

STETSON LAW

2020
Thirteenth Annual
National Pretrial Competition

Competition Problem

This Competition will be held October 8-11, 2020
at Stetson University College of Law
Gulfport, Florida

The 2020 Stetson Law National Pretrial Competition Problem was drafted by Stetson University College of Law Alumna and Advocacy Center Associate Director Stacey L. Turmel (J.D. '94), in association with the Stetson University College of Law Center for Excellence in Advocacy, Advocacy Center Director Elizabeth Boals. The 2020 Competition Problem is the property of the Stetson Law Center for Excellence in Advocacy.

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
LAKEVILLE DIVISION

SHERYL JORDAN, as Personal
Representative of the Estate of DAVID
JORDAN, JR.,

Case No. 2:20cv15994

Plaintiff,

vs.

SHERIFF DEREK MICHAELS in his
official Capacity as Sheriff of Midland
County, and ERIC WATSON, an
individual,

Defendants.

_____ /

NOTICE OF REMOVAL

The Defendants, SHERIFF DEREK MICHAELS in his official Capacity as Sheriff of Midland County, and ERIC WATSON, an individual, through their undersigned attorneys, pursuant to Title 28 U.S.C. § 1441, hereby file this their Notice of Removal of this action from the Circuit Court of the Thirtieth Judicial Circuit, in and for Midland County, Florida, where the same is now pending as Case No. 2020-CV-000319 to the United States District Court, Middle District of Florida, Lakeville Division, and in support thereof would allege as follows:

1. On or about February 2, 2020, Plaintiff SHERYL JORDAN, as Personal Representative of the Estate of DAVID JORDAN, JR. filed a Complaint upon which this action is based in the Circuit Court of the Thirtieth Judicial Circuit, in and for Midland County, Florida. Summonses were issued and served upon both Defendants, SHERIFF DEREK MICHAELS and ERIC WATSON on February 21, 2020.

2 Attached hereto as Composite Exhibit "A," and by reference made a part hereof, are

copies of pertinent filings as contained in this cause pending before the Circuit Court of the Thirtieth Judicial Circuit in and for Midland County, Florida, as above-styled and numbered.

3. The said action in the Circuit Court is a civil action stating claims which are removable, as it appears from the record attached hereto as Composite Exhibit “A.” Specifically, Count I of the Complaint titled: “Claim Against ERIC WATSON Pursuant to 42 U.S.C. § 1983” concerns allegations regarding an unreasonable seizure and excessive use of force. The Defendants Sheriff Michaels and Watson, who are named in these Counts which seek damages on claimed violations of civil rights, desire a federal forum with respect to such claims predicated upon Title 42 U.S.C. § 1983 and/or violations of the U.S. Constitution.

4. The Complaint also contains a state tort claim stemming from the same set of facts, which are alleged to constitute violations of the United States Constitution.

5. The said claims for relief predicated upon Title 42 U.S.C. § 1983 are claims for which this Court has original jurisdiction pursuant to Title 28 U.S.C. §§ 1331 and 1343(a)(3). State tort claims are removable pursuant to Title 28 U.S.C. § 1441(c).

6. Section 1446(b) provides that notice of removal shall be filed within thirty (30) days after receipt of the Complaint upon the defendant through service or otherwise. As a result, this Notice of Removal is timely filed.

7. Both Defendants in this case, DEREK MICHAELS, as Sheriff of Midland County and ERIC WATSON, an individual, consent to removal of this action.

WHEREFORE, the Defendants DEREK MICHAELS, as Sheriff of Midland County and ERIC WATSON, an individual, respectfully request that this matter be removed and that this Honorable Court grant such other further and additional relief as may otherwise be proper.

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF and furnished via email a copy to: **Sarah M. Diamond, Esquire**, Diamond Law Group, PA, this **9th** day of March, 2020.

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BY s/ *Elizabeth M. Wright*
ELIZABETH M. WRIGHT
Fla. Bar No. 9889001

EXHIBIT

A

IN THE CIRCUIT COURT OF THE THIRTIETH JUDICIAL CIRCUIT,
IN AND FOR MIDLAND COUNTY, FLORIDA

CASE NO.: 2020-CV-000319

DIVISION: A

SHERYL JORDAN, as Personal Representative
of the Estate of DAVID JORDAN, JR.

Plaintiff,

v.

SHERIFF DEREK MICHAELS in his official
capacity as Sheriff of Midland County, and ERIC
WATSON, an individual,

Defendants.

_____ /

COMPLAINT FOR WRONGFUL DEATH

COMES NOW the Plaintiff, SHERYL JORDAN, as Personal Representative of the Estate of DAVID JORDAN, JR., hereinafter "JORDAN" by and through the undersigned counsel, and files this Complaint against the Defendants, SHERIFF DEREK MICHAELS, and Deputy ERIC WATSON, individually, and state as follows:

1. This is an action for damages in excess of fifteen thousand dollars (\$15,000.00), exclusive of interest, costs, and attorney's fees.
2. At all times material, Plaintiff, SHERYL JORDAN, was the natural mother of DAVID JORDAN, JR., deceased, and has been appointed as the duly authorized Personal Representative of the Estate of DAVID JORDAN JR. by Judge Fulton of the Circuit Court for Midland County, Florida. A copy of the Letters of Administration has been previously filed.
3. DAVID JORDAN, JR., was an unmarried adult residing in Midland County, Florida

and maintaining the residence located at 1501 58th Street South, Fort Hampton, FL 33705. The following are the beneficiaries and their relationship to JORDAN as set forth by the Florida Wrongful Death Act:

- a. D.J., decedent's minor child, c/o Monique Smith, her mother;
 - b. A.J., decedent's minor child, c/o Monique Smith, her mother;
 - c. G.J., decedent's minor child c/o Monique Smith, his mother.
4. Prior to the filing of this Complaint, Plaintiff served notice of this claim pursuant to Florida Statutes § 768.28, via Certified Mail Return Receipt Requested, and those claims have been denied or ignored.
5. All conditions precedent to filing this Complaint have occurred.
6. At all times material, the Plaintiff, SHERYL JORDAN was a resident of Fort Hampton, Midland County, Florida.
7. At all times material, Defendant DEREK MICHAELS employed Defendant ERIC WATSON in his capacity as a law enforcement officer with the Midland County Sheriff's Office.
8. Defendant DEREK MICHAELS (hereinafter, MICHAELS) is a resident of Midland County, Florida and is *sui juris*. At all times material, Defendant MICHAELS was the Sheriff for Midland County, Florida. Defendant MICHAELS is sued herein in his official capacity as the Sheriff for Midland County, Florida.
9. Defendant ERIC WATSON (hereinafter, WATSON) is believed to be a resident of Midland County, Florida and is *sui juris*. At all times material, Defendant WATSON was employed by the Midland County Sheriff's Office as a law enforcement officer and is sued herein in his individual capacity.

10. At all times material, Defendant WATSON was acting within the scope and course of his employment with Defendant MICHAELS, and the Midland County Sheriff's Office.

GENERAL ALLEGATIONS

11. On or about February 14, 2019, at 3:15 p.m., Defendant WATSON and Deputy Eddie Rivera (hereinafter, "Rivera") arrived at Jordan's residence located at 1501 58th Street South, Fort Hampton, Midland County, Florida in response to a noise complaint for loud music emanating from the residence.

12. Unauthorized loud music is potentially a violation of Fort Hampton Municipal Code with a maximum penalty of a \$500.00 fine and/or up to 60 days in jail ONLY after a warning is issued for the first complaint and a civil citation is issued after the second complaint.

13. At said place and said time, Defendant WATSON knocked on the front and side doors of the residence in an attempt to speak with the person responsible for the loud music. Both doors are solid without any windows.

14. After WATSON knocked on the doors, the front door opened revealing JORDAN within the comfort of his own home.

15. Upon information and belief, Rivera indicated loudly that JORDAN had a gun and then the front door closed.

16. Despite the door being closed, WATSON fired his handgun approximately four times and killed JORDAN.

17. After the shooting, Jordan's body was found face down within the foyer with an unloaded handgun in his back pants pocket.

18. At no time did JORDAN threaten or otherwise pose a threat to WATSON or Rivera or any other person.
19. In fact, JORDAN was shot through the closed front door.
20. Rivera did not discharge his weapon during the incident.
21. After JORDAN was shot, Midland County Sheriff's Office dispatched a SWAT team and many personnel to the JORDAN home in an effort to subdue an already deceased JORDAN.
22. Midland County Sheriff's Office effectively and needlessly employed excessive force to subdue JORDAN resulting in JORDAN's death.

COUNT ONE

CLAIM AGAINST ERIC WATSON PURSUANT TO 42 U.S.C. § 1983

Plaintiff adopts and re-alleges Paragraphs 1 through 22 as if set forth fully herein, and further alleges as follows:

23. The actions of Defendant WATSON, including the excessive use of force and battery of JORDAN violated clearly established law, and violated the Constitutional rights of JORDAN including his rights under the Fourth and Fourteenth Amendments to the United States Constitution, through the wrongful acts of using deadly force against JORDAN and intentionally shooting him.
24. The shooting of JORDAN was entirely unjustified by any of Jordan's actions, and constituted an unreasonable seizure and excessive use of deadly force in an effort to intentionally acquire control over JORDAN by Defendant WATSON, a government actor.
25. The actions alleged above deprived JORDAN of clearly defined, established, and

well-settled Constitutional rights of Plaintiff, specifically:

- a. the freedom from the use of excessive and unreasonable force;
- b. the freedom from unreasonable seizure; and
- c. the freedom from deprivation of life and liberty without due process of law.

26. Defendant WATSON acted recklessly, maliciously, or deliberately indifferent toward JORDAN when he deprived him of his Constitutional rights.

27. As a direct and proximate result of the aforementioned acts of Defendant WATSON, JORDAN was caused to become deceased.

WHEREFORE, Plaintiff SHERYL JORDAN demands judgment for damages, including compensatory damages, loss of net accumulations to the Estate, all costs, interest, and reasonable attorney's fees provided under the applicable law, against Defendant ERIC WATSON and any other such relief this Honorable Court deems reasonable and just.

COUNT TWO

STATE LAW CLAIM OF NEGLIGENCE AGAINST SHERIFF DEREK MICHAELS

Plaintiff adopts and re-alleges Paragraphs 1 through 22 as if set forth fully herein, and further alleges as follows:

28. At all times material and at the time of the aforementioned shooting incident, Defendant WATSON was an employee and uniformed law enforcement officer of the Midland County Sheriff's Office and was acting within the scope of his employment.

29. As such, Defendant MICHAELS, as Sheriff of Midland County, is liable for the negligent actions of its employee, Defendant WATSON.

30. Defendant WATSON owed a duty to JORDAN to refrain from firing in an unsafe

or unreasonable manner and to act as a reasonable law enforcement officer under same or similar circumstances.

31. Defendant WATSON breached the aforementioned duty in the following ways:

- d. by unreasonably firing his firearm in the direction of JORDAN;
- e. by unreasonably firing his firearm when it was apparent that no forcible felony was being committed or life-threatening situation existed.

32. Defendant WATSON's actions were negligent and were the direct and proximate cause of the death of JORDAN.

WHEREFORE, Plaintiff SHERYL JORDAN demands judgment for damages, including compensatory damages, loss of net accumulations to the Estate, all costs, interest, and reasonable attorney's fees provided under the applicable law, against Defendant DEREK MICHAELS and any other such relief this Honorable Court deems reasonable and just.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury for all issues so triable.

Respectfully submitted,

DIAMOND LAW GROUP, P.A.
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BY s/ Sarah M. Diamond
SARAH M. DIAMOND
Fla. Bar No. 1119880

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
LAKEVILLE DIVISION

SHERYL JORDAN, as Personal
Representative of the Estate of DAVID
JORDAN, JR.,

Case No. 2:20cv15994

Plaintiff,

vs.

SHERIFF DEREK MICHAELS in his
official Capacity as Sheriff of Midland
County, and ERIC WATSON, an
individual,

Defendants.

DEFENDANTS' ANSWER AND DEFENSES TO PLAINTIFF'S COMPLAINT

The Defendants, SHERIFF DEREK MICHAELS, in his official capacity as Sheriff of Midland County, and ERIC WATSON, an individual, by and through their undersigned counsel, files this their Answer & Affirmative Defenses to Plaintiff's Complaint and would state as follows:

1. Admitted for jurisdictional purposes only.
2. Without knowledge and therefore denied.
3. Without knowledge and therefore denied.
4. Denied.
5. Denied.
6. Without knowledge and therefore denied.
7. Admitted that the Defendant WATSON at all times material was employed by the Midland County Sheriff's office as a deputy sheriff.

8. Admitted that DEREK MICHAELS is the Sheriff of Midland County and is sued in his official capacity only.

9. Admitted that the Defendant WATSON at all times material was employed by the Midland County Sheriff's office as a deputy sheriff and is sued in his individual capacity only.

10. Admitted that at all times material the Defendant WATSON was acting within the course and scope of his employment with the Midland County Sheriff's office.

GENERAL ALLEGATIONS

11. Denied as phrased.

12. Admitted.

13. Denied as phrased.

14. Denied as phrased.

15. Denied as phrased.

16. Denied as phrased.

17. Denied as phrased.

18. Denied.

19. Denied as phrased.

20. Admitted.

21. Denied as phrased.

22. Denied.

COUNT I

CLAIM AGAINST ERIC WATSON PURSUANT TO 42 U.S.C. § 1983

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

COUNT II

STATE LAW CLAIM OF NEGLIGENCE AGAINST SHERIFF DEREK MICHAELS

28. Admitted.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

GENERAL DENIAL

Any and all allegations to which a specific response has not previously been provided is herein denied and strict proof thereof is demanded.

DEFENSES

1. As a first Defense, the Defendants, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, would assert that Plaintiff has failed to make sufficient allegation of ultimate fact from which it may be determined that a claim for relief has been stated.
2. As a further and separate Defense, the Defendants would assert that any and all injury or damage suffered by Plaintiff was caused in whole or in part by reason of Plaintiff's negligence and/or wrongful acts and/or misconduct.
3. As a further and separate Defense, the Defendants would assert that any and all actions that were taken by them were:
 - a. Without malice;

- b. With probable cause and/or reasonable suspicion;
 - c. In pursuit of lawful and legal duties;
 - d. With such force as was reasonable and necessary under the circumstances.
- 4. As a further and separate Defense, the Defendants would assert that to the extent force was used, the force was justifiable and otherwise lawful pursuant to Chapter 776, Florida Statutes.
- 5. As a further and separate Defense, the Defendants would assert any defense or immunity that is applicable as set forth in Chapter 776, Florida Statutes.
- 6. As a further and separate Defense, Defendant ERIC WATSON would assert that he is immune from any and all liability through application of the concept of qualified immunity, as he, at no time, committed any act in derogation of Plaintiff's decedent's civil rights of which a reasonable officer would have had knowledge and, at all times, otherwise acted in good faith relying upon existing statutes and policies and procedures as authority for his actions.
- 7. As a separate and further Defense, the Defendants would assert that he is relying upon the presumption that the exercise of police power was for the purpose of protecting the public health, safety, and/or welfare and is otherwise presumed to be for the purpose of preventing a harm. Such rebuttable presumption requires proof to the contrary by clear and convincing evidence pursuant to Florida Statutes § 11.066(2).
- 8. As a further and separate Defense, the Defendants would assert that as to the state law claims, all actions they took, if any, were taken within the course and scope of their employment, and not in bad faith, or with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property and consequently they

are not subject to suit pursuant to § 768.28(9), Florida Statutes.

9. As a further and separate Defense, the Defendants would assert that any and all injuries allegedly suffered by Plaintiff were caused in whole or in part by reason of Plaintiff's decedent's harmful acts and/or negligent conduct for which Plaintiff and/or Plaintiff's decedent are comparatively chargeable.
10. As a further and separate Defense, the Defendants would assert the alcohol or drug defense as set forth in Florida Statutes § 768.36 based upon the fact that the medical examiner and/or her report and related laboratory results obtained from samples taken during the autopsy of the decedent indicated that his blood alcohol level was well in excess of 0.08 percent. Moreover, discovery may reveal further grounds for this defense to include that the decedent was under the influence of drugs.

DEMAND FOR TRIAL BY JURY

WHEREFORE, the Defendants DEREK MICHAELS, as Sheriff of Midland County and ERIC WATSON, an individual, hereby demand trial by jury on all issues so triable.

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF and furnished via email a copy to: **Sarah M. Diamond, Esquire**, Diamond Law Group, PA, this 10th day of March, 2020.

WRIGHT & WRIGHT, P.A.
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BY s/ Elizabeth M. Wright
ELIZABETH M. WRIGHT
Fla. Bar No. 9889001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
LAKEVILLE DIVISION

SHERYL JORDAN, as Personal
Representative of the Estate of DAVID
JORDAN, JR.,

Case No. 2:20cv15994

Plaintiff,

vs.

SHERIFF DEREK MICHAELS in his
official Capacity as Sheriff of Midland
County, and ERIC WATSON, an
individual,

Defendants.

**PLAINTIFF'S MOTION TO STRIKE DEFENDANT ERIC WATSON'S
AFFIRMATIVE DEFENSE OF QUALIFIED IMMUNITY**

COMES NOW the Plaintiff, SHERYL JORDAN, as Personal Representative of the Estate of DAVID JORDAN, JR., and pursuant to Federal Rule of Civil Procedure 12(f), respectfully moves this Court to Strike Defendant Deputy ERIC WATSON's Affirmative Defense of Qualified Immunity. The grounds supporting this motion are as follows.

PROCEDURAL HISTORY

1. On or about February 2, 2020, Plaintiff, SHERYL JORDAN, as Personal Representative of the Estate of DAVID JORDAN, JR. filed this Complaint in the Circuit Court of the Thirtieth Judicial Circuit, in and for Midland County, Florida. Because of

the nature of the claims contained therein, Defendants subsequently removed this action to federal court where it currently remains.

2. On or about March 10, 2020, Defendant Deputy ERIC WATSON served his Answer and Affirmative Defenses on Plaintiff and stated in his sixth Affirmative Defense:

As a further and separate Defense, Defendant ERIC WATSON would assert that he is immune from any and all liability through application of the concept of qualified immunity, as he, at no time, committed any act in derogation of Plaintiff's civil rights of which a reasonable officer would have had knowledge and, at all times, otherwise acted in good faith relying upon existing statutes and policies and procedures as authority for his actions.

3. Defendant Deputy ERIC WATSON's affirmative defense of Qualified Immunity is an insufficient defense and/or is redundant, immaterial, impertinent, and scandalous.

4. Plaintiff would submit that sufficient evidence exists to demonstrate that Defendant Deputy ERIC WATSON did not act in good faith and took actions that he knew or should have known violated DAVID JORDAN, JR.'s civil rights when he shot and killed DAVID JORDAN, JR., in his own home on February 14, 2019.

5. Defendant Deputy ERIC WATSON did not act as a reasonable officer and is not entitled to rely upon the defense of Qualified Immunity for his egregious actions.

MEMORANDUM OF LAW IN SUPPORT OF MOTION

Omitted.

For the foregoing reasons, Plaintiff respectfully moves this Court to Strike Defendant Deputy ERIC WATSON's Affirmative Defense of Qualified Immunity.

Respectfully submitted,

DIAMOND LAW GROUP, P.A.
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Counsel for Plaintiff

BY s/ Sarah M. Diamond
SARAH M. DIAMOND
Fla. Bar No. 1119880

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 30, 2020, a true copy of the foregoing was
filed utilizing the Lakeville E-Filing Portal and was served via email to:

Elizabeth M. Wright
Wright & Wright, P.A.
Attorney for Defendant
wright@wrightandwright.com

/s/ Sarah M. Diamond
Sarah M. Diamond, Esq.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
LAKEVILLE DIVISION

SHERYL JORDAN, as Personal
Representative of the Estate of DAVID
JORDAN, JR.,

Case No. 2:20cv15994

Plaintiff,

vs.

SHERIFF DEREK MICHAELS in his
official Capacity as Sheriff of Midland
County, and ERIC WATSON, an
individual,

Defendants.

SWORN STATEMENT OF DEPUTY ERIC WATSON

1. My name is Deputy Eric Watson. I am 40 years old.
2. I have been employed with Midland County Sheriff's Office for 3 years. I started in March of 2017.
3. I graduated high school in 1998 and went into the police academy in 1999. I always wanted to be a police officer. I am a native Floridian.
4. I am nearsighted, so I wear contacts or glasses. I always wear contacts at work.
5. Prior to working for Midland County Sheriff, I worked for Fort Hampton Police Department from 1999 to 2009 and from 2009 to 2013 I worked for the Florida Division of Alcoholic Beverages and Tobacco in Fort Hampton.
6. For the Fort Hampton Police department, I was a road patrol officer for 1.5 years, then I went into the Special Investigations Unit for narcotics and gangs for 8 years as a detective.
7. Fort Hampton is a lower income, high crime kind of town. It has good parts and bad parts just like all other towns.

8. I am currently assigned to the Road Patrol unit for Midland County Sheriff's office. As a road patrol officer, I proactively patrol areas, look for enforcement infractions, answer calls for service, and provide public assistance.
9. We do not have assigned work partners at the Sheriff's office. Deputies are assigned to work calls together based on the squad they are in and their availability.
10. I do not know Deputy Rivera personally. I do know that in February 2019, we were assigned to the same squad.
11. The shooting incident of Mr. Jordan took place on February 14, 2019 at 1501 58th Street South in Fort Hampton.
12. On February 14, 2019, my shift started at 3:00PM.
13. The complaint call about Mr. Jordan's home was my first call of the day.
14. I received a call for a Signal 22, which was a noise disturbance in the area of Fort Hampton Elementary school. The complaint was that the music was really loud and vulgar and the caller was worried about the kids.
15. A noise disturbance is a county ordinance violation. It is not a criminal violation.
16. Deputy Rivera had been with me at the Station when the call came in and since he was there with me, he responded as back-up.
17. Both Deputy Rivera and I were in our squad cars and wearing our Sheriff's uniforms.
18. When I got the call, I drove to the area which was 15 minutes away. When I pulled into the area of the home with the noise complaint, I heard music. The music was so loud that even though my windows were rolled up and I had the police radio on, I could still hear the music.
19. The music was coming from 1501 58th Street South. It was very loud and the language was pretty foul. The word "fuck" was used a lot along with the word "bitch" and the "N" word. The language was not appropriate, especially across from an elementary school.
20. Deputy Rivera and I parked our vehicles along the street in front of the house. I logged in with dispatch and told them that we had arrived on scene and gave them the house number the music was coming from.
21. Deputy Rivera and I walked up the driveway where the music seemed to be coming out of the house. We banged a couple times on the front door, we didn't get response.

22. The side door was to the right side of the front door. I walked up the sidewalk to the side door while Deputy Rivera stayed at the front door. I knocked, but no one answered.
23. Because the music was so loud, I took my police baton out and I used the end of my baton to bang loudly on the side door so someone could hear me. No one answered, so I started back toward the front door.
24. I heard the music get louder, and I looked as I came around the corner of the house, and it was because the front door was opening.
25. Mr. Jordan opened the door wide enough that I could see into the foyer of his house.
26. I saw Mr. Jordan standing a few feet away from Deputy Rivera, and Rivera was in the front walk still on the outside of the covered porch. Mr. Jordan had his left hand on the front door, looking at Deputy Rivera, and Mr. Jordan had something in his right hand.
27. I heard Deputy Rivera yell "gun". Rivera kept yelling for Mr. Jordan to drop the gun. The music was so loud, Rivera was screaming at the top of his lungs, "gun, drop the gun."
28. I drew my service weapon and aimed at Mr. Jordan as I was coming from the side of the house.
29. I could see Mr. Jordan's face and whole body standing in the doorway. I was at a 45 degree angle to him.
30. I believe I was the same distance from Mr. Jordan as Deputy Rivera.
31. Mr. Jordan looked my way for a second, and then the front door started closing as he was raising his right hand with something small and dark in it.
32. I can't say for certain that what Mr. Jordan had in his right hand was a gun, but that's what I thought it was at the time.
33. By the way Mr. Jordan's hand was coming up, I thought he was going to shoot Rivera through the front door, and if he missed Rivera, there were 50 kids behind us.
34. Mr. Jordan was raising his right hand while he was closing the door with his left hand.
35. The front door closed pretty quickly and I lost sight of what was in his right hand once it was raised up near Mr. Jordan's hip area. I did not see it specifically aimed at anybody.
36. I fired my weapon rapidly four times at Mr. Jordan through his front door as it was closing.
37. I fired in a vertical trajectory from bottom to the top. The lowest shot was my first shot.

38. I was shooting to eliminate a threat. When Mr. Jordan opened his front door with something in his hand and refused to drop it and began to raise it at a deputy, the situation changed from loud music to a potentially armed suspect threatening a police officer.
39. This was the first time in my career that I had ever shot anyone.
40. I could not hear if Mr. Jordan said anything because the music was so loud.
41. I could not hear if Deputy Rivera said anything after he screamed “gun, drop the gun” because the music was so loud.
42. After I shot through the front door at Mr. Jordan, I ran behind the house to make sure no one came out behind us.
43. I did not look into any windows of the home to see if anything was going on in the house. This was for safety reasons because I believed we had an armed suspect in the house.
44. I had not done a background investigation on Mr. Jordan before I knocked on the door. At that time, I believed I did not know anything about Mr. Jordan.
45. I did not pull up a call history before I knocked on the front door. I was there to simply investigate a noise disturbance.
46. Shortly after the shooting, I learned that I had arrested Mr. Jordan back in 2004 on a curfew violation during one of the hurricanes that year.
47. Mr. Jordan was one of several people that I arrested during that time for curfew violations. I was with Fort Hampton Police Department when I made that arrest.
48. I do not know what the percentage of the population of minorities is in Fort Hampton or Midland County.
49. I have not had any excessive force complaints made against me to my knowledge.
50. After the shooting of Mr. Jordan, I was on paid administrative leave for 10 days.
51. I believe Deputy Rivera was put on the same paid administrative leave.
52. Both Deputy Rivera and I had to go to the department psychologist to get cleared to return to work.
53. I learned that Mr. Jordan died at the scene from my gunshots and was dead on the other side of the front door.
54. I saw the photo of Mr. Jordan’s body laying face down in the foyer with the gun in the back pocket of his shorts.

55. I believe the gun in the back pocket of Mr. Jordan's shorts was the small dark object he had in his hand during the incident.
56. I learned later that the gun in Mr. Jordan's shorts was not loaded and it was stolen.
57. I also learned later that Mr. Jordan had a blood alcohol level of .32, which is 4 times the legal limit for operating a motor vehicle.
58. I try to uphold the constitution with everybody. I am a big advocate of the Second Amendment and I am a big advocate of the First Amendment. I think the Constitution is very important.
59. I do not believe I violated Mr. Jordan's 4th Amendment rights on February 14, 2019 because he committed a crime that day – the crime of aggravated assault against a police officer.

FURTHER AFFIANT SAYETH NAUGHT.

Eric Watson
DEPUTY ERIC WATSON

CERTIFICATE OF OATH

I, SUZANNE BRADLEY, a Notary Public of the State of Florida at Large, authorized to administer oaths, certify that ERIC WATSON was by me first duly sworn to tell the truth.

Dated this 24th day of March, 2020.

Suzanne Bradley
SUZANNE BRADLEY
My Commission Expires: August 16, 2022

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
LAKEVILLE DIVISION

SHERYL JORDAN, as Personal
Representative of the Estate of DAVID
JORDAN, JR.,

Case No. 2:20cv15994

Plaintiff,

vs.

SHERIFF DEREK MICHAELS in his
official Capacity as Sheriff of Midland
County, and ERIC WATSON, an
individual,

Defendants.

_____ /

SWORN STATEMENT OF DEPUTY EDDIE RIVERA

1. My name is Deputy Eddie Rivera. I am 36 years old.
2. I have been employed with Midland County Sheriff's Office for 12 years. I started in 2008.
3. Prior to working for Midland County Sheriff, I was a respiratory therapist technician in Brooklyn, New York.
4. I am currently assigned to the Road Patrol unit for Midland County Sheriff's office and have worked road patrol for several years.
5. In road patrol we patrol the streets, answer calls and disturbances, conduct traffic stops, and manage traffic violations.
6. The shooting incident of Mr. Jordan took place on February 14, 2019 at 1501 58th St. South in Fort Hampton.
7. On February 14, 2019, my shift started at 3:00PM.
8. I do not know Deputy Watson personally. We are coworkers. We have worked together on several occasions.

