

**VOLUSIA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA # 10-009

PERIOD COVERED: May 9, 2010

DATE REPORTED: May 9, 2010

SUBJECT(S) NAME: Sergeant Vidal Mejias ID #1388

INVESTIGATING OFFICER: Sergeant Timothy Morgan

BASIS FOR INVESTIGATION:

On Sunday May 9, 2010, Sergeant Vidal Mejias along with other Deputies were dispatched to a domestic disturbance call involving a husband and wife at 1165 S. Blue Lake Ave, Deland Florida. Upon arrival Sergeant Mejias was confronted by a white male (later identified as Gerard J. James D.O.B 05/20/1980) who was standing in his driveway with a shotgun. The suspect refused Sergeant Mejias commands to drop the weapon and pointed the weapon towards Sergeant Mejias. Sergeant Mejias discharged his department issued .40 cal. handgun three times striking the suspect in the abdomen and left arm.

The Florida Department of Law Enforcement, Special Agent Kathi Kennedy, conducted the investigation into the use of Deadly Force by Vidal Mejias that resulted in the shooting of Joshua James Gerard. The completed FDLE Investigative Summary is listed under FDLE case # DB-27-0036.

OFFENSE(S): None.

INVESTIGATIVE SUMMARY:

On May 10, 2010 Sergeant Mejias was served a Notification of Administrative leave (with pay) as the result of the Use of Deadly Force on 05/9/2010.

On May 10, 2010, Sergeant Morgan obtained a copy of the year 2010 annual Firearms qualifications, which read that Sergeant Vidal Mejias qualified with his firearm on April 4, 2010. (See Tab-F)

On May 11, 2010, Sergeant Morgan received a copy of the medical specimen report submitted on the day of the shooting (05/10/2010) by Sergeant Mejias. The report read that Sergeant Mejias tested negative.

On May 11, 2010 a Fitness for duty examination was conducted on Sergeant Mejias by Edmond S. Bartlett, Ph.D. The finding of the examination is that the subject is seen as "fit to return to duty without restriction".

On May 21, 2010, Sergeant Morgan obtained a copy of the charging affidavits which read that Mr. James Gerard was charged with the felony charge of Aggravated Assault on a LEO with a firearm. (See Tab-C)

On June 11, 2010, Sergeant Mejias Glock 35 was inspected by Volusia County Range Master Bob Applegate and found to be in proper working order with no modifications.

On June 24, 2010, Lieutenant Goggin was provided with the completed FDLE Investigative Case summary (#DB-27-0036) from FDLE special agent Kathy Kennedy. (See attached file)

On August 5, 2010, The State Attorney Office completed there review of case #DB-27-0036 as presented by Special Agent Kennedy in the shooting of Gerard, Joshua James, and found that in there legal opinion no criminal prosecution was warranted in this case. (See Tab-A)

Conclusion:

On September 28, 2010, case (FDLE-#DB-27-0036) completed by Special Agent Kennedy was presented to the Use of Force Review Board at the Sheriff's Administrative Staff meeting. The Sheriff determined the shooting to be justified as to prevent imminent death or great bodily harm to the Deputy and found no violations of agency policy

EXHIBIT(S):

- A) Official Correspondence
- B) Copies of Incident reports, and Supplements (10-14239)
- C) Affidavit / Charging Affidavit (10-14249)
- D) CAD history of call # P101291680
- E) Consent to Search form, Crime Scene Log, and Supplements (10-14249)
- F) Volusia County Firearms Qualification log

G) Audio and Interview Sergeant Mejias, Photo's and Radio call

Attached to this file is the Florida Law Department of law Enforcement's case file #DB-27-0036

WITNESSES:

Sergeant Vidal Mejias
Volusia County Sheriff's Office

Investigator Mike Campanella
Volusia County Sheriff's Office

Deputy Christy Bourke
Volusia County Sheriff's Office

Deputy David Dewees
Volusia County Sheriff's Office

Investigator K. Kennedy
FDLE Daytona Beach

Investigator S. Peterka
FDLE Daytona Beach

Investigator Tim Kraft
FDLE Daytona Beach

Mr. Justin Wines
1440 Windy Knoll Lane, Deland Fl

Mrs. Tammy Wines
1440 Windy Knoll Lane, Deland Fl

Joshua James Gerard
1165 S. Blue Lake Ave, Deland Fl

INVESTIGATOR: Sgt Timothy M. Morgan 2459 DATE 9/29/10
Sergeant Timothy Morgan
Internal Affairs Investigator

APPROVED BY: William R. Lee DATE: 2/8/11
Chief Deputy William R. Lee
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA