Further, the video evidence shows [redacted] did fall to the ground and was clearly laying on the ground when he discharged his firearm at Knight. Lastly, the video evidence shows that Officer [redacted] was still on the ground when [redacted] shot Knight.

C. Inconsistent Statement by Gianni Paul

Mr. Paul stated that Officer [redacted] tased Knight, and that if Knight's arm hit Officer [redacted], it was a reaction to being tased. Additionally, Mr. Paul stated that Officer [redacted] "got straight up" after falling to the ground. "He was on the ground no longer than two or three seconds." Mr. Paul's statements are inconsistent with the video evidence in this case which shows that Officer [redacted] did not deploy his taser at Knight. Additionally, Officer [redacted] was on the ground for approximately 17 seconds. He slowly rolled from his back to his knees, and then to his feet. Officer [redacted] returned to his knees while he supported his body with his hands on the ground. Eventually, Dwayne assisted Officer [redacted] to a seated position on the ground. (See Officer [redacted]'s BWC at 01:47 – 02:37).

D. Inconsistent Statement by Janisha Knight-Paul

Ms. Knight-Paul stated that Officer [redacted] tased Knight. She observed [redacted] take "two steps back" and shoot Knight from a standing position. Ms. Knight-Paul's statements are inconsistent with video evidence in this case which show that [redacted], not Officer [redacted], deployed his taser at Knight. Additionally, the video evidence in this case clearly supports the fact that [redacted] was laying on the ground, not standing, when he discharged his firearm at Knight, who was standing over him.

E. Inconsistent Statement by Katrina Brown-Knight

Ms. Brown-Knight stated that Officer [redacted] tased Knight. As a result of being tased, Knight “swung his arm around” and “the side of his arm hit [Officer [redacted]] somewhere on his body. Ms. Brown-Knight further described that [redacted] “lost his footing a little bit ... but didn’t fall” as he shot Knight. Ms. Brown-Knight’s statements are inconsistent with video evidence in this case that show Knight deliberately punching Officer [redacted] knocking him to the ground. In response, [redacted] deployed his taser at Knight. Lastly the video evidence supports that [redacted] was laying on the ground, not standing, when he discharged his firearm at Knight.

IX. LEGAL FINDINGS

Section 776.05 Florida Statute states, “[a] law enforcement officer, ... need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force which he or she reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest... .” Similarly, Section 776.012, Florida Statutes 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 to another or to prevent the imminent commission of a forcible felony.” Additionally, Section 776.051(1) Florida Statutes, states “[a] person is not justified in the use or threatened use of force to resist an arrest by a law enforcement officer, or to resist a law enforcement officer who is engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.”

This OICI is especially difficult for all involved because the incident location was a venue being used for a wedding reception. The newly weds and their guests were celebrating the union of two families and the beginning of life together. Knight was the uncle of the bride, and it is reported that this was his first wedding. Video from within the Events Center shows Knight in an inebriated state. He can be seen dancing and removing clothes in a 360-video booth before family members move in to walk him away. Knight is walked over to one of the bars, family members get Knight a glass of water. Knight can be seen moving away from family and pushing guests with his body. Finally, family members take Knight outside in an attempt to calm the situation. Video captures family and guests going in and out the side door of the building looking concerned about Knight. A 911 caller reports that Knight is outside pushing and attempting to fight people.

Winter Park Police Department Officer [redacted] and [redacted] responded to the Events Center, to investigate the emergency call. Both officers were dressed in full police uniform which clearly identified them as law enforcement officers. Upon arriving, the two officers were directed by event staff to the location where the subject of the emergency call was standing. Officers saw Knight, who matched the description given by the emergency caller and who was yelling and cursing in an aggressive manner. The evidence supports that Knight appeared intoxicated and agitated by the officers’ initial presence. Officers can be heard giving various lawful commands to

Knight, which he continuously failed to comply with. Officers attempted to separate Knight from his sister, Ms. Brown-Knight, but the encounter quickly escalated due to Knight not complying the officers' lawful commands.

Video evidence confirms that Knight suddenly attacks Officer [REDACTED] by punching him the face, causing Officer [REDACTED] to fall to the ground unconscious. [REDACTED] immediately deployed his taser at Knight, but the taser did not have its intended effect. Knight advanced toward [REDACTED] causing him to retreat backwards. As [REDACTED] on turns to try and get away from Knight, [REDACTED] is seen falling to the ground. As [REDACTED] rolls over from his stomach to his back, BWC footage shows Knight advancing towards [REDACTED] and standing directly above him with what appears to be Knight's leg lifted. It is at this moment, as [REDACTED] lay on his back, he discharged his firearm at Knight. It is important to note that when [REDACTED] discharged his firearm at Knight, additional officers had not yet arrived and his only back up, Officer [REDACTED], was still on the ground dazed and defenseless. After the use of force [REDACTED] is heard telling guests that Knight had struck him in the back of the head. [REDACTED]'s BWC is affixed to the front of his person and would not be able to capture if Knight struck [REDACTED] in the back of his head. However, the video camera from the Events Center labeled "Service Entrance" shows that in the moment after Officer [REDACTED] is punched, Knight advances toward [REDACTED] appearing to strike him. While this portion of the video can only be seen by looking at shadows of each person illuminated on the building, it does corroborate the statement by [REDACTED] that Knight punched him in the back of the head.

At the time of this OICI [REDACTED] was acting in his official capacity as a law enforcement officer. He was investigating an emergency call with one back up officer. Knight was combative with officers and refused to follow the lawful commands he was given. Knight attacked Officer [REDACTED], knocking him unconscious, and then began to launch an attack against [REDACTED]. [REDACTED] first attempted to use his taser against Knight and then attempted to retreat. After falling down [REDACTED] was confronted with Knight standing over him and still advancing. [REDACTED] knew that his only back up, Officer [REDACTED], was down and it was reasonable for him to fear that if he were to become incapacitated Knight could cause great bodily harm or death upon himself or Officer [REDACTED]. The evidence in this case demonstrates that a reasonable officer in the position of [REDACTED] would have been in fear for their life and the life of his fellow officer at the time [REDACTED] discharged his firearm.

X. CONCLUSION

Our role in an O.I.C.I. is to evaluate, independently review and pursue criminal charges when the use of deadly force is in violation of the law. After a thorough review of the evidence in this matter and our review of applicable Florida law, [REDACTED]'s use of deadly force in this incident did not violate any laws of the State of Florida. We will take no further action in this matter.