

**REPORT REGARDING THE GEORGIA STATE PATROL SHOOTING AT THE FUTURE
SITE OF THE ATLANTA PUBLIC SAFETY TRAINING CENTER IN DEKALB COUNTY ON
JANUARY 18, 2023**

STATEMENT OF FACTS

On January 18, 2023 a State and Local multi agency operation was performed to remove individuals who were trespassing on the property owned by the City of Atlanta and to remove camp sites. The operation was performed on the part of the property located in DeKalb County, Georgia. Prior to this date individuals camping and trespassing on the property had disrupted and intimidated contractors working on the property and had committed crimes.

The Georgia Bureau of Investigation (hereinafter GBI), Georgia State Patrol (herein after GSP), Atlanta Police Department, Georgia Department of Natural Resources (herein after DNR), the DeKalb County Police Department, the DeKalb County Fire Rescue, and others participated in the operation.

Prior to the beginning of the operation a briefing was provided to all participants by the GBI. Included in the briefing were warnings about previous individuals on site having firearms and on one occasion law enforcement was confronted by an individual armed with a rifle and pistol. Warnings were provided about explosive devices that were found on the property along with traps and trips on pathways. Participating law enforcement members were also made aware that individuals had thrown rocks and fireworks at law enforcement in the past.

The law enforcement agencies were divided into two teams for the operation, Team 1 and Team 2. This report will focus on 6 GSP Troopers, SWAT team members, who were assigned to Team 2. Team 2 was assigned to cover an area off of Key Road, known as the RC Park. Upon arrival at the entrance to the RC Park the entrance was blocked by a man-made barricade. The barricade was removed by GSP using a specially equipped skid steer. Team 2 was comprised of GSP SWAT team members, GBI Special Agents, DNR game wardens and K-9 units, Atlanta Police Department Officers, and other supporting agencies.

GSP Team 2 members stretched out in a line and entered the wooded area of RC Park and walked through the heavy undergrowth looking for tents and individuals. GSP Team 2 removed three individuals without incident. Shortly thereafter, GSP team 2 members located an occupied tent. The occupant was later identified as Manual Paez Teran, (hereinafter Teran).

Under the circumstances described below, there were six (6) GSP Team 2 members who were assembled at the Teran tent who used lethal force on January 18, 2023. These Troopers are: Mark Lamb, Jonathan Salcedo, Bryland Myers, Ronaldo Kegel, Royce Zah, and Jerry Parrish.

GSP Trooper Mark Lamb

Trooper Mark Lamb was the first Trooper to locate the tent. The tent door flap was closed except that the top portion was open approximately one foot. Trooper Salcedo joined Trooper Lamb at the tent. Both Troopers saw movement from inside the tent. Trooper Lamb identified himself as "Police" and told Teran to exit the tent. After approximately one to two minutes, it was obvious that Teran was not going to exit the tent and comply with the lawful commands. Trooper Lamb and Trooper Salcedo again told Teran to come out of the tent. Thereafter the tent flap began to move and Teran zipped up the remaining part of the open flap of the door. Prior to Teran closing the flap, Trooper Lamb was able to see Teran.

Trooper Lamb, as well as all the other Team 2 members, were dressed in green uniforms that sported patches indicating "Police" and "State SWAT". In addition, Team 2 members were wearing bullet proof vest.

Trooper Lamb radioed and asked that a pepper ball launcher (less lethal device) be brought to the tent. While waiting on the arrival of the pepper ball launcher, Trooper Lamb continued to tell Teran to come out of the tent.

Troopers Brylan Myers and Jerry Parrish arrived at the tent. Troopers Lamb, Myers, and Parrish were standing approximately 5 yards from the front of the tent. Trooper Lamb saw Teran partially unzip the top of the tent, look at the Troopers, and say, "No, I want you to leave". Teran then the tent closed. Trooper Myers, equipped with a pepper ball launcher, began firing pepper balls into the

tent, after having first warned Teran that such less lethal device would be used if he did not come out of the tent.

Within seconds of the pepperball launcher being used, Teran began firing from inside the tent at the Troopers. Trooper Lamb saw a muzzle flash from inside the tent and heard bullets “cracking” past him. Trooper Lamb felt Troopers Myers and Parrish moving behind him. Trooper Lamb had no doubt that Teran was shooting at him and the other Troopers. Lamb believed that he was going to be shot and killed. A teammate pulled Lamb out of the line of fire and Trooper Lamb fell. He then took a kneeling position. Other Troopers were returning gunfire by the time he took the kneeling position.

From the kneeling position Trooper Lamb pointed his rifle at the tent but did not fire. A loud boom sounded and white smoke came from the front area of the tent. Trooper Lamb believed it to be an improvised explosive device (IED) deployed by Teran against the Troopers and Trooper Lamb began to fire his rifle. Trooper Lamb stopped firing to assess the situation. After not seeing any movement in the tent, or hearing additional gun fire or explosions, Trooper Lamb looked around and saw Trooper Parrish lying on the ground, having been shot by Teran.

Trooper Lamb assisted in rendering medical attention to Trooper Parrish and his evacuation from the scene. Trooper Lamb, along with other Troopers, approached the tent, but Trooper Lamb did not see inside the tent once it was opened. He was instructed to return to the initial staging area.

GSP TROOPER JONATHAN SALCEDO

Trooper Salcedo was part of the GSP Team 2.

After the briefing by the GBI, Salcedo and the other Troopers formed a line and entered the woods. A tent was discovered and the occupants were removed without incident.

Salcedo then encountered another tent (Teran tent) along with Trooper Lamb. Salcedo saw the tent move, indicating to him that it was occupied. Both

he and Trooper Lamb issued verbal commands for the occupant to come out of the tent. Teran did not leave the tent. Teran was told that he was under arrest.

Trooper Bryland Myers and Trooper Jerry Parrish joined Salcedo and Lamb. Myers and Parrish were near the front of the tent.

Salcedo heard Trooper Myers, who was equipped with a pepperball launcher, tell Teran that he would use the pepperball launcher if he did not come out of the tent. Salcedo heard Teran say something to the effect that, "I'm not leaving". Trooper Myers thereafter fired pepperballs into the tent occupied by Teran.

Teran then fired from inside the tent. Salcedo heard the gunfire and saw Trooper Lamb fall to the ground near his feet. Salcedo believed that Lamb had been shot and was dead. Salcedo also saw Trooper Parrish fall to a knee and saw that he had a pistol in his hand. Salcedo fired his rifle at the tent and saw smoke at the front of the tent. He believed that Teran had deployed an Improvised Explosive Device (IED). Upon stopping firing his rifle, Salcedo looked around and to his surprise, saw Trooper Lamb stand up. He also saw Trooper Parrish on the ground and heard Parrish say that he had been shot. While other Troopers attended Trooper Parrish, Salcedo continued to point his rifle at the tent in the event further gunshots were fired from the tent.

Salcedo joined other Troopers and approached the tent behind a ballistic shield. The tent was opened and Salcedo could see Teran lying on the tent floor and he saw a holster nearby. Salcedo heard another Trooper say "weapon secure". This meant to him that another Trooper had located a weapon inside the tent.

Salcedo then left that area and returned to the initial staging area.

TROOPER BRYLAND MYERS

Trooper Myers was part of the GSP Team 2.

On January 18, 2023 in addition to his GSP issued rifle and pistol, Trooper Myers was equipped with a pepper ball launcher, a "less lethal" device, that is operated by compressed air launching balls containing pepper. The launcher does

not use gunpowder and the sound created by the launcher does not sound like a firearm being fired.

Trooper Myers joined Trooper Lamb after Lamb radioed him about a trespasser who would not leave an occupied tent. Lamb requested Myers join him. While approaching the tent Myers could hear Lamb requesting the occupant to come out of the tent. The request were in a conversational manner. Myers also heard Lamb identify himself as "Police". After a while, Myers heard Lamb tell Teran that he was under arrest and needed to exit the tent.

Trooper Myers then heard Teran say in a confident manner something to the effect, "No, I want you to leave".

Trooper Myers then said to Teran that if he did not leave the tent that a chemical agent would be used on him. Myers noticed that Trooper Jerry Parrish had joined the other troopers at the tent.

Teran then partially unzipped the front door/flap on the tent and looked at Trooper Myers, Trooper Lamb, and Trooper Parrish. The the three Troopers were located close to the front of the tent door/flap. Teran's facial expression expressed anger. Teran then zipped up the tent door/flap. Trooper Myers then used the pepper ball launcher in an effort to cause Teran to come out of the tent, knowing that the pepper ball launcher would be the best way to accomplish Teran coming out of the tent without causing him physical injury.

In addition, by using the pepper ball launcher, the Troopers would avoid having to go inside the tent and physically remove Teran.

Once Trooper Myers used the pepper ball launcher, gunfire came from inside the tent. The gunfire was directed to where the Troopers were standing. Myers believed the gunfire was directed at them due to the sound of the gun being fired, holes created in the tent, and the sound of bullets impacting around them. Myers thought he was going to be hit by bullets. Myers started to move toward his right toward Trooper Lamb while drawing his pistol. Myers saw Lamb fall to the ground and thought Lamb had been shot. Myers, believed that the only way to stop Teran from shooting Troopers was to shoot.

Myers shot his pistol at the tent. Myers saw a small explosion at the front of the tent and thought Teran had used an improvised explosive device against the Troopers.

Myers stopped shooting and heard Trooper Parrish say that he had been shot. Myers focused on the tent until Trooper Parrish was evacuated. After the evacuation, Trooper Myers and others using a ballistic shield that Myers requested, approached the tent. Myers used a flashbang device as the Troopers approached the tent.

The tent was opened and Myers heard that a firearm was located inside the tent and that Teran was unresponsive. Trooper Myers returned to the initial staging area.

TROOPER RENALDO KEGEL

Trooper Kegel was a member of the GSP Team 2.

Trooper Kegel saw Lamb standing at a tent and heard Lamb speaking to and commanding Teran to come out of the tent. Kegel and the other Troopers who were present took positions near the tent as Lamb talked to Teran for several minutes. Trooper Myers arrived and also began to tell Teran to come out of the tent.

Trooper Kegel heard Teran say, "I am not coming out" in a determined voice.

Trooper Myers then used the pepper ball launcher. Thereafter Teran shot from inside the tent and Kegel knew that what he heard was gunfire coming from inside the tent. He was close enough to see muzzle flash coming from the gun inside the tent. Trooper Kegel returned fire with his rifle to stop Teran from seriously injuring or killing the Troopers, noting that Troopers Lamb, Myers, and Parrish were positioned in front of the door/flap to the tent.

Trooper Kegel also saw smoke coming from in front of the tent during the gunfire and believed that Teran had used a device against the Troopers. Kegel then heard Trooper Parrish say that he had been shot. Kegel focused on the surrounding area to ensure that there were no further threats to the Troopers.

Kegel left the area and returned to the initial staging area.

TROOPER ROYCE ZAH

Trooper Royce Zah was a member of the GSP Team 2.

Trooper Zah was part of the line formation that moved through the heavily wooded area. After first encountering trespassers who complied with instructions from GSP Team 2 and were removed from the property, Trooper Zah came upon the tent along with Trooper Salcedo and Trooper Lamb that was occupied by Teran. Trooper Zah heard the other two Troopers say that there was movement in the tent. Trooper Zah heard the Troopers give Teran verbal commands to come out of the tent. He heard Trooper Lamb tell Teran that they were "police" and that he was trespassing. Lamb further told Teran to come out of the tent peacefully. Lamb's instructions were in a calm and non-threatening manner.

Teran refused to come out of the tent or verbally respond at that point in time. Trooper Zah also heard Trooper Lamb continue to tell Teran to come out of the tent. Troopers Parriah and Myers arrived at the tent. Teran was told that a less lethal chemical agent would be used if he (Teran) did not come out of the tent. Teran stated something to the effect that, "He wanted the Troopers to leave and he was not going to leave". Teran was advised that he was under arrest for Criminal Trespass.

Trooper Lamb requested Trooper Myers to use the pepper ball launcher. Trooper Myers told Teran that he was going to use a less lethal chemical agent if he did not come out. After waiting for Teran to come out, and after Teran did not come out, Trooper Myers deployed the launcher.

Seconds after Trooper Myers had used the launcher, Trooper Zah heard shots being fired from inside the tent. Trooper Zah observed the rounds exiting the front of the tent in the direction of Troopers Lamb, Parish, and Myers. Trooper Zah saw the three Troopers, who were positioned at the front of the tent react to the gunshots by moving away from the tent.

Trooper Zah concerned that his life and the lives of his team members were in danger fired his GSP issued rifle into the tent. Trooper Zah moved away from the tent to find cover. After hearing a ceasefire order, Trooper Zah heard that Trooper Parrish had been shot. Trooper Zah rendered medical assistance to Trooper Parrish until he was evacuated. Trooper Zah observed other teammates approach the tent and gain entry. He glanced in the tent and saw Teran and a black handgun.

Trooper Zah left the area and returned to the initial staging area.

TROOPER JERRY PARRISH

Trooper Parrish was a member of the GSP Team 2.

Trooper Parrish was working with other GSP Troopers on January 18, 2023, but was generally behind the line of Troopers clearing the wooded area and was operating with his K-9, Robby, on that day. Early on in the operation he joined other Troopers at the occupied tent (Teran).

Troopers Lamb, Salcedo, Zah, and Myers were present when he arrived. Trooper Lamb was talking to Teran and telling him to exit the tent. Trooper Parrish joined Trooper Myers at the front of the tent. Trooper Parrish heard Trooper Lamb continue to tell Teran to exit the tent. Teran did not exit the tent. At some point in time, Teran said something to the effect that, "This is my zone".

Teran looked out of the tent through a partially open front flap and he (Trooper Parrish) and Teran made eye contact. Trooper Parrish could see Teran's eyes and nose. Teran looked away from the opened flap and did not come out of the tent. Trooper Lamb told Teran that he was under arrest for criminal trespassing. Teran did not come out of the tent.

Trooper Myers then deployed the pepper ball launcher and fired multiple pepper balls into the tent.

Teran opened fire from inside the tent and Trooper Parrish was shot by Teran. Trooper Parrish felt the impact of the bullet hit his body. Trooper Parrish saw a hole in the side of the tent where the bullet passed through. The bullet hit

Trooper Parrish in the body below his armor plate and above his belt on his right side.

Trooper Parrish dropped to a knee, drew his pistol, and fired back at Teran. Trooper Parrish knew that Teran had just shot him and he fired back to protect himself and his fellow Troopers. Parrish shot until he saw white smoke coming from the front of the tent.

Trooper Parrish started to walk away from the tent but collapsed on the ground. He was medically evaluated and treated at the scene before being removed to the staging area. From there he was transported to Grady Hospital by ambulance. At Grady Hospital he underwent surgery to remove the bullet that was lodged adjacent to his spine.

TROOPER J. COULTER

Trooper Coulter was a member of the GSP Team 2.

Trooper Coulter heard Trooper Lamb on the radio report that an individual had been located in a tent and the individual had zipped the tent door up. Trooper Coulter move to the tent area and was positioned behind Trooper Parrish about 15-20 yards from the tent. Trooper Coulter heard Trooper Parrish tell Teran that he was under arrest and to come out of the tent. He heard other Troopers tell Teran that if he did not come out that less lethal pepper balls would be used. Trooper Coulter could not see Teran, but could see through the partially unzipped screen material. Trooper Lamb gave more verbal warnings. Trooper Myers advised Teran that he had a less lethal pepper ball launcher and was going to use it if Teran did not come out of the tent. Teran refused to leave the tent.

The pepper ball launcher was used and after a brief pause, Trooper Coulter heard gunshots coming toward the Troopers, from inside the tent, he believed.

Trooper Coulter heard responding suppressed rifle shots fired. Trooper Coulter moved and took cover behind a tree. The responding gunshots only lasted a short time and he heard someone say that Trooper Parrish was hit.

During the gunshots Trooper Coulter saw something at the front of the tent that exploded on the ground into a vapor or gas. It appeared to be a mixture of something inside a plastic bottle before it exploded.

Trooper Coulter did not fire a weapon.

Trooper Coulter thereafter helped secure the perimeter until Trooper Parrish was evacuated and observed other Troopers approach the tent, use a diversionary device, open the tent and locate Teran, who was deceased.

Trooper Coulter continued to participate in the operation clearing the wooded area until later in the afternoon of January 18, 2023.

TROOPER J. BLAND

Trooper Jason Bland was a member of the GSP Team 2.

Trooper Bland was located on the line of Troopers clearing the woods and was approximately 75- 100 yards from the tent occupied by Teran. The woods were made up of trees and vegetation. Trooper Bland could hear commands being given by other GSP SWAT members. Because of the density of the woods and the distance he could not hear what specifically was said.

Trooper Bland heard a less lethal pepper ball launcher being used and then unsuppressed gun fire. Trooper Bland then heard suppressed gunfire. He knew that his GSP Team 2 members carried suppressed rifles. Trooper Bland headed toward the tent area and encountered a GSP medic headed to the tent area.

Trooper Bland arrived at the tent and took up a position between the fallen Trooper Parrish and the tent and focused on the tent. Trooper Bland became part of the team that approached the tent using a ballistic shield. At the tent Trooper Bland noticed the top portion of the tent door was partially unzipped exposing a mosquito net window.

Trooper Bland, using his knife and pulling on the zippers, opened the door and saw an unresponsive male (Teran) lying on his back. The male (Teran) had multiple wounds and was bleeding from various wounds.

Trooper Bland saw a handgun near, only inches away from, Teran's right hand. Due to his experience with firearms he recognized the gun as a Smith and Wesson Shield handgun. He also observed that the slide was forward on the pistol and the magazine was in the pistol. Trooper Bland then saw another Trooper remove the gun from inside the tent for safety and place it outside of the tent.

Trooper Bland did not fire a weapon.

TROOPER H. WATERS

Trooper Hunter Waters was a member of the GSP Team 2.

On January 18, 2023 Trooper Hunter was positioned near the center of the line of GSP SWAT members clearing the wooded area. He heard, via radio, that members of Team 2 had encountered a trespasser who was refusing to leave a tent. The line of troopers stopped until the Troopers at the tent could take the trespasser into custody.

Trooper Waters could not see the tent area because the vegetation was so thick. He estimated that he was more than 100 feet from the tent area. He heard unsuppressed gun shots and then heard suppressed gun shots. He made his way to the tent area.

Once there Trooper Waters saw Trooper Parrish lying on the ground and being treated. Once Trooper Parrish was removed from the scene he turned his attention to the tent. He joined other troopers, forming a line behind a ballistic shield, and approach the tent. Once the tent was opened he looked inside.

Trooper Waters saw a male (Teran) lying on his back and a gun was near his leg and right hand. Teran had multiple wounds and was not moving. Trooper Waters removed the gun from inside the tent and positioned it outside the tent for safety purposes. He did not manipulate the pistol or remove the magazine. He did recognize the pistol as a Smith and Wesson Shield Model pistol.

Thereafter Trooper Waters maintained a perimeter position until receiving a different duty concerning the operation. He did not fire a weapon.

PRESENCE OF OTHER AGENCIES EQUIPPED WITH BODY CAMERAS

1. DEPARTMENT OF NATURAL RESOURCES PRESENCE

While the GSP Team 2 members were not equipped with body cameras, other members of Team 2 were so equipped. The audio portion of several individual body cameras recorded the sequence of first, the use of less lethal force (pepper ball launcher), followed by (four) gun shots fired by Teran, and then followed by gunshots from the six (6) GSP SWAT team members.

As stated above law enforcement officers, game wardens, from the Georgia Department of Natural Resources (DNR), were assigned to Team 2.

The DNR law enforcement officers/game wardens (LEOGW) were equipped with body cameras. The audio portion of the body cameras did record the softer faint sounds of the discharge of the pepper balls being deployed. As stated above those softer faint sounds are heard on the audio portion of the recording, before the four gunshots fired by Teran are heard. Finally subsequent gunshots fired by the GSP Troopers are heard.

DNR, LEO/GW T. Buice was a member of Team 2. He observed the Teran tent but continued to look for other tents. Buice moved from the area of the Teran tent and could no longer see the tent. Buice heard a deployment of a pepperball launcher followed by unsuppressed gunfire. Buice then heard suppressed gunfire.

DNR, LEO/GW K. Page was a member of Team 2. He observed the Teran tent but continued past it because GSP Team 2 members were present. Prior to leaving the area Page saw that a person was inside the tent due to that person's body being in contact with one of the tent walls. Buice moved from the area, but heard the use of a pepperball launcher, followed by gunfire. Thereafter Buice heard suppressed gunfire. In addition, before initially leaving the Teran tent area he heard GSP members identifying themselves as law enforcement officers. Moreover Page identified himself as a law enforcement officer while present at the Teran tent site.

DNR, LEO/GW R. Epps was a member of Team 2. In a similar fashion as the audio portion of the recordings by DNR LEO/GWs Page and Buice, Epps body camera recorded the discharge of the pepper ball launcher, the four shots fired by Teran, and gunshots fired by the GSP LEOs.

2. ATLANTA POLICE DEPARTMENT

The Atlanta Police Department participated in the operation and assigned officers to Team 2. On a body camera worn by an Atlanta Police Officer, who was not in sight of the Teran tent, but close by, the audio portion of the recording captured the discharge of the pepperball launcher, the four shots fired by Teran, and the gunshots of the GSP SWAT Team members.

CRIME SCENE PROCESSED

Georgia Bureau of Investigation Special Agent A. Brown was assigned to process the crime scene surrounding the Teran tent area after the shooting and after Trooper Parrish had been evacuated.

Upon SA Brown arriving at the site of the operation SA Brown was briefed about the shooting. Upon arriving at the Teran tent area SA Brown observed the area marked with yellow caution tape.

SA Brown documented the crime scene work by taking pictures and using a scanner.

SA Brown located the body of Teran inside a tent. Members of the DeKalb County Medical Examiners Office were allowed to remove the body of Teran. The body was released to the Medical Examiners Office and removed from the scene at approximately 12:20 p.m. on January 18, 2022.

Prior to the release and removal of the body SA Brown took pictures of the body which showed multiple gunshot wounds.

After the body of Teran was removed SA Brown located two silver cartridge casings marked F.C. 9 mm Luger from inside the tent. SA Brown also located a

metal magazine inside the tent that contained cartridges. The magazine was identified as a Smith and Wesson 7 round capacity 9 mm magazine.

SA Brown located outside the tent, front north exterior corner, a black Smith and Wesson MP 9 mm firearm. She unloaded the firearm and observed an 8 round capacity magazine, and it contained four (4) 9 mm F.C. Luger cartridges.

SA Brown also located a black flashbang device, identified as "Low Roll" Distraction Device. A firing pin was also collected.

SA Brown collected, in addition to the items described above, a number of .223 rifle cartridge cases and a Glock 9 mm 17 round capacity magazine. Also collected was a "Pepperball" Rifle that was on the ground. Located in the same area were 10 Speer 9 mm Luger cartridge casings.

Further, SA Brown collected a Smith and Wesson foldable knife on the ground, collected items related to the medical treatment of Trooper Parrish as well as a rolled up USB cord.

SA Brown used tarps to wrap up the tent and contents of the tent so that it could be taken and later examined away from the scene. Under the tent SA Brown found a bullet projectile in the dirt.

The processing of the scene ended at approximately 5: 56 p.m. on January 18, 2023.

On January 23, 2023 the Teran Tent was unfolded, photographed, and the contents identified and recorded by SA Brown.

Included in the inventory of items were, clothes, camping items, sleeping bags, book/back packs, food, trash, books, electronic items, first aid kits, knives, suspected marijuana, ammunition, currency and foreign currency, and identifying items of Teran.

The identifying items included, a Venezuelan passport, and Social Security card addressed Manuel Paez Teran, an Industrial Workers of the World membership card, Florida Drivers License, and a Panamanian ID card and Drivers license addressed to Manuel Paez.

Ninety rounds of 9 mm ammunition was also documented. The cases had various head stamps on the cartridges, including F.C. 9 mm Luger, and were located in a plastic bag.

Sorting through the items found in the tent SA Brown located four (4) F.C. 9 mm Luger cartridge cases.

SA also found six (6) multicolored pepperballs and 11 bullets, along with multiple bullet fragments and jacketing.

Examination of the tent revealed multiple bullet holes through the tent on three (3) sides.

ITEMS COLLECTED AS EVIDENCE AND TESTED AT LAB

Smith and Wesson 9 m.m. handgun, four (4) recovered F.C. 9 m.m. cartridge cases from tent, and magazines with ammunition.

It was later determined that this firearm was purchased by Manuel Teran from Cabela's 457, Northpoint Parkway, Acworth, Georgia on September 6, 2020. This was verified by the GBI, through U S Bureau of Alcohol, Tobacco, and Firearms, and through Cabela's.

Firearms that were fired by members of the GSP Team 2 members and remaining ammunition were collected by the GBI for examination.

Numerous .223 cartridge cases and ten (10) 9 mm cartridge cases from the firearms fired by the GSP Team 2 members.

The bullet that was removed from Trooper Parish in surgery was taken into evidence by the GBI at Grady Hospital in Atlanta.

Gunshot Residue Kit was performed by the DeKalb County Medical Examiners Office and collected by the GBI.

Six (6) 9 mm bullets, one (1) .223 bullet jacket fragment, and one (1) bullet jacket fragment were obtained from the autopsy.

CRIME LAB EXAMINATION AND RESULTS

1. The four 9mm cartridge cases recovered by S.A. Brown inside the tent occupied by Teran were fired in the Smith and Wesson 9 m.m. pistol, serial number JFE8099 owned by Teran.
2. The bullet surgically removed from Trooper Parrish was fired from the pistol of Teran, as described above in #1 above.
3. Testing of the Gunshot Residue Kit revealed the presence of particulates characteristic of gunshot primer residue (GSR). The report noted that, this supports the possibility that the individual (Teran) discharged a firearm, was in close proximity to a firearm upon discharge, or came into contact with an item whose surface bears GSR. The report further noted: it is possible for victims of gunshot wounds, both self-inflicted and non-self-inflicted, to have GSR present on their hands.
4. Examination of all GSP Team 2 firearms obtained from the six (6) GSP Team 2 members revealed that all were fired. In addition, it was noted that bullets or fragment of bullets recovered during the autopsy were matched to all 6 firearms.

AUTOPSY

An Autopsy was performed by the DeKalb County Medical Examiner on January 19, 2023.

Intact projectiles and/or fragments were recovered from wound tracks and/or the deceased's (Teran) clothing. They were secured and turned over to the Georgia Bureau of Investigation.

A Gun Shot Residue (GSR) kit was collected. Gunpowder residue was not seen on the hands.

The autopsy revealed at least 57 gunshot wounds involving the head, torso, and bilateral upper and lower extremities including the hands and right foot.

The cause of death was ruled: Multiple Gunshot Wounds.

GEORGIA LAW CONCERNING CRIMES COMMITTED BY TERAN

1. O.C.G.A. 16-7-21 (CRIMINAL TRESPASS) In relevant part provides:
 - (a) A person commits the offense of criminal trespass when he knowingly and maliciously interferes with the possession or use of the property of another person without consent of that person;
 - (b) A person commits the offense of criminal trespass when he knowingly and without authority:
 - (1) Enters upon the land of another person for an unlawful purpose;
 - (3) Remains upon the land of another person after receiving notice from the owner, or, upon identification, an authorized representative of the owner to depart.
2. O.C.G.A. 16-10-24 (OBSTRUCTING or HINDERING LAW ENFORCEMENT OFFICERS) In relevant part provides:
 - (a) A person who knowingly and willfully obstructs any law enforcement officer or game warden in the lawful discharge of his official duties commits Obstructing or Hindering a Law Enforcement Officer, misdemeanor grade.
 - (b) Whoever knowingly and willfully resist, obstructs, or opposes any law enforcement officer or game warden in the lawful discharge of his official duties by offering or doing violence to the person of such officer commits, Felony grade, Obstructing or Hindering a Law enforcement Officer
3. O.C.G.A. 16-5-21 (AGGRAVATED ASSAULT/FELONY) In relevant part provides:
 - a. A person commits the offense of Aggravate Assault when he assaults a person:
 - (1.) With intent to murder;
 - (2.) With a deadly weapon

4. O.C.G.A. 16-5-1 (MURDER/Felony and MURDER i.c.w. CRIMINAL ATTEMPT/Felony (O.C.G.A. 16-4-1), In relevant part provides,

O.C.G.A. 16-5-1 Murder)-

(a) A person commits the offense of murder when he unlawfully and with malice of forethought, either express or implied, causes the death of another human being;

(c) A person commits the offense of murder when, in the commission of a felony, he causes the death of another human being irrespective of malice.

O.C.G.A. 16-4-1 (Criminal Attempt/ Felony- A person commits the offense of criminal attempt when, with intent to commit a specific crime, he performs any act which constitutes the commission of that crime.

5. O.C.G.A. 16-11-106 (Possession of Firearm During Commission or attempt to commit Certain Crimes/Felony) in relevant part provides:

(b) Any person who shall have on or within arm's reach of his person a firearm during the commission of, or the attempt to commit:

(1) Any crime against or involving a person commits the crime of Possession of a Firearm During Commission of, or Attempt to Commit Certain Crimes (Including Obstruction, Felony grade, Aggravated Assault, and Murder and Attempts thereto).

APPLICABLE LAW AND AUTHORITY-USE LETHAL FORCE (DEADLY FORCE)

There are at least three types of police-citizen encounters: verbal communications that involve no coercion or detention; brief stops or seizures that must be accompanied by a reasonable suspicion; and arrests, which can be supported only by probable cause. Jones v. State, 291 Ga. 35, 37 (1) (2012).

In a **"first-tier"** encounter, officers may approach citizens, ask for identification, and freely question the citizen without any basis or belief that the citizen is involved in criminal activity, as long as the officers do not detain the citizen or create the impression that the citizen may not leave. So long as a reasonable person would feel free to disregard the police and go about his business, the encounter is

consensual and no reasonable suspicion is required. In the Interest of D.H., 285 Ga. 51, 53 (2) (2009). Importantly, an officer may not use force to effectuate a first-tier encounter as an officer in such an encounter has no authority to detain or restrict the liberty of a citizen, and the citizen has the right to withdraw from the encounter or resist any such use of force with a proportionate use of force. Ewumi v. State, 315 Ga. App. 656, 663-664 (1) (b) (2012).

In a **“second-tier”** encounter, when an officer develops a reasonable, articulable suspicion that the citizen is committing or has committed a crime, the officer then has the authority to detain the citizen for an investigative stop, or what has come to be known as a “Terry stop.” State v. Walker, 295 Ga. 888, 889 (2014). In a second-tier encounter, the suspect's physical resistance to his detention is unlawful and an individual's ability to withdraw from a consensual first-tier encounter does not apply to a second-tier encounter. Miller v. State, 351 Ga. App. 757, 765 (2019). An individual may not resist and walk away from a Terry stop. Sims v. State, 335 Ga. App. 625, 629 (2016). In a second-tier encounter, the officer may also take reasonable steps to protect his safety and the safety of others while detaining the individual. Gray v. State, 296 Ga. App. 878, 879-880 (1) (2009) and Holsey v. State, 271 Ga. 856, (1999).

In a **“third-tier”** encounter, when an officer has probable cause to believe that an individual is committing or has committed a crime, the officer is authorized to make an arrest and take the individual into custody. When an officer with probable cause seeks to arrest an individual, that person is not free to flee or resist the arrest, although he retains the right not to speak with the officer. U. S. Const. Amend. V; Miranda v. Arizona, 384 U. S. 436, 467-472 (86 Sct 1602, 16 LE2d 694) (1966); Ga. Const. of 1983, Art. I, Sec. I, Par. XVI. It is unlawful for a suspect to flee a pursuing police officer in an attempt to escape arrest. Fairwell v. State, 311 Ga. App. 834, 835-836 (1) (a). However, a police officer “is authorized to use only that degree of force that is reasonably necessary to accomplish the detention or arrest, and may not use excessive force.” Ramirez v. State, 279 Ga. 569, 577 (10) (2005).

In Tennessee v. Garner, 471 U.S. 1 (1985) the U. S. Supreme Court held that where an officer has probable cause to believe that a suspect poses a threat of serious bodily harm to the officer or to others, it is not constitutionally

unreasonable for the officer to use deadly force to prevent the escape of the assailant.

In Gardner v. Conner 490 U.S.386 (1989), the Supreme Court further discussed the Tennessee v. Gardner case and the use of excessive force including deadly force. Ultimately the Court held that in looking at a police officers alleged use of excessive force it should be analyzed under the Fourth Amendment and its reasonableness standard. The Court articulated four non-exclusive factors, which may be used in determining reasonableness. Those are:

1. The severity of the crime
2. Whether the subject was an immediate threat to the officers or others
3. Whether the subject was actively resisting arrest, or
4. Whether the subject was attempting to evade arrest by flight.

The Court went on to note that the use of force applications are judged on the basis of the "Totality of the Circumstances", what did the officer know at the moment; from the perspective of a reasonable officer on the scene and at the moment force was used.

In Crosby v. Monroe Cty., 394 F.3d 1328, 1333034, (11th Cir. 2004) the Eleventh Circuit noted that in reviewing the use of excessive force claims "the Court should not look at the situation through the eyes of the Judges, but rather through the eyes of the officer on the scene who is hampered by incomplete information and forced to make split second decision between action and inaction in circumstances where inaction could prove fatal." The Court also stated that in a Deadly force context, the court should consider whether the officer:

- 1."has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others" or "that he has committed a crime involving the infliction or threatened infliction of serious physical harm"
2. "reasonably believes that the use of deadly force was necessary to prevent escape", and
3. "has given some warning about the possible use of deadly force, if feasible".

O.C.G.A. 17-4-20(b)- USE OF DEADLY FORCE

This statute provides in relevant part that peace officers, including State officers as defined in O.C.G.A. 35-8-2(8)(A), may use deadly force to apprehend a suspected felon only when the officer reasonably believes that the suspect possesses a deadly weapon; when the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others; or when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm.

GEORGIA DEPARTMENT OF PUBLIC SAFETY, POLICY MANUAL, USE OF FORCE, REVISED 11/29/2022 provides in relevant part at Section 10.01.4(B):

Any use of force (up to and including deadly force) by a member must be objectively reasonable. In determining whether a member's use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the member at the time the force was used. All the surrounding circumstances will be considered, including whether the subject posed an immediate threat to the safety of the member or others, the severity of the crime at issue and whether the suspect actively resisted arrest or attempted to flee. The evaluation of a member's use of force will be undertaken from the perspective of a reasonable member on the scene, not through the 20/20 vision of hindsight. The central inquiry in every use of force case is whether the amount of force used by the member was objectively reasonable in light of the particular circumstances perceived by the member.

LEGAL ANALYSIS

The conclusions below are based on a thorough review of the investigative file submitted by the Georgia Bureau of Investigation. This file included photographs, audio witness interviews, crime scene drawings and reports, forensic lab reports, report from the DeKalb County Medical Examiner, personnel files, firearm qualifications reports, and body camera (video and audio) worn by law enforcement officers of the Georgia Department of Natural Resources and the Atlanta Police Department. The Georgia Department of Public Safety Policy

Manual on the Use of Force, revised date of November 28, 2022, was also reviewed.

The below six (6) GSP Team 2 members will be discussed individually. However, the following applies to all six (6) Troopers and will not be repeated below. All were briefed by the Georgia Bureau of Investigation prior to the start of the operation on January 18, 2023. The briefing included information that:

Previous individuals on site had firearms and on one occasion law enforcement was confronted by an individual armed with a rifle and pistol. Warnings were provided about explosive devices that were found on the property along with traps and trips on pathways. Participating law enforcement members were also made aware that individuals had thrown rocks and fireworks at law enforcement in the past.

GSP MARK LAMB

Trooper Mark Lamb was the first Trooper to locate the Teran tent. Lamb was part of Team 2 and was lawfully present at the DeKalb County site and was conducting official business in uniform.

Lamb was following orders consistent with the Operation Order and briefing. He identified himself as law enforcement. Lamb saw Teran inside the tent at one point. Lamb repeatedly urged Teran to come out of the tent. Due to Teran's noncompliance Lamb requested a pepperball launcher. Prior to using the launcher Lamb continued to tell Teran to come out of the tent and advised him that a less lethal pepperball launcher would be used. At some point Teran made it clear that he was not complying and told the Troopers that he wanted them to leave.

Lamb knew that the Operation Briefing had declared that Teran, based on his conduct, was a criminal trespasser. In addition, Lamb at a minimum had probable cause that Teran had committed Criminal Trespass and Obstructing or Hindering Law Enforcement Officers (Misdemeanor) due to his noncompliance of orders by Lamb and other Troopers.

After deployment of the pepperball launcher, a less lethal force device, and Teran's immediate response of shooting at the Troopers, Lamb knew that Teran was shooting at him and the other Troopers. Lamb thought he was going to be killed. After being pulled away from his position, Lamb fell to the ground and only fired back when he heard a loud boom and saw white smoke coming from the front of the tent. Lamb thought it was an improvised explosive device deployed by Teran and then fired his rifle at the tent.

At this point in time the encounter was clearly a "third tier" encounter because Lamb had probable cause to believe that Teran had committed serious violent crimes against him and the other Troopers. Under such a circumstance the law authorizes the law enforcement officer (Lamb) to use such force reasonably necessary to make the arrest, but may not use excessive force.

In Tennessee v. Garner, the U. S. Supreme Court held that where an officer has probable cause to believe that a suspect poses a threat of serious bodily harm to the officer or to others, it is not constitutionally unreasonable for the officer to use deadly force to prevent the escape of the assailant.

In Gardner v. Conner, the U. S. Court further discussed the use of excessive force including deadly force. Ultimately the Court held that in looking at a police officers alleged use of excessive force it should be analyzed under the Fourth Amendment and it's reasonableness standard. The Court articulated four factors, non-exclusive factors, which may be used in determining reasonableness. Those are:

5. The severity of the crime
6. Whether the subject was an immediate threat to the officers or others
7. Whether the subject was actively resisting arrest, or
8. Whether the subject was attempting to evade arrest by flight.

The Court went on to note that the use of force applications are judged on the basis of the "Totality of the Circumstances", what did the officer know at the moment; from the perspective of a reasonable officer on the scene and at the moment force was used.

In Crosby v. Monroe Cty., 394 F.3d 1328, 1333034, (11th Cir. 2004) the Eleventh Circuit noted that in reviewing the use of excessive force claims "the Court should

not look at the situation through the eyes of the Judges, but rather through the eyes of the officer on the scene who is hampered by incomplete information and forced to make split second decision between action and inaction in circumstances where inaction could prove fatal.” The Court also stated that in a Deadly force context, the court should consider whether the officer:

- 1.”has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others” or “that he has committed a crime involving the infliction or threatened infliction of serious physical harm”
2. reasonably believes that the use of deadly force was necessary to prevent escape, and
3. has given some warning about the possible use of deadly force, if feasible.

O.C.G.A. 17-4-20(b)- USE OF DEADLY FORCE

This statute provides in relevant part that peace officers, including State officers as defined in O.C.G.A. 35-8-2(8)(A), may use deadly force to apprehend a suspected felon only when the officer reasonably believes that the suspect possesses a deadly weapon; when the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others; or when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm.

GEORGIA DEPARTMENT OF PUBLIC SAFETY, POLICY MANUAL, USE OF FORCE, REVISED 11/29/2022 provides in relevant part at Section 10.01.4(B):

Any use of force (up to and including deadly force) by a member must be objectively reasonable. In determining whether a member’s use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the member at the time the force was used. All the surrounding circumstances will be considered, including whether the subject posed an immediate threat to the safety of the member or others, the severity of the crime at issue and whether the suspect actively resisted arrest or attempted to flee. The evaluation of a member’s use of force will be undertaken from the

perspective of a reasonable member on the scene, not through the 20/20 vision of hindsight. The central inquiry in every use of force case is whether the amount of force used by the member was objectively reasonable in light of the particular circumstances perceived by the member.

CONCLUSION-TROOPER LAMB

Under the Tennessee v. Garner, and Graham v. Conner analysis, considering the severity of the crimes of Aggravated Assault, Felony Obstruction and Hindering, Attempted Murder, and Possession of a Firearm During commission of these crimes that were committed by Teran, Teran was an immediate threat to Lamb and his fellow Troopers. Teran was actively resisting arrest. Lamb's actions also comport with the Eleventh Circuit case law concerning the authority to use lethal force. Under the circumstances it was not feasible for Lamb or any other Trooper to issue a warning before returning fire. Moreover, Lamb's action comports with the factors outlined in O.C.G.A. 17-4-20(b) and the Georgia Department of Public Safety Policy on the use of Deadly force.

Looking at the totality of the circumstances, the use of lethal (deadly) force was objectively reasonable and Trooper Lamb did not act with any criminal intent. No criminal charges will be brought against Trooper Lamb as he did not commit any criminal offense.

GSP JONATHAN SALCEDO

Trooper Jonathan Salcedo after encountering a tent with occupants who were peacefully removed, came upon the Teran tent along with Trooper Lamb. Salcedo saw the tent move. Both he and Trooper Lamb issued verbal commands to come out of the tent. Teran refused to do so. Teran was told that he was under arrest. Salcedo heard Trooper Myers tell Teran that he had a pepperball launcher and that he would use it if Teran did not come out of the tent. Salcedo heard Teran say something to the effect that, "I'm not leaving". Thereafter Trooper Myers fired pepperballs into the tent in an effort to cause Teran to come out.

Teran then fired from inside the tent. Salcedo saw Trooper Lamb fall to the ground and thought he had been shot to death. He also saw Trooper Parrish fall to a knee and had a pistol in his hand. Salcedo fired his rifle at the tent and saw smoke at the front of the tent. He believed Teran had deployed an improvised explosive device. He stopped firing.

Trooper Salcedo, like Trooper Lamb, observed Teran shooting at the Troopers. He saw Lamb on the ground and thought he was dead. He also saw Trooper Parrish on a knee with his pistol and saw the smoke coming from the front of the tent.

CONCLUSION-TROOPER SALCEDO

Under the Tennessee v. Garner, and Garner v. Conner analysis, the severity of the crimes, Aggravated Assault, Felony Obstruction and Hindering, Attempted Murder, and Possession of a Firearm During commission of these crimes that were committed by Teran, Teran was an immediate threat to Salcedo and his fellow Troopers. Teran was actively resisting arrest. Salcedo's actions also comport with the Eleventh Circuit case law, and under the circumstances it was not feasible for Salcedo to offer a warning before returning fire. Moreover, Salcedo's actions comport with the factors outlined in O.C.G.A. 17-4-20(b) and the Georgia Department of Public Safety Policy on the use of Deadly force.

Looking at the totality of the circumstances the use of lethal (deadly) force was objectively reasonable and Trooper Salcedo did not act with any criminal intent. No criminal charges will be brought against Trooper Salcedo as he did not commit any criminal offense.

GSP BRYLAND MYERS

Trooper Myers was joined by Troopers Lamb and Salcedo because Trooper Lamb requested a pepperball launcher because Teran refused to leave the tent. Trooper Myers heard Trooper Lamb requesting Teran to come out of the tent. Myers heard Lamb identifying himself as "Police". After a while and Teran still not complying, Lamb told Teran that he was under arrest.

Myers heard Teran say something to the effect, "No I want you to leave".

Myers told Teran that if he did not leave the tent that a chemical agent would be used on him. Myers saw Teran partially open the flap on the front of the tent and look at him, Trooper Lamb, and Trooper Jerry Parrish, who had joined the other Troopers. Teran had an angry expression on his face while looking at the Troopers. The three Troopers were located only feet from the front of the tent.

The decision to use the pepperball launcher was made because was the best way of accomplishing Teran coming out of the tent without physically harming him. In addition, the use of the pepperball launcher would avoid the Troopers having to go inside the tent and physically removing Teran.

The pepperballs were launched into the tent and within seconds Teran fired from inside the tent, four times. The gunfire was directed where the Troopers were standing.

Myers saw the holes in the tent where the bullets passed through the tent wall. Myers heard the gunshots and the sound of bullets impacting around them. Myers thought he was going to be hit by bullets. Myers saw Lamb fall to the ground and thought he had been shot. Myers drew his pistol and fired at the tent, believing that the only way to stop Teran from shooting the Troopers was to shoot him.

Myers saw the small explosion at the front of the tent and thought that an improvised explosive device had been used. After that he stopped shooting.

Trooper Myers, like Troopers Lamb and Salcedo, observed Teran shooting at the Troopers. He saw Lamb on the ground. He saw the smoke coming from the front of the tent.

CONCLUSION-TROOPER MYERS

Under the Tennessee v. Garner, and Graham v. Conner analysis, considering the severity of the crimes, Aggravated Assault, Felony Obstruction and Hindering, Attempted Murder, and Possession of a Firearm During commission of these crimes that were committed by Teran, Teran was an immediate threat to Myers and his fellow Troopers. Teran was actively resisting arrest. Myers actions also comport with the Eleventh Circuit case law, and under the circumstances it was not feasible for Myers issue a warning before returning fire. Moreover, Myers's

actions comport with the factors outlined in O.C.G.A. 17-4-20(b) and the Georgia Department of Public Safety Policy on the use of Deadly force.

Looking at the totality of the circumstances the use of lethal (deadly) force was objectively reasonable and Trooper Myers did not act with any criminal intent. No criminal charges will be brought against Trooper Myers as he did not commit any criminal offense.

GSP RENALDO KEGEL

Trooper Kegel joined other Troopers at the Teran tent. He was standing to the side of the tent and noted that Troopers Lamb, Parrish, and Myers were at the front of the tent. He heard Trooper Lamb speaking to Teran and telling him to come out of the tent. This went on for several minutes. He saw Trooper Myers arrive with the pepperball launcher and heard Myers tell Teran to come out of the tent.

Kegel heard Teran say that he wasn't coming out.

The pepperball launcher was used and thereafter Kegel heard Teran shooting from inside the tent. Kegel also saw muzzle flash inside the tent. Kegel returned fire with his rifle to stop Teran from injuring or killing the Troopers. Kegel also saw the smoke coming from the front of the tent during the gunfire.

Trooper Kegel, like Troopers Lamb and Salcedo, and Myers, observed Teran shooting at the Troopers. He saw the smoke coming from the front of the tent.

CONCLUSION- TROOPER KEGEL

Under the Tennessee v. Garner, and Gardner v. Conner analysis, considering the severity of the crimes, Aggravated Assault, Felony Obstruction and Hindering, Attempted Murder, and Possession of a Firearm During Commission of these Crimes that were committed by Teran, Teran was an immediate threat to Kegel and his fellow Troopers. Teran was actively resisting arrest. Kegel's actions also comport with the Eleventh Circuit case law, and under the circumstances it was not feasible for Kegel to issue a warning before returning fire. Moreover, Kegel's

actions comport with the factors outlined in O.C.G.A. 17-4-20(b) and the Georgia Department of Public Safety Policy on the use of Deadly force.

Looking at the totality of the circumstances the use of lethal (deadly) force was objectively reasonable and he did not act with any criminal intent. No criminal charges will be brought against Trooper Kegel as he did not commit any criminal offense.

GSP ROYCE ZAH

Trooper Zah was located at the Teran tent and heard Trooper Lamb identify himself as "Police" and tell Teran to come out of the tent. Repeated commands were made for Teran to come out of the tent. The commands were in a calm and non-threatening manner. Zah heard Teran being told that a less lethal chemical agent would be used if he did not come out of the tent. Zah heard Teran say that he was not coming out and that he wanted the Troopers to leave.

Teran was told that he was under arrest. Trooper Myers advised Teran that he was going to use a less lethal chemical agent if Teran did not come out of the tent. After Teran did not come out Zah saw the pepperball launcher used by Myers. Seconds later, Teran fired from inside the tent in the direction of Troopers Parrish, Salcedo, and Myers. Zah saw the three Troopers react to Teran's gunshots by moving away from the front of the tent.

Zah, concerned that his life and those of his fellow Troopers were in danger, fired his rifle into the tent.

Trooper Zah, like Troopers Lamb and Salcedo, Myers, and Kegel observed Teran shooting at the Troopers. He saw the smoke coming from the front of the tent.

CONCLUSION-TROOPER ZAH

Under the Tennessee v. Garner, and Graham v. Conner analysis, considering the severity of the crimes, Aggravated Assault, Felony Obstruction and Hindering, Attempted Murder, and Possession of a Firearm During Commission of these

Crimes that were committed by Teran, Teran was an immediate threat to Zah and his fellow Troopers. Teran was actively resisting arrest. Zah's actions also comport with the Eleventh Circuit case law, and under the circumstances it was not feasible for Zah or any other Troopers to issue a warning before returning fire. Moreover, Zah's actions comport with the factors outlined in O.C.G.A. 17-4-20(b) and the Georgia Department of Public Safety Policy on the use of Deadly force.

Looking at the totality of the circumstances, the use of lethal (deadly) force was objectively reasonable and he did not act with any criminal intent. No criminal charges will be brought against Trooper Zah as he did not commit any criminal offense.

GSP JERRY PARRISH

Trooper Parrish was part of Team 2 and was working with his K-9 that day. He came upon the Teran tent after Troopers Lamb, Salcedo, Myers, and Zah had located it and had been been talking with Teran. Upon his arrival he heard Lamb continuing to tell Teran to exit the tent.

Parrish was standing with Myers at the front of the tent and heard Teran say something to the effect that, "this is my zone".

Parrish made eye contact with Teran when Teran looked out of the tent through an open flap. Parrish heard Lamb tell Teran that he was under arrest. Teran still did not come out of the tent. A pepperball launcher was used.

Teran opened fire from inside the tent and Trooper Parrish was shot. Parrish felt the impact of the bullet hit his body. Parrish saw a hole in the tent side where the bullet passed through.

Parrish dropped to a knee, drew his pistol, and shot back at Teran to protect himself and the other Troopers. Parrish shot until he saw white smoke coming from the front of the tent.

Trooper Parrish, in a similar vein to Troopers Lamb and Salcedo, and Myers, observed Teran shooting at the Troopers. Not only did he observe the shooting by Teran, he was hit by one of Teran's bullets. He saw the smoke coming from the front of the tent.

Looking at the totality of the circumstances and based on what Parrish observed, as well as having been shot by Teran, his decision to use lethal force was warranted.

CONCLUSION - TROOPER JERRY PARRISH

Under the Tennessee v. Garner and Graham v. Conner analysis, considering the severity of the crimes, Aggravated Assault, Felony Obstruction and Hindering, Attempted Murder, and Possession of a Firearm During Commission of these Crimes committed by Teran, Teran was an immediate threat to Parrish and his fellow Troopers. Teran was actively resisting arrest. Parrish's actions also comport with the Eleventh Circuit case law, and under the circumstances it was not feasible for Parrish or any other Troopers to issue a warning before returning fire. Moreover, Parrish's actions comport with the factors outlined in O.C.G.A. 17-4-20(b) and the Georgia Department of Public Safety Policy on the use of Deadly force.

Looking at the totality of the circumstances, including being shot by Teran, his decision to use lethal (deadly) force was objectively reasonable and he did not act with any criminal intent. No criminal charges will be brought against Trooper Parrish as he did not commit any criminal offense.



George R. Christian
District Attorney Pro Tempore,
Stone Mountain Judicial Circuit
October 6, 2023