

District Attorney's Report on the Officer Involved Shooting by Raleigh Police Officer Brett Edwards resulting in the death of Soheil Mojarrad

On April 20, 2019, District Attorney Lorrin Freeman made a concurrent request for assistance to the North Carolina State Bureau of Investigation to conduct an investigation into the officer involved shooting death of Soheil Mojarrad by Raleigh Police Officer Brett Edwards. The focus of this investigation was to determine whether the use of deadly force by Officer Edwards was a violation of criminal law. The following summarizes the findings of this investigation. No criminal charges will be pursued in this case.

On Saturday, April 20, 2019 at approximately 8:20 PM Raleigh Police Officer W. B. Edwards was on duty and purchasing gas at the Sheetz gas station at 5200 New Bern Avenue which is located within the city limits of Raleigh. Edwards was in uniform and was operating his marked Raleigh Police vehicle. Edwards is a patrol officer assigned to the Southeast District. Edwards was operating his vehicle alone

The Sheetz abuts New Bern Avenue near the intersection with Rogers Lane. Behind the Sheetz is a Food Lion Shopping center that is shaped like an "L". There are a number of other businesses in this shopping center that are attached to the "L" or are freestanding. The Sheetz backs up to the shopping center parking lot. Several of these businesses were able to provide surveillance video that captures the minutes prior to the shooting.

Following a call to 911 concerning an alleged trespasser at the Sheetz store, a dispatcher made contact with Officer Edwards. Edwards confirmed with communications that he was on scene. Communications also dispatched an additional unit, Officer D. M. Thompson. The dispatching of Thompson as a "check-in" officer on a trespassing call is standard protocol for officer safety.

While Edwards was finishing pumping gas he was approached by an employee and a customer and was advised that the trespassing suspect, later identified as Soheil Mojarrad, had stolen a cell phone belonging to the customer, Tiarre Powell. Edwards was provided a description of Mr. Mojarrad. Surveillance video gathered from Sheetz during this investigation confirms that Mr. Mojarrad did take Mr. Powell's cell phone.

Based on the description provided to him by the store clerk and Mr. Powell, Edwards believed that he had seen Mr. Mojarrad standing on the Sheetz property as he pulled into the station.

Video surveillance from the Food Lion shows Mr. Mojarrad walking across the parking lot from the direction of the Sheetz. He appears to be looking at something in his hand. His direction of travel is carrying him in a south easterly direction towards Overtime Sports Bar which occupies the eastern corner of the shopping center.

The surveillance video also captures a Wake County EMS SUV parked at the far end of the parking lot. The SUV was occupied by Advanced Practice Paramedic Chad Caudle. Caudle was on duty and was reviewing paperwork. He was unaware of the larceny from the Sheetz.

Less than two minutes after Mr. Mojarrad is seen on video walking across the parking lot, Officer Edwards is seen driving in front of the Food Lion in the direction of the sports bar. Video surveillance from the sports bar and from a business next door to the sports bar, Royal Internet, captured Mr. Mojarrad walking under the shopping center canopy.

During an interview with the North Carolina State Bureau of Investigation, Officer Edwards stated that he did not have his body camera or in-car camera on. He stated that he was going through the parking lot in an attempt to locate Mr. Mojarrad but he believed that Mr. Mojarrad had left the immediate area and had gone into the neighborhood behind the shopping center.

Surveillance video shows Mojarrad walking down to the bar and sitting down behind a privacy screen that separates the front door area of the sports bar from the entrance to the internet business. Edwards stated that he caught a glimpse of Mr. Mojarrad sitting behind the screen and made a U-turn and parked. By the time Edwards makes the turnaround, Mr. Mojarrad is seen by video standing up and walking east towards the corner of the building. His hands are in his pockets. It appears from the video that Edwards says something to Mr. Mojarrad before exiting his patrol vehicle. Mr. Mojarrad turns the corner of the shopping center and goes out of sight of any surveillance camera. Edwards stated that he called out to the suspect to come over to him that he wanted to talk to him. Mr. Mojarrad did not respond to Edwards and kept walking.

Mr. Mojarrad had turned down the drive that leads from the front parking lot to the loading dock area and rear exit of the shopping center. Behind the shopping center is a neighborhood. As one drives down the side of the shopping center towards the rear of the building there is a sidewalk and grassy area to the left of the roadway. The grass is about fifteen yards wide and it extends to the end of the shopping center property. A hedge row that is about forty yards long separates the grassy area from a wood line. These distances are based on estimates from the crime scene photos. CCBI's photos reflect that it was nighttime, there was no inclement weather and that there was an operating street light. Lighting from the shopping center added some illumination. Body camera video from Thompson would reflect that there were two streetlights in the immediate area of the incident. It appears that only one of the lights was operating.

Edwards states that Mr. Mojarrad initially continued to walk away from him and would not listen to his orders to stop. He walked into the grassy area and then along the hedgerow. Edwards felt that the suspect was going to run down a path that led to an apartment complex. However, Mr. Mojarrad did stop and faced Edwards. When Mr. Mojarrad turned and faced Edwards, he began cursing and screaming at him. Edwards stated that Mr. Mojarrad was also flailing his arms around. Attempts by Edwards to get Mr. Mojarrad to settle down did not work. Edwards' check-in officer had not arrived at this time.

Edwards stated that he continued to tell Mr. Mojarrad to calm down, but it was not having any effect. At one-point Mr. Mojarrad placed his right hand in his right front pants pocket and balled his hand up inside the pocket. Edwards drew his pistol in response to this action believing that Mr. Mojarrad was retrieving a weapon. Mr. Mojarrad pulled his hand out and had a knife in his hand. Edwards said that Mr. Mojarrad flicked the blade open.

Mr. Mojarrad continued to scream at Edwards while holding the knife in his right hand. Edwards stated that Mojarrad stepped towards him with the knife. Edwards fired what he believes were two rounds. Edwards stated that Mr. Mojarrad reacted as though he had been hit but he remained on his feet with the knife in his hand and continued to scream at him. Edwards stated that he never stopped giving Mr. Mojarrad commands to get on the ground but Mr. Mojarrad continued to challenge him in a threatening manner.

Mr. Mojarrad then took another step towards Edwards. Edwards fired two to three more rounds. Mojarrad turned and walked down the hedgerow with the knife in his hand. Edwards continued to tell the suspect to get on the ground. Mojarrad again turned towards Edwards with the knife and Edwards fired what he believes were four rounds at him. Again, it appeared to Edwards that Mr. Mojarrad had been struck.

Mojarrad turned away from Edwards and stepped between two bushes. Edwards removed the magazine that was in the gun and inserted another magazine. Mojarrad stopped and turned around and faced Edwards. He then took a step towards Edwards while still holding the knife. Edwards fired two more rounds. At this time Mr. Mojarrad fell to the ground where he died. Officer Thompson did not arrive until after the deadly force encounter ended.

In a statement to the SBI, EMS medic Chad Caudle related that he was sitting in the parking lot and heard a yell to his left which would have been towards the businesses. He does not recall what was yelled. He looked over and observed a Raleigh Police Officer with his gun drawn pointing at something around the east corner of the shopping center. Caudle observed the officer backing up and firing his weapon. Caudle then moved to another location in the shopping center until he was advised that the scene was secure and he could approach. When he did approach two officers were there. One officer said that the decedent had come at him with a knife. Caudle stated that he saw a knife when he approached to check on Mr. Mojarrad's condition.

Officer D.M. Thompson was the first officer to arrive and assist Edwards. He arrived after the shooting had stopped. He stated to the SBI that he observed Mr. Mojarrad laying down in the grass with a knife in his right hand.

CCBI's report and the crime scene photos reflect that ten shell casings and one empty magazine was recovered. The photos reflect that Edwards did not discharge all rounds in the same spot. The location of the recovered casings indicates that Edwards did not move forward or backwards any more than four or five feet as he and the suspect paralleled the hedgerow from north to south. From the location of the casings, it appears that Edwards was about twenty feet from the hedgerow and from where Mr. Mojarrad collapsed. A review of the duty weapon and magazines and ammunition issued to Officer Edwards and which he had at the time of the incident indicates he fired eleven shots total.

The City County Bureau of Identification responded to the scene to process the scene and collect evidence. CCBI photos reflect Mr. Mojarrad laying face up in the grass at the hedgerow with his legs extended towards the shopping center. In his right hand is an open silver folding knife.

The knife was submitted to the North Carolina State Crime Lab to be analyzed for both latent prints and DNA evidence. The DNA analysis was inconclusive. There were no identifiable latent prints on the knife.

The autopsy conducted by the Office of Chief Medical Examiner revealed that Mr. Mojarrad had eight gunshot wounds. Two of the eight were exit wounds. This would indicate that of the ten shell casings recovered, Mojarrad was shot six times: right chest, left side torso (two times), right hip, right thigh and right buttocks. A graze wound was noted on the right arm and the left buttocks.

Analysis and Conclusion

The purpose of the State Bureau of Investigation's investigation in cases of officer involved use of force is to determine whether a criminal law was violated by the officer's actions.

The law authorizes an officer to use deadly force to prevent death or serious injury to himself, providing that his threat assessment is reasonably made. As the North Carolina Supreme Court has observed, the calculus of reasonableness must allow for the fact that Police Officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving. Officers are routinely trained and advised that deadly force is a force of last resort. Officers are also routinely trained that an individual armed with a knife may make sudden advancement and close a distance gap of over 20 feet in less than two seconds.

Based on all the evidence available, it is the conclusion of the District Attorney that Officer Edwards reasonably believed that his life was endangered when Mr. Mojarrad repeatedly refused to follow commands to drop the knife, continued to yell at Officer Edwards in a threatening manner and moved towards Officer Edwards. This matter will be closed.