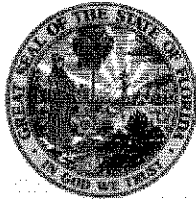


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OFFICE OF
STATE ATTORNEY
FIRST JUDICIAL CIRCUIT OF FLORIDA

April 24, 2014

PRESS RELEASE

The Office of the State Attorney announced today that the review regarding the shooting by Officer Chad Willhite that resulted in the death of William Alvin Goodman, III has been completed. The shooting occurred on December 24, 2013. This review has determined that the shooting was justified. Therefore, our office will take no further action. Attached to this press release is a report setting forth more details.

For further information, please contact State Attorney Greg Marcille at (850) 595-4761.



OFFICE OF
STATE ATTORNEY
FIRST JUDICIAL CIRCUIT OF FLORIDA

MEMORANDUM

TO: Special Agent Mark Brown, FDLE

FROM: John A Molchan, Assistant State Attorney

DATE: April 24, 2014

RE: Officer Involved Shooting in the death of William Alvin Goodman, III
FDLE #PE-27-0073

The Office of the State Attorney has reviewed the following material provided by the Florida Department of Law Enforcement:

1. Investigative Summary
2. 12/24/13 - Opening IR
3. 12/24/13 – Officer Roger Mclean interview
4. 12/24/13 – Larry Dortch interview
5. 12/24/13 – Officer Eric Hubley interview
6. 12/24/13 – Officer Anthony Giorgio interview
7. 12/24/13 – Albert Post interview
8. 12/24/13 – Collection of Officer Willhite's firearm
9. 12/24/13 – Michael Alexander interview
10. 12/24/13 – Interview of PPD Officer David Huhn
11. 12/24/13 – Interview of PPD Officer Heather Mallett
12. 12/24/13 – Sgt. Steve Bauer interview / collect firearm
13. 12/24/13 – Officer Chad Willhite interview
14. 12/24/13 – CD with PPD radio transmissions
15. 12/24/13 – Return of Kathy Goodman's purse
16. 12/26/13 – Custody transfer of projectile recovered by PPD Crime Scene
17. 01/02/14 – Dash camera videos and PPD reports

18. 01/02/14 –Bill and Kathy Goodman interview
19. 01/02/14 –Review and download of Cody Goodman's cell phone
20. 01/07/14 –Kally Barnhill interview
21. 01/07/14 –Braden Samay interview
22. 01/07/14 –Breett Rongstad interview
23. 01/07/14 –Peter Vierthaler interview
24. 01/13/14 – Rylee Tillman inter view
25. 01/13/14 – Escambia County EMS run report
26. 01/16/14 – FDLE Crime Scene reports and photos
27. 01/16/14 – FDLE Firearms report
28. 02/24/14 – Autopsy Report
29. 03/28/14 – Toxicology Report

THE FACTS

On December 24, 2013, in the early morning hours, officers of the Pensacola Police Department observed a red Corvette speeding. Several attempts were made by three separate police units to stop the red Corvette. Officer Mclean observed the red Corvette at two separate times. The first time he tried to stop the Corvette, it accelerated to an estimated speed near 90 mph. The second time he observed the red Corvette, he estimated the speed at 80 mph in a 35 mph speed zone. Officer Mclean, in a marked patrol unit, activated his lights without effect. Officers Huhn and Hubley, in response to Officer Mclean's report, also located the red Corvette and observed it speeding and attempted to stop the vehicle. After Officer Hubley activated his overhead lights, the red Corvette accelerated away at an estimated speed of 80-90 mph and failed to stop at stop signs. Due to policy of the Pensacola Police Department, these officers discontinued the chase. However, the officers were able to run the license tag and determine that the owner's residence was in Gulf Breeze.

With this information, the officers focused their attention on the Three Mile Bridge, believing that the red Corvette could be headed back to the Santa Rosa residence. Sgt. Steve Bauer and Officer Chad Willhite located the red Corvette stopped at the traffic light on 17th Avenue and Bayfront Parkway. Sgt. Bauer pulled his vehicle perpendicular in front of the red Corvette. Officer Willhite pulled in behind the red Corvette. Sgt. Bauer believed that this red Corvette had to be stopped because of the reckless driving previously exhibited.

