



SATANA DEBERRY
DISTRICT ATTORNEY

PROSECUTORIAL DISTRICT 16
DURHAM COUNTY

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VIA EMAIL (original to follow)

May 16, 2022

Clarence Birkhead
Sheriff
Durham County Sheriff's Office
510 S. Dillard St.
Durham, NC, 27701

Sheriff Birkhead,

I have reviewed the investigation surrounding the use of force by Durham County Sheriff Deputy Sgt. Timothy J. Price on January 4, 2022. This case was investigated by the North Carolina State Bureau of Investigation, Case File Number 2022-00016. The purpose of this review was to determine whether the conduct of Sgt. Price was unlawful when he shot Stephanie Monique Wilson.

This letter specifically does not address law enforcement tactics nor whether Sgt. Price followed proper Durham County Sheriff's Office procedure or directives.

1. OVERVIEW

On January 4, 2022, the North Carolina State Bureau of Investigation (NCSBI) was requested to investigate the officer-involved shooting of Stephanie Monique Wilson. On this same date, the NCSBI responded to 421 John Jones Road, Bahama, North Carolina, and began the investigation. During the investigation, NCSBI agents interviewed both civilian and law enforcement witnesses and reviewed the following:

- Video and audio footage (including in-car cameras in deputies' vehicles)
- Social media recordings and text messages
- Law enforcement radio transmissions
- Autopsy photographs and findings
- Durham County Sheriff's Office records
- Law enforcement and crime scene reports related to the incident

After a thorough review of the NCSBI case file, the Durham County District Attorney's Office will not seek criminal charges in this matter.

2. STATEMENT OF FACTS

On Tuesday, January 4, 2022, Durham County Sheriff's Office deputies responded to 421 John Jones Road, Bahama, North Carolina, in response to a 911 call for service regarding a breaking and entering in progress. The caller reported being home alone and believes someone was trying to kick in the door. The caller was later identified as Stephanie Monique Wilson. Deputies who responded included:

- Sgt. Jason Petty
- Deputy Doyle Midgette





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- Deputy Justin Morgan
- Sgt. Timothy Price
- Sgt. Samuel Kelly
- Deputy Vance Stewart
- Deputy Shawn Bromell
- Deputy Clinton Gunn
- Deputy Michael Walton
- Lt. Steven Tally

Sgt. Petty and Deputies Midgette and Morgan arrived first on the scene in the same vehicle. Their arrival was followed closely by the arrival of Sgt. Price and Deputy Kelly in separate vehicles. All vehicles parked in the driveway of the residence at 421 John Jones Road. Sgt. Petty was concerned about the presence of two German Shepherd dogs and asked Sheriff's Office Communications to contact the person requesting the call to retrieve the dogs. It was at this time that Sgt. Petty noticed Stephanie Monique Wilson standing behind a cinderblock wall located on the right driveway near the right side of the house. Sgt. Petty saw Wilson holding a black long gun and shouted "gun" to surrounding deputies. Sgt. Price then yelled that Wilson had "a long gun" that was later identified as a shotgun. At this point, the deputies took cover behind the vehicles and both Petty and Price ordered Wilson to drop the gun.

Contemporaneously to the arrival of the deputies, Wilson began a series of Facebook Live videos inside the residence in which she appears agitated and can be seen loading and racking a shotgun. In the videos, she can also be seen moving outside the residence. She places her mobile phone down with the Facebook Live still streaming. The video is fixed on the sky, but the audio continues to record. Wilson can be heard telling viewers that she is in a "standoff with police." There is no discernible audio of deputies on the stream, but Wilson is clearly engaged in conversation with someone. She can be heard saying "Y'all gonna have to shoot me, dawg", "Make it easier on both of us" and "I'm not fixing to put this gun down." Wilson can be heard saying several times that she is not going to put the gun down. However, she can also be heard telling deputies that she is not going to shoot them. Wilson can be heard racking the shotgun in the audio.

Sgt. Petty initiated verbal contact, but communication was difficult. Sgt. Price described the scene as "a lot going on at one time." Petty tried to talk with Wilson for several minutes to convince Wilson to put the gun down. Sheriff's Office Communications established contact with Wilson by phone which appeared to add to the confusion. The Facebook Live stream ends when Wilson answers. Wilson communicates she is upset and agitated but Sgt. Petty has trouble understanding why. Wilson repeatedly lifts and points the shotgun at deputies. At this point, several deputies have arrived and have taken up positions behind the residence and in the woods near the residence. All had views of Wilson and the shotgun. The final time Wilson lifted the gun, several deputies described her as taking a "shooting stance." It was then that Sgt. Price fired a single round. No other deputies fired their weapons. Wilson sustained a gunshot wound to the right of her neck below the jawline. Deputies Wilson and Morgan secured the weapon and called for EMS. Wilson was pronounced dead at the scene.

3. LEGAL STANDARD

The use of force by a law enforcement officer in North Carolina is governed by N.C. Gen. Stat§ 15A-401(d)(2), which states in pertinent part:





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(d) Use of Force in Arrest.

(2) A law-enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:

- a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force;
- b. To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or
- c. To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony.

Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. ... [T]he 'reasonableness' inquiry in an excessive force case is an objective one: the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation" *Graham v. Connor*, 490 U.S. 386, 396-97 (1989) (citing *Scott v. United States*, 436 U.S. 128, 137-139 (1978)); *Scott v. Harris*, 550 U.S. 372, 383-387 (2007).

4. ANALYSIS AND CONCLUSION

The prosecution of any crime related to the death of Ms. Wilson would require proof beyond a reasonable doubt that Sgt. Price was not legally justified in using deadly force pursuant to the provisions of N.C. Gen. Stat§ 15A-401(d)(2).

The question, therefore, is whether a reasonable officer in Sgt. Price's position would have felt that it was "reasonably necessary" to use deadly force to defend himself and other deputies from what he reasonably believed to be the use or imminent use of deadly physical force by Ms. Wilson.

The evidence in this case shows that Ms. Wilson was upset on the afternoon of January 4, 2022. Facebook Live footage and text messages with her roommate and friends indicated that she may have been contemplating suicide. She initiated a false emergency call to 911 to induce an armed law enforcement response to her home.

When Sheriff deputies arrived, she displayed a shotgun which she pointed at them several times and which deputies saw her continuously load and unload. Deputies continuously ordered Wilson to disarm – commands to which she did not respond. When she did respond to commands, Wilson refused to obey and her observed behavior was erratic and unpredictable.

The evidence from this investigation establishes that a reasonable officer in Sgt. Price's position would have believed that he and the other deputies were in danger of imminent deadly physical force from Ms. Wilson.





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Because the totality of the evidence in this case establishes that a reasonable officer in Sgt. Price's position would have reasonably believed that Ms. Wilson was preparing herself in a "shooting stance" and that such movement constituted an imminent threat of deadly physical force, the force used by Sgt. Price was not excessive under the circumstances.

Therefore, it is my conclusion that there is insufficient evidence to support the filing of criminal charges.

Please feel free to contact me with any further questions or concerns.

Sincerely,

Satana Deberry
District Attorney, 16th Prosecutorial District

cc. Keischa Lovelace, Durham County Sheriff's Office
SA C.S. Bell, NC SBI
SAC M.T. Denning, NC SBI

