STATE'S ATTORNEY
Gregg L. Bernstein

OFFICE *of the* STATE'S ATTORNEY *for* BALTIMORE CITY
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443-984-6270

July 15, 2013

Revised Copy

Captain Stanley Brandford
Commander of Homicide Section
Baltimore City Police Department
601 E. Fayette Street
Baltimore, Maryland 21202

Re: Non-Fatal shooting of Shaun Mouzon
on January 28, 2013

Dear Captain Brandford:

This office has completed its investigation into the above incident. Our review included an examination of your unit's investigative file, consultation with the primary detective, and witness interviews where appropriate.

Based on the above, we have concluded that Officers Chris Szakolczai, Charles Mewshaw and Kevin Saliba were acting reasonably in self-defense when they fired upon Mr. Mouzon. Accordingly, no criminal charges will be initiated by this Office.

Feel free to contact me with any further questions.

Yours truly,

Gregg Bernstein
State's Attorney for Baltimore City

By:_____
Donald Giblin
Assistant State's Attorney
Chief, Homicide Division

cc: Detective Raymond Hunter
Commander, Internal Affairs Division

Police Department
Baltimore, Maryland

January 28, 2013

Criminal Investigation Division
FINAL REPORT
93/151
From 0001 hours to 2400 hours: 28 January 2013 CC# 138A12326

To: Chief, Criminal Investigation Division

From: Commanding Officer, Homicide Division

Incident: Non-Fatal Police Involved Shooting
CC# 138A12326
13J004
13V0029

Location: 3300 Edmondson Avenue, Baltimore, Maryland 21225

Date/ Time: 28 Jan 13 @ 1825 hours

Method: Members of the Southwest District attempted to conduct a car stop in the 3300 block of Edmondson Avenue for a possible armed suspect.

Officer Involved # 1:

Police Officer Chris Szakolczai
Sequence Number J-210
EOD 02-06-12
Assignment: Southwest District Uniform Patrol
Officer was not injured, fired four (4) shots

Officer Involved # 2:

Police Officer Charles Mewshaw
Sequence Number I-900
EOD 0-21-10
Assignment: Southwest Operations Unit
Officer not injured, fired four (4) shots

Officer Involved # 3:

Police Officer Kevin Saliba
Sequence Number I-948
EOD: 11/30/10
Assignment: Southwest District Uniformed

Witnessing/Officer # 1:

Lieutenant Torran Burrus
Sequence Number G-156
EOD 01-02-96
Assignment: Southwest Operations Unit
Officer not injured, did not fire shots

Witnessing/Officer # 2:

Police Officer Fabien Laronde
Sequence Number H-072
EOD 08-20-01
Assignment: Southwest Operations Unit
Officer not injured, did not fire shots

Witnessing/Officer # 3:

Police Officer Michael Dwayne Johnson
Sequence Number I-882
EOD 07-08-10
Assignment: Southwest District Patrol
Officer not injured, did not fire shots

Witnessing/ Officer # 4:

Police Officer Marlon Harty
Sequence Number G-490
EOD 09-07-99
Assignment: Southwest District
Officer not injured, did not fire shots

Witnessing/Officer # 5:

Police Officer Frank Friend
Sequence Number G231
EOD 03-23-98
Assignment: Southwest Operations Unit
Officer not injured, did not fire shots

Witnessing/Officer # 6:

Police Officer Gary Shacekel
Sequence Number G621
EOD 04-19-00
Assignment: Southwest Operations Unit
Officer not injured, did not fired shots

Suspect/Victim:

Shaun Daniel Mouzon
B/M 30, DOB [redacted]
[redacted]
SID# [redacted]
FBI# [redacted]
Maryland Soundex # [redacted]
Injuries: Multiple gunshot wounds to the torso area, arm and groin, listed in critical condition

Investigators:

Captain Stanley Brandford, Commander, Homicide Section
Detective Sergeant Steve Hohman, Acting Shift Commander
Detective Ray Hunter, Homicide Section

Notification:

On January 28, 2013 @ 1838 hours, Officer Bowie of the Baltimore City Police Department Communications Section contacted the Homicide Unit and advised that members of the Southwest District were requesting our assistance in reference to a police involved shooting in the 3300 block of Edmondson Avenue. Your writer along with Detective Damon Talley and Detective Sergeant Hohman responded directly to the scene, arriving at 1859 hours. Captain Stanley Brandford was also notified and responded to the scene. Detective Sergeants Keith Jones and Angelo LaViola of Internal Affairs were also notified and arrived on scene.

Summary:

On January 28, 2013 @ 1825 hours, Lieutenant Burrus, Officer Laronde and Officer Mewshaw were in an unmarked patrol car conducting enforcement in the area of the 1100-1200 block of Wicklow Road. While on routine patrol they observed a 2006 Hyundai bearing Maryland registration [redacted] exit the apartment complex known as the Seminole Apartments. This vehicle was being operated by an individual later identified as Shaun Daniel Mouzon. After driving for a couple of blocks onto Wicklow Road, Shaun Mouzon stopped his vehicle, exited same and began talking with an unknown individual. Upon exiting the vehicle, Shaun Mouzon began to display characteristics of an individual possibly armed with a gun. Upon noticing the presence of the officers, Shaun Mouzon entered his vehicle and drove off. According to Lieutenant Burrus, Shaun Mouzon began driving in an evasive manner. The officers attempted to stop the vehicle by activating their lights and siren, but Shaun Mouzon failed to comply. Officers provided a description and direction of travel of the suspect's vehicle via police communications.

While in the 3300 block of Edmondson Avenue, waiting for a traffic signal affixed to the intersections of Edmondson Avenue and Hilton Street, the officers decide to conduct a car stop. Upon approaching the suspect's vehicle, officers began to give verbal commands to Shaun Mouzon to put the car in park. Shaun Mouzon rolled up the driver's side window and with his hands began to make a motion towards the center console. At this time the traffic device at the aforementioned intersection turned green. It was at this time that Shaun Mouzon pulled off, almost striking the officers. At this time Officers Mewshaw, Sailba and Szakolczia discharged their departmental issued firearms into the vehicle, striking Shaun Mouzon. Shaun Mouzon continued driving eastbound in the 3200 block of Edmondson Avenue, eventually eluding the officers.

After a brief canvass of the area, Lieutenant Burrus, Detectives Laronde and Mewshaw located the vehicle in the 700 block of N. Longwood Street. Upon approaching the vehicle, officers observed the suspect's vehicle surrounded by several unknown individuals. Upon noticing the arrival of the police, these individuals left the immediate area. Located in the drivers seat was Shaun Mouzon. Same had suffered several apparent gunshot wounds to the torso area. Officers immediately secured the scene and made the proper notifications.

Baltimore City Fire Department Medic # 21 responded and transported Shaun Mouzon to the University of Maryland Shock Trauma, where same was treated by Dr. Pasley and members of his staff. Shaun Mouzon was immediately taken into surgery and as of this writing is listed in critical condition.

Crime Scene:

There were two crime scenes involved in this incident. The first scene was located in the 3300 block of Edmondson Avenue and the second scene was located in the 700 block of N. Longwood Street.

Crime Lab Technician Figueroa (Unit # 5828) and Lacy (Unit # 5829) responded to the initial crime scene located in the 3300 block of Edmondson Avenue and processed same. Recovered were six (6) forty (40) caliber cartridge casings and one silver colored door handle. These items were documented, photographed and submitted to the Evidence Control Section. A sketch of the area was also completed. It should be noted that numerous vehicles were able to drive through this area prior to it being secured.

Crime Lab Technician Caldwell (Unit # 5802) responded to the second crime scene located in the 700 block of N. Longwood Street. Overall photographs of the area were taken to include the impact route, which included several front yards, a street sign, a shed (snowball stand) and the vehicle driven by the suspect (2006 Hyundai bearing Maryland registration [redacted]). The aforementioned vehicle was towed to the Baltimore City Crime Lab Bay, pending a search and seizure warrant.