Sgt. Bauer activates his lights at the time he pulled in front of the red Corvette. The red Corvette immediately backs into Willhite's vehicle then rams Sgt. Bauer's vehicle. Sgt. Bauer was still in his car when it was rammed. The red Corvette then rams backs into Officer Willhite's car which is directly behind. Sgt. Bauer exits his vehicle and immediately yells to the driver to get out of the car. The driver of the red Corvette does not comply.

Sgt. Bauer then approaches the red Corvette and attempts to smash the driver's window to get to the driver. By this time, Officer Willhite had left his vehicle

which had also been struck. The red Corvette moved back and forth several times in an attempt to escape from being pinned in by the officers' vehicles. Officer Willhite is positioned to the left and behind Sgt. Bauer as Sgt. Bauer attempts to break out the driver's window. Both officers are still giving loud verbal commands to the driver of the red Corvette. As Sgt. Bauer is at the driver's door window, the red Corvette continues to move back and forth. It makes contact and strikes Sgt. Bauer. Officer Willhite perceived this action as a danger to Sgt. Bauer and himself. Officer Willhite then fired into the red Corvette. The movement of the red Corvette ceased after the firing. The driver of the vehicle was struck twice by the gunshots from Officer Willhite. The officers on scene extracted the driver and immediately began CPR and medical intervention. The driver was transported but ultimately expired.

Larry Dortch who was traveling on Cervantes in the vicinity of 17th Avenue reported that he observed a red Corvette traveling faster than normal, and he followed it to 17th Avenue. He observed two (2) police cars with their emergency lights on box the Corvette in. Mr. Dortch saw the red Corvette ramming the police cars. Additionally, Mr. Dortch heard the officer telling the driver to get out several times without effect. Mr. Dortch then states he saw an officer try to break the window and then saw the red Corvette lunge forward. At this point, he saw one of the officers fire his weapon.

The Florida Department of Law Enforcement was contacted in accordance with the standard procedure for an officer involved shooting and dispatched agents and crime scene technicians to process the scene. The crime scene technicians in conjunction with the Medical Examiner's office recovered three (3) projectiles, two (2) from the driver's body and one (1) in the trunk area. They also recovered three (3) spent 40 caliber casings near the red Corvette.

The investigation revealed that the driver of the red Corvette was William Alvin Goodman III. The autopsy revealed that two (2) gunshot wounds to the torso caused his death. A toxicology report revealed that Mr. Goodman's blood alcohol level was 139 mg/dL (.13 g/dL) which is over the legal limit in Florida.

The Florida Department of Law Enforcement also conducted numerous interviews of family and friends of Mr. Goodman. Those interviews revealed that Mr. Goodman was being prosecuted for a fatal traffic crash which occurred in Santa Rosa County. His family reported that Mr. Goodman had been seen by a psychiatrist as a result of experiencing anxiety and flashbacks over the crash. During interviews, some of Mr. Goodman's family and friends were of the opinion that he was depressed after the traffic crash. Additionally, Mr. Goodman's father caught him sneaking in his bedroom the day before the shooting. On the morning of the incident, the Goodmans, after being contacted by the Santa Rosa County Sheriff's Office, determined that Mr. Goodman was gone and a note which could be considered a suicide note was located on his bed.

The investigation also found and interviewed a friend of Mr. Goodman's, a Mr. Braden Samay. Mr. Samay had been a friend of Mr. Goodman's since middle school. However, he described them as being close friends for about one year. Samay stated

that Mr. Goodman had been distraught after the traffic crash and had not been himself. On December 24, Samay stated that Goodman called him and said he had taken his mother's Corvette. Goodman asked Samay if he wanted to race, and Samay responded by text saying "don't be stupid". Samay states that Mr. Goodman replied "I'm going to die tonight". Mr. Goodman called Samay again around 5:10 AM and told him he was driving fast on the interstate, and he had fled from the police. That was the last contact Mr. Samay had with Goodman.

The Florida Department of Law Enforcement also downloaded the video from Officer Willhite's vehicle. A review of video shows Sgt. Bauer get in front and block in the red Corvette with emergency lights activated. The red Corvette is also blocked in by Officer Willhite's vehicle. Immediately, the red Corvette driven by Goodman rams Willhite's and Bauer's vehicles. Sgt. Bauer exits his vehicle and can be heard giving verbal commands that go unheeded. Mr. Goodman continued to ignore the orders, and Sgt. Bauer began to use his weapon to break the driver's window. The red Corvette continued to go back and forth and while Sgt. Bauer is at the window, his leg is impacted by the red Corvette, and he moves away. At that point, Officer Willhite opens fire and kills Mr. Goodman.