9. Deputy Watson and I were both on the same schedule on February 14, 2019.
10. Deputy Watson received a call for a noise disturbance in the area of Fort Hampton Elementary school. The complaint was that the music was really loud and vulgar and they were worried about the kids.
11. The complaint about Mr. Jordan's home was my first call of the day. I was talking with Deputy Watson at the time the call came in, so I went as back-up.
12. A noise disturbance is a county ordinance violation. It is not a criminal violation.
13. I have responded to plenty of noise complaints made during the daytime and usually we just ask the person to turn the music down.
14. A noise complaint is generally not an arrestable offense unless the person becomes violent with law enforcement.
15. With regard to the incident involving Mr. Jordan, it was my intent to ask him to turn the music down.
16. Both Deputy Watson and I were in our squad cars and wearing our Sheriff's uniforms on February 14, 2019.
17. When we got the call, I drove to the area, which was 15 minutes away. We parked in front of the home on the street and I parked behind Deputy Watson.
18. We both exited our vehicles and walked toward the front door of the house. I was walking behind Deputy Watson.
19. That neighborhood is a troubled neighborhood, but there are a lot of hardworking people there who get along with law enforcement very well. However, the neighborhood has drugs, gangs, and violence.
20. The music was coming from the house at 1501 58th St. South and it was very loud. It was rap music.
21. We knocked on the front door and there was no answer.
22. Deputy Watson walked over to the side door to knock on it. As he walked to the side door, I walked up to the front door and stood to the left side of the front door.
23. I knocked on the front door with my hand. When I knocked on the front door, I did not say anything or announce myself.
24. When the front door started to open, that is when I said loudly: I yelled "Sheriff's Office, Sheriff's Office." I yelled because the music was very loud.

25. The front door opened up wide enough to see Mr. Jordan's entire body. I could see his face and his eyes. I could see his hair – he had dreads. Mr. Jordan was wearing a dark T-shirt and blue jean shorts.
26. I could also see that Mr. Jordan had a small black handgun in his right hand. It looked like a Glock.
27. When I saw the gun, I immediately started shouting “gun, gun, gun, drop the gun, drop the gun, drop the gun.”
28. At that point, Mr. Jordan raised his right arm with the gun in my direction. As he raised the gun in my direction with his right hand, Deputy Watson yelled “hey,” and then the gunfire started.
29. As soon as Deputy Watson yelled “hey,” I could see Mr. Jordan look toward Deputy Watson and start to close the front door.
30. Mr. Jordan had his left hand on the front door and he had the handgun in his right hand by his right leg. When I said “gun, gun, drop the gun,” he raised the gun in my direction. That's when Deputy Watson yelled “hey.” Mr. Jordan then looked in Deputy Watson's direction and started to close the door. By then, Deputy Watson was already firing off several rounds.
31. When the first shot was fired, the front door was just starting to close. It was not completely closed.
32. As soon as Mr. Jordan started to raise the gun in my direction, I started to draw my gun and retreat back. It was very frightening. I thought I was going to get shot.
33. Mr. Jordan was almost directly in front of me when he was raising the gun in my direction.
34. I felt threatened as Mr. Jordan started to lift the gun up toward me.
35. I did not fire my weapon because by the time I drew my weapon, Deputy Watson had already fired multiple shots.
36. After the shots were fired, Deputy Watson and I both took cover behind my patrol car while I called over the radio “shots fired, shots fired”
37. The music continued to play loudly as we were behind my patrol car.
38. We stayed behind my patrol car until the SWAT team took position and then we were removed from the scene.

39. I do not recall Deputy Watson securing the side or back portion of the house after the shooting.

40. On February 14, 2019, Mr. Jordan committed a criminal act when he raised his gun in my direction and threatened my life.

FURTHER AFFIANT SAYETH NAUGHT.

Eddie Rivera
DEPUTY EDDIE RIVERA

CERTIFICATE OF OATH

I, SUZANNE BRADLEY, a Notary Public of the State of Florida at Large,
authorized to administer oaths, certify that EDDIE RIVERA was by me first duly sworn
to tell the truth.

Dated this 24th day of March, 2020.

Suzanne Bradley
SUZANNE BRADLEY
My Commission Expires: August 16, 2022

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
LAKEVILLE DIVISION

SHERYL JORDAN, as Personal
Representative of the Estate of DAVID
JORDAN, JR.,

Case No. 2:20cv15994

Plaintiff,

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SHERIFF DEREK MICHAELS in his
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County, and ERIC WATSON, an
individual,

Defendants.

_____ /

SWORN STATEMENT OF LEE MCDONALD

1. My name is Lee McDonald. I am 35 years old.
2. I am a school teacher at Fort Hampton Elementary School.
3. Currently, I teach 5th grade. On February 14, 2019, I was teaching 3rd grade.
4. I am aware of the shooting that occurred across the street from the school on February 14, 2019. I made the initial noise complaint call to the police that day.
5. Fort Hampton Elementary is right across the street from the house at 1501 58th Street South.
6. At 3:00PM that day we were about to line up the students for parent pick up. I heard very loud, vulgar music playing across the street. The music was so loud, I could hear the vulgar words very clearly. I heard the "F" word, the "N" word and other swear words.
7. The students at Fort Hampton Elementary school are very young and range in age from 6 years old to 11 years old. The music was highly inappropriate for the kids to hear.
8. At 3:15PM, I was standing outside with the principal to line the kids up for pick up.

9. At that time, I noticed two cop cars pull up in front of the house across the street which is where the music seemed to be coming from.
10. I saw two policemen knock on the front door and then I saw one go to the side door. The one officer that went to the side door was an older, heavier white man and the other officer was a younger man.
11. I could hear the knock on the door from across the street. They knocked on the front door very forcefully. It sounded like “bang, bang, bang.”
12. The front door opened up really fast and the officer from the side door ran over to the front door. I could not see the person who opened up the front door.
13. As the older, heavier white police approached the front door, I saw him jump back and pull his gun. He seemed very surprised and startled by the door opening.
14. The front door quickly shut and that’s when I heard the pops. They sounded really loud and fast like firecrackers.
15. I saw the older, heavier white man firing his gun as the front door closed.
16. At that point, we all rushed the kids inside to shelter in place.
17. I don’t know the number of shots, but I heard more than one pop.
18. I could not hear any music playing at the time I heard the pops.

FURTHER AFFIANT SAYETH NAUGHT.

Lee McDonald
LEE MCDONALD

CERTIFICATE OF OATH

I, SUZANNE BRADLEY, a Notary Public of the State of Florida at Large, authorized to administer oaths, certify that LEE MCDONALD was by me first duly sworn to tell the truth.

Dated this 24th day of March, 2020.

Suzanne Bradley
SUZANNE BRADLEY
My Commission Expires: August 16, 2022

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
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Defendants.

_____ /

SWORN STATEMENT OF TAYLOR ROBERTS, MD

1. My name is Taylor Roberts. I am 49 years old.
2. I have been a Board Certified Pathologist since 2010. I graduated from The Johns Hopkins University School of Medicine in Baltimore, Maryland in 2000.
3. I was a medical examiner for 15 years and I have worked as a forensic pathologist consultant for the past 7 years.
4. I have testified as an expert witness in forensic pathology on more than 20 occasions in both state and federal court. On all of these occasions, I was called upon to conduct a forensic review of medical examiners' reports and evaluate their findings.
5. At the Plaintiff's request, I reviewed the medical examiner's records, including summary autopsy report, scene photos, and statements by officers and witnesses related to the death of David Jordan, Jr. and made certain observations and conclusions.
6. I can say with medical certainty that Mr. Jordan was shot three times and that the fatal shot actually hit his skull, spattering his brain.

7. Based on the information I reviewed, it is my opinion within a reasonable degree of medical certainty that at least two of the bullets, the one to the upper portion of the abdomen and the one to the head, were caused by bullets passing through the front door, from the outside of the door to the inside of the door, which is evident from the characteristics of the wounds and the presence of wood fragments.
8. From my review of the diagram of the front door, I could see that the hole through the front door that resulted in the gunshot wound to the head is present just slightly lower than head level, which means the front door had to have been closed at the time the wound was inflicted. In addition, there were fragments of material from the front door in the gunshot wound to Mr. Jordan's head.
9. The bullet to Mr. Jordan's skull passed through the right frontal cerebrum, basal ganglia (mid-brain), and then the brain stem. The bullet severed all of the basal ganglia, which is where most of the motor fibers are coming through to connect to the spinal cord. The bullet basically cut all motor function and sensory function immediately.
10. It is my opinion that Mr. Jordan would not have had any motor function after the bullet wound to the skull was inflicted. Mr. Jordan could not have made any purposeful movement following the gunshot wound to the head. Mr. Jordan was immediately incapacitated.
11. From the location of the bullet wound and the presence of wood fragments near the entry point of the head wound, I can say with a reasonable degree of medical certainty that Mr. Jordan's head was close to the door when that bullet was fired and he was standing upright.
12. Mr. Jordan's cerebral cortex, which includes perception of pain, perception of consciousness, motor function, and conscious voluntary motor function were destroyed by either the direct path of the bullet or the force around the bullet travelling through his skull. Mr. Jordan would have simply fell to the ground after this injury.
13. It is my opinion, within a reasonable degree of medical certainty, that Mr. Jordan would not have had the ability to hold on to a gun or put a gun in his back pocket after he sustained the gunshot wound to the head.
14. The bullet wounds to the other parts of Mr. Jordan's body would not have incapacitated him immediately.

15. The toxicology report showed that Mr. Jordan's blood alcohol level at the time of the shooting was between .32 and .39, which would have resulted in Mr. Jordan experiencing significant motor and sensory dysfunction of his abilities.

16. Mr. Jordan did not test positive for any other drugs, amphetamines, or barbiturates.

FURTHER AFFIANT SAYETH NAUGHT.

Taylor Roberts, M.D.

TAYLOR ROBERTS, M.D.

CERTIFICATE OF OATH

I, SUZANNE BRADLEY, a Notary Public of the State of Florida at Large, authorized to administer oaths, certify that TAYLOR ROBERTS was by me first duly sworn to tell the truth.

Dated this 14th day of May, 2020.

Suzanne Bradley

SUZANNE BRADLEY

My Commission Expires: August 16, 2022

MEDICAL EXAMINER DEPARTMENT

Midland County

Name.....JORDAN, Jr., David..February 16, 2019.....9:30 a.m.....CaseNo. 19-19-036

SUMMARY REPORT OF AUTOPSY EXAMINATION

The body is that of a well-developed, adequately nourished, black male weighing 212 pounds, measuring approximately 6 feet 1 inch, and appearing to be the stated age of 33 years.

The body is dressed in the following: black T-shirt, blue jean shorts, blue plaid boxers, brown shoes with "Polo" on the sides, and black socks. There is blood staining on the clothing with areas of blood soaking on the shirt. The tag of the shirt reads "Lina U.S.A. 3XL." The shirt exhibits two holes on the right lower front. These holes are 0.6 cm. The boxer shorts show "Fruit of the Loom" in the waistband. There are two holes in the waistband region of the front of the boxer shorts. The more superior hole is 0.5 x 0.4 cm and the more inferior hole is 0.8 x 1.0 cm. The back of the boxer shorts exhibits a 0.6 x 0.4 cm hole just to the left of the midline. The shorts exhibit "NBN Gear" in the tag on the shorts. There is a horizontal tear along the waist of the right front of the shorts.

FINAL ANATOMIC DIAGNOSES:

I. Multiple gunshot wounds.

A. Gunshot wound of head, penetrating.

1. Entrance: Right scalp.
2. Perforation of cerebrum.
3. Extensive subarachnoid hemorrhage.
4. Skull fractures.
5. Presence of multiple wood fragments detected along trajectory path.
6. Projectile site: Projectile recovered from left subcutaneous scalp.