Officers Hamier and Taylor of the Emergency Vehicle Unit (Unit # 7811) responded to both scenes and assisted with illuminating the area, as well as searching for additional cartridge casings. Officer Sturm (Unit # 7792) of the Canine Unit (K9) responded and assisted with the search for a handgun. A canvass of the area between both scenes was also conducted in an effort to locate a weapon with negative results. Detective Sergeant LaViola and Detective Sergeant Jones of the Internal Investigation Division also responded to the scene

Additionally, several CCTV cameras were observed in the area. On January 31, 2013, Detective Ragland responded to the Baltimore City Police Department Watch Center and reviewed a CCTV camera located at the intersection of Edmondson Avenue and Denison Street. This camera did capture footage of the incident now being investigated. The aforementioned footage was preserved and is housed in the case folder.

On January 29, 2013 a search and seizure warrant was applied for and granted for a 2006 Hyundai Sonata bearing Maryland registration tags [redacted]. This warrant was signed by the Honorable Judge Hong. At request of Detective Heath same was processed by Crime Lab Technician Pasay (Unit # 5819) and the following items were recovered and submitted to the Baltimore City Police Department Evidence Control Section.

1. Two (2) projectiles	Property # 13-005222
2. Two (2) swabs of suspected blood	Property # 13-005224
3. Six (6) swabs from Hyundai	Property # 13-005224
4. Three (3) cell phones	Property # 13-005225
5. Sweatshirt, black hat, du-rag, baseball cap	Property # 13-005226

Officer/Victim # 1: **Officer Chris Szakolczai**

As of this writing Officer Szakolczai has not provided a statement

WEAPON INSPECTION:

POLICE OFFICER SZAKOLCZAI:
Glock 22 Ser# HVR868
1-cartridge chambered
9-cartridges loaded in the weapon's magazine
14 live cartridges in the primary magazine
14 live cartridges in the secondary magazine
Inspected by Detective Sgt. Purtell (F095) on 1/28/13
Recovered by Crime Lab Technician Stewart on 1/28/13
Photographed by Crime Lab Technician Stewart on 1/28/13

Officer/Victim # 2: **Officer Charles Mewshaw**

As of this writing Officer Mewshaw has not provided a statement

WEAPON INSPECTION:

POLICE OFFICER MEWSHAW IV:
Glock 22 Ser# HZT863
1-cartridge chambered
9-cartridges loaded in the weapon's magazine
14 live cartridges in the primary magazine
14 live cartridges in the secondary magazine
Inspected by Detective Sgt. Rich Purtell (F095) on 1/28/13
Recovered by Crime Lab Technician Stewart on 1/28/13
Photographed by Crime Lab Technician Stewart on 1/28/13

Officer/Victim # 3: **Officer Kevin Saliba**

As of this writing Officer Saliba has not provided a statement

WEAPON INSPECTION:

POLICE OFFICER SALIBA:
Glock 22 Ser# HVR690
1-cartridge chambered
10-cartridges loaded in the weapon's magazine
14 live cartridges in the primary magazine
14 live cartridges in the secondary magazine
Inspected by Detective Sgt. Purtell (F095) on 1/28/13
Recovered by Crime Lab Technician Stewart on 1/28/13
Photographed by Crime Lab Technician Stewart on

Officer/Witness: **Lieutenant Torran Burrus**

Lieutenant Burrus was interviewed by Detective Reichenberg of the Homicide Section and provided the following information. Lieutenant Burrus advised that he was on routine patrol in the company of Officers Laronde and Mewshaw. Lieutenant Burrus advised that they were in full uniform and operating an unmarked patrol car in the area of the Seminole Apartments located in the 1100 block of Wicklow Road. It was this time they observed a 2006 Hyundai bearing Maryland registration [redacted], exit the aforementioned apartment complex. This vehicle was being operated by an individual later identified as Shaun Mouzon. While travelling on Wicklow Road, the following vehicle stopped and Shaun Mouzon exited same. Shaun Mouzon then began talking to an unknown individual and while doing so the officers observed same displaying the characteristics of an armed person. After a short period Shaun Mouzon observed the officers car, got back into his car and drove off. Shaun Mouzon then began driving in what Lieutenant Burrus described as an evasive manner. At this point the officers decided to activate their emergency lights and siren to conduct a car stop, but Shaun Mouzon did not comply. Lieutenant advised that they provided a description and direction of travel of Shaun Mouzon's vehicle, via police communications. Eventually with the assistance of marked patrol units, Shaun Mouzon's vehicle was stopped in the 3300 block of Edmondson Avenue. Lieutenant Burrus and Officer Laronde exited their vehicle and approached the suspect's vehicle on the driver's side, while Officer Mewshaw approached same on the passenger side. They began giving Shaun Mouzon verbal commands to put the car in park. The suspect rolled up the driver's side window and upon noticing the traffic device located at the intersection of Edmondson Avenue and Hilton Street turn green, began to drive off. Lieutenant Burrus advised that it was at this

time that he heard several gun shots. The suspect's vehicle then accelerated eastbound in the 3200 block of Edmondson Avenue and out of the sight of the officers. After a brief canvass of the area, the suspect's vehicle was located in the 700 block of N. Longwood Street. Upon approaching the vehicle they observed several individuals surrounding the suspect's vehicle. Upon exiting their vehicle some of the aforementioned individuals quickly left the scene. The officers observed the driver's side door open with Shaun Mouzon seated in the driver's seat. Lieutenant advised that he conducted a quick check of Shaun Mouzon's person to make sure that same was not armed. Lieutenant Burrus then made the proper notifications.

Officer/Witness: Officer Fabien Laronde

Officer Laronde was interviewed by Detective Martin Young and Robert Heath of the Homicide Section and provided the following information. Officer Laronde advised that he along with Lieutenant Burrus and Officer Mewshaw were on routine patrol in the area of the Seminole Apartment Complex, which is located in the 4200 block of Seminole Avenue. Officer Laronde advised that they were in full uniform and operating an unmarked patrol car, when they observed a 2006 Hyundai bearing Maryland registration [redacted] exit the apartment complex. This vehicle was being operated by an individual later identified as Shaun Mouzon. While travelling from Seminole Avenue onto Wicklow Road, the aforementioned vehicle stopped and Shaun Mouzon exited same. Shaun Mouzon then began talking to an unknown person and while doing so the officers observed same displaying characteristics of an armed person. Shaun Mouzon then looked in the direction of the officers, re-entered his vehicle and drove off. Officer Laronde advised that based on Shaun Mouzon's actions they attempted to conduct a car stop. Upon activating their lights and siren, Shaun Mouzon made a motion as if he was about to pull over, but never did. Officer Laronde advised that Officer Mewshaw then alerted police communications a description and direction of travel of the suspect's vehicle. Eventually they were able to affect a car stop in the 3300 block of Edmondson Avenue, while Shaun Mouzon's vehicle was stopped at a traffic light. Officer Laronde advised that as they exited their vehicle, he immediately approached the driver's side door. Officer Laronde advised that he began to yell commands for the driver to put his car in park. Shaun Mouzon looked at him, rolled up the window and locked the doors. Officer Laronde advised that he attempted to open same by grabbing the door handle, but same broke. Officer Laronde then attempted to grab the window, but same closed. Officer Laronde advised that he then observed Shaun Mouzon reach away from his body. Officer Laronde advised that he thought Shaun Mouzon was reaching for a handgun. It was at this time that the traffic light turned green and Shaun Mouzon began to drive off. Officer Laronde advised that he heard several gunshots and then observed Shaun Mouzon's car driving into the direction of Officer Mewshaw. Officer Laronde, Lieutenant Burrus and Officer Mewshaw got into their vehicle and attempted to follow Shaun Mouzon's car. After a brief canvass of the area, they located Shaun Mouzon's vehicle in the 700 block of N. Longwood Street. While approaching same Officer Laronde advised that he saw

approximately eight (8) individuals surrounding Shaun Mouzon's vehicle. Upon exiting their vehicle these individuals left the scene. Officer Laronde then observed Shaun Mouzon seated in the driver's seat. Same was suffering from several apparent gunshot wounds. All the proper notifications were made to include medical attention for Shaun Mouzon.

Officer/Witness: Michael Johnson

On January 28, 2013 Officer Michael Johnson was interviewed by Detectives Robert Heath and Dawnyell Taylor and revealed the following information. Officer Johnson advised that he was on routine patrol, dressed in full uniform and assigned to 814 post. Officer Johnson advised that via police communications he heard units from the Southwest District Operations Unit requesting assistance with a car stop. Officer Johnson advised he observed the vehicle heading northbound on Denison Street. The vehicle then turned eastbound onto Edmondson Avenue, were it was stopped in traffic. Officer Johnson advised he observed a Lieutenant Burrus, Officers Mewshaw and Laronde exit their unmarked patrol vehicle with their weapons withdrawn and approach the suspect's car. Officer Johnson described the suspect's car as silver four door Hyundai. Officer Johnson then advised that he exited his vehicle and observed the suspect roll his window up. Once the traffic device turned green, the suspect began to drive off. Officer Johnson advised that he then heard several gunshots. Officer Johnson advised that he believes the shots were fired by officers who were in front of the suspect's vehicle. Officer Johnson advised that it was at this time he withdrew his service weapon, but did not discharge same. Officer Johnson advised that he holstered his weapon, entered his patrol car and began to follow the suspect's vehicle eastbound on Edmondson Avenue. Officer Johnson advised that he actually lost sight of the suspect's vehicle. A canvass of the area revealed that the suspect's vehicle was located in the 700 block of N. Longwood. Officer Johnson advised that the occupant of the vehicle was positioned in the driver's seat, suffering from an apparent gunshot wound to the torso area.

Officer/Witness: Marlon Harty

On January 30, 2013 your writer along with Detective Ragland interviewed Marlon Harty who provided the following information. Officer Marty advised that he was assigned as the officer in charge of sector one and dressed in the uniform of the day. Officer Harty advised that he was operating a marked Baltimore City Police Department vehicle. While on routine patrol, Officer Harty advised that via police communications he heard members of the Southwest District Operations Unit attempting to stop a vehicle. Officer Harty advised that he responded to the area of the 3300 block of Edmondson

Avenue and parked behind another marked police vehicle. Officer Harty advised that he then observed an unmarked black police car. Officer Harty then observed Lieutenant Burrus and other officers approaching the suspect's vehicle, which Officer Harty described as silver in color. Lieutenant Burrus was then heard giving several commands for the suspect to exit the vehicle. Upon exiting his vehicle, Officer Harty advised that he heard several gunshots. Officer Harty advised that he notified police communications that shots had been fired. Officer Harty advised that he then noticed the suspect's vehicle drive off eastbound on Edmondson Avenue. Officer Harty advised that the officers returned to their vehicles and began to follow the suspect's vehicle. Officer Harty advised that he entered his vehicle and began to follow same. Officer Harty advised that he immediately stopped, returned to the crime scene and secured same.

Officer/Witness: Police Officer Frank Friend

On February 6, 2013 your writer along with Detective Ragland interviewed Officer Frank Friend and learned the following information. Officer Friend advised that he was working routine patrol in the company of Officer Gary Shacekel. Officer Friend advised that they were dressed in full uniform operating an unmarked police vehicle. Officer Friend advised that this vehicle is equipped with emergency lights only. Officer Friend advised that while monitoring his radio, he heard other members of his unit requesting assistance to stop a vehicle were the operator was refusing to stop. Officer Friend advised that further communications revealed that the occupant of that vehicle may be armed with a handgun. Officer Friend advised that they drove to the intersections of Edmondson Avenue and Mt. Holly Street in an attempt to block the intersection. It was at this time that they observed a gray colored Hyundai Sonata heading in their direction. Officer Friend advised that the vehicle failed to stop and made an evasive maneuver around their vehicle. Officer Friend advised this vehicle was followed closely by an unmarked patrol vehicle being operated by Lieutenant Burrus and Officers Mewshaw and Laronde. Officer Friend advised that at this point they lost sight of the vehicle. After the short period they were advised via police communications that the vehicle was stopped in the 3300 block of Edmondson Avenue. Officer Friend advised that they began travelling northbound on N. Hilton Street approaching Edmondson Avenue. Just prior to Edmondson Avenue Officer Friend advised that heard several small pops, which he thought were possibly firecrackers. Officer Friend was then advised by Officer Shacekel that he believed that same were actually gunshots. Officer Friend advised that via police communications they learned that shots had indeed been fired. Officer Friend advised that they observed a marked patrol vehicle going in reverse (eastbound) in the westbound lane of the 3300 block of Edmondson Avenue. This car was immediately followed by several police vehicles traveling eastbound in the 3300 block of Edmondson Avenue. Officer Friend advised that they followed the aforementioned vehicles, but lost sight of the suspect's vehicle. Officer Friend advised that while canvassing the area, they were advised that the vehicle was located in the 700 block of N. Longwood Street. Officer

Friend advised that upon their arrival they observed the gray colored Hyundai Sonata against a fence. Officer Friend advised that at this point the occupant of the vehicle was injured and kept reaching towards the center console. Officer Friend advised that the occupant was then searched for a weapon and then treated for his injuries.

Officer/Witness: Gary Shacekel

On February 6, 2013 your writer, along with Detective Ragland interviewed Officer Gary Shacekel and were provided with the following information. Officer Shacekel advised that he was working routine patrol along with Officer Friend. Officer Shacekel advised that they were dressed in the uniform of the day and operating an unmarked patrol car. According to Officer Shacekel, this vehicle is equipped with emergency lights only. Officer Shacekel advised that while on routine patrol they heard via police communications, other members of the Violent Crime Section (Squad 2) attempting to stop a vehicle. This vehicle was wanted for a handgun violation. Officer Shacekel advised they responded to the reported direction of travel and attempted to assist the aforementioned officers. Officer Shacekel advised that they approached the intersection of Edmondson Avenue and Mt. Holly Street to block off same. It was at this time they observed a silver colored Hyundai. This vehicle made an evasive maneuver and continued southbound in the 500 block of Mt. Holly Street. Officer Shacekel advised that they continue to assist with attempting to stop the aforementioned vehicle. Officer Shacekel advised that they were advised via police communications that the suspected vehicle was stopped in traffic in the 3300 block of Edmondson Avenue. Officer Shacekel advised that they headed northbound on N. Hilton Street towards the 3300 block of Edmondson Avenue, in attempt to block the intersection. Just prior to the intersection of Edmondson Avenue and N. Hilton Street, Officer Shacekel advised that he heard approximately ten (10) gunshots. Officer Shacekel advised that via police communications they learned that shots had indeed been fired. Officer Shacekel advised that they followed several police cars eastbound in the 3200 block of Edmondson Avenue. Officer Shacekel advised that they began to canvass the area, when they were advised that the car had been located in the 700 block of N. Longwood Street. Officer Shacekel advised that upon their arrival they noticed the occupant of the vehicle seated in the driver's seat. This individual was suffering from an apparent gunshot wound. At this point and time, medical attention was requested.

Witness: Bridgette Void

On February 21, 2013 your writer in the company of Detective Talley interviewed Bridgette Void and learned the following information. Bridgette Void advised that she knows Shaun Mouzon from her cousin, Calvin Harriett. Ms. Void advised that the vehicle Shaun Mouzon was driving belongs to her and is described as a 2006 Hyundai Sonata, bearing Maryland registration [redacted]. Ms. Void advised that at her request, Shaun Mouzon picked her car up from a local mechanic shop, after same had some minor repairs done. Ms. Void advised that later on the night in question she received a phone call from Calvin Harriett advising her that the police shot up her car and as a result Shaun Mouzon had been injured. Ms. Mouzon advised that she has no additional information.

Follow-Up Investigation:

All Follow-up investigation will be conducted under this command: CID/Homicide.

ASA Notification:

ASA Don Giblin, Chief of Homicide- Office of the State's Attorney was notified and advised of the facts and circumstances of this incident.

Detective Ray Hunter
Homicide Section

Detective Sergeant Lamar Howard
Supervisor, Homicide Section

R. Gibson - 5/30/13
Detective Lieutenant Richard Gibson
Shift Commander, Homicide Section

Capt Stanley Brandford
Captain Stanley Brandford
Commander, Homicide Section

Dean M. Palmere 6/5/13
Colonel Dean Palmere
Chief, Criminal Investigation Division