THE ISSUE

Was Officer Willhite justified in the use of deadly force on William Alvin Goodman, III?

THE LAW

Florida Statutes 316.1935(2) prohibit fleeing and eluding a Law Enforcement Officer and states:

"Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency insignia and other jurisdictional markings prominently displayed on the vehicle, with siren and lights activated, commits a felony of the third degree."

Florida Statutes provides it is a crime to commit an aggravated battery and the elements are:

1. Defendant intentionally caused bodily harm.
2. In committing the battery, Defendant intentionally and knowingly caused (a) great bodily harm; (b) used a deadly weapon (Fla Statute 784.045).

Additionally, it is a crime to commit an aggravated assault on a law enforcement officer and the elements are:

1. Defendant intentionally and unlawfully threatened, either by word or act, to do violence to the victim.
2. At the time, defendant appeared to have the ability to carry out the threat.

3. The act of defendant created in the mind of victim a well-founded fear that the violence was about to take place.
4. He assault was made with a deadly weapon.
5. Victim was at the time a law enforcement officer.
6. Defendant knew victim was a law enforcement officer.

Florida Statutes provides in pertinent part as follows:

“A law enforcement officer, or any person whom the Officer has summoned or directed to assist him or her, 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**; (1) Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest;” (emphasis supplied).

An Officer’s use of deadly force is limited to those situations where has probable cause to believe that the suspect poses a threat of serious physical harm to the Officer or others and the reasonableness of the Officer’s use of deadly force depends on the facts and circumstances confronting the Officer without regard to the Officer’s underlying intent or motivation, and the use of force must be judged from the perspective of a reasonable Officer on the scene and not with the benefit of 20/20 hindsight. **McGory v. Metcalf**, 665 So.2d 254, 295 (Fla. 2d DCA 1995).

CONCLUSION

During the early morning hours of December 24, 2013, officers of the Pensacola Police Department began a chase of an individual who seemingly was aimed at self-destruction. William Goodman III was facing criminal prosecution for crimes involving a serious traffic fatality. According to some friends, this incident changed him and at times he exhibited characteristics of depression. The investigation revealed that William Goodman, III, snuck out of his house and using his mother’s car and went on a joy-riding episode. He left a cryptic note which could be interpreted as a suicide note. Further, his conversations with a friend in those early hours clearly manifest a self-destructive intent. Mr. Goodman’s action of speeding and avoiding constituted the crime of Fleeing and Eluding an Officer, a third degree felony. Although these issues were unknown to the pursuing officers at the time, they are pertinent to understanding Mr. Goodman’s actions when blocked in by the officers. Certainly, his blood alcohol level of .13 g/dL exacerbated his mental state that morning.

After numerous attempts to stop the red Corvette are unsuccessful, Sgt. Bauer and Officer Willhite manage to box William Goodman in. Mr. Goodman’s immediate response is to ram both of the officers’ cars while they are inside. Such actions would constitute an Aggravated Assault on a Law Enforcement Officer. Sgt. Bauer exits his vehicle after it was struck and gives verbal commands. Those commands not only go unheeded but only result in Goodman ramming the vehicles again. Sgt. Bauer attempts to break open the driver’s window; however, during this effort, his leg is caught by the movement of the vehicle continuing to go back and forth. From Officer Willhite’s vantage

point, he perceived that the vehicle had struck Bauer and was a danger to Bauer and himself. Officer Willhite then fired in response to the Corvette's driver's actions. These shots resulted in the death of William Goodman, III.

Officer Willhite, in this case, was faced with a suspect who by his previous actions in the morning exhibited no indication that he would obey commands of any officer. Further, he observes and experiences Sgt. Bauer's vehicle as well as his own being rammed. This conduct would constitute the crime of Aggravated Assault on a Law Enforcement Officer. This conduct and then the action of striking Sgt. Bauer with the car could also constitute an Aggravated Battery. The actions of William Goodman constituted an imminent threat to the officers and use of deadly force was reasonable under the totality of circumstances present.

Based upon the facts in this case, it is my opinion the use of force was justifiable and no criminal charge should be filed against Officer Willhite.

Respectfully submitted,



John A. Molchan
Assistant State Attorney

cc: William "Bill" Eddins
Chip Simmons, Chief of Police
Roy Kinsey, Attorney at Law