B. Gunshot wound of abdomen, perforating.

1. Entrance: Right abdomen.
2. Perforation of small bowel and mesentery.
3. Laceration of left iliac artery and vein.
4. Presence of multiple wood fragments detected in right abdomen.
5. Exit: Left buttock.

C. Gunshot wound of right lower abdomen, penetrating.

1. Entrance: Right lower abdomen.
2. Perforation of bladder and pelvic cavity.
3. Projectile site: Projectile recovered from soft tissue of left posterior pelvic wall.

CAUSE OF DEATH:

MULTIPLE GUNSHOT WOUNDS

MANNER OF DEATH:

HOMICIDE

Sally Odell, M.D.
Associate Medical Examiner

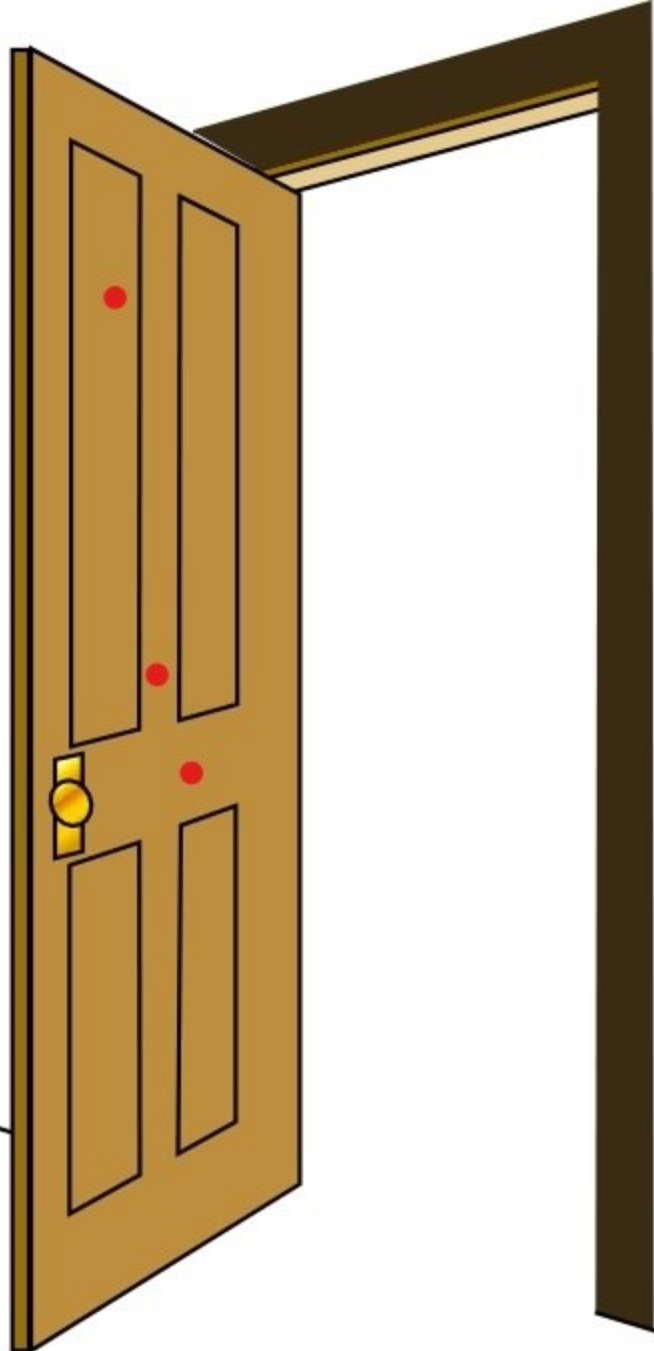


Diagram of
Jordan
Front Door
with Bullet
Holes

8'-6" X 10'-6"

**MASTER
BEDROOM**
14' x 12'

M. CLO.

BEDROOM 2
12'x12'

LINEN

BATH 2

SHLVS

LAUNDRY
6'-6" X 7'-0"

HVAC

WH

LINEN

BEDROOM 3
12'x12'

GREAT ROOM
14'-0" X 14'-6"

KITCHEN/DINING
16'-0" X 17'-6"

SHELF/HOOKS

REF

DW

SHELVES

COVERED PORCH

Watson Location



8'-6" X 10'-6"

**MASTER
BEDROOM**
14' x 12'

M. CLO.

BEDROOM 2
12'x12'

LINEN

BATH 2

SHLVS

LAUNDRY
6'-6" X 7'-0"

HVAC

WH

LINEN

BEDROOM 3
12'x12'

GREAT ROOM
14'-0" X 14'-6"

KITCHEN/DINING
16'-0" X 17'-6"

SHELF/HOOKS

REF

DW

SHELVES

COVERED PORCH

Rivera's Location





UNITED STATES DISTRICT COURT
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SHERIFF DEREK MICHAELS in his
official Capacity as Sheriff of Midland
County, and ERIC WATSON, an
individual,

Defendants.

SWORN STATEMENT OF FRANK EDWARDS, PHD

1. My name is Frank Edwards. I am 35 years old.
2. I have a Ph.D. in Sociology and currently serve as an Assistant Professor in the School of Criminal Justice at Rutgers University in Newark, New Jersey. My CV is attached.
3. My research focuses on how systems of social control produce and reinforce inequality, and explores how politics, policy feedbacks, and social structures affect the relationships between families and the state.
4. I have testified as an expert on five occasions in federal court in my areas of research.
5. At the Plaintiff's request, I conducted a review of Midland County Sheriff's department data on stops based upon reasonable suspicion performed by Midland County Sheriff's officers where the Sheriff's officer drew his/her weapon during the stop.
6. The stops I reviewed were not stops based on warrants and included only stops for non-traffic misdemeanors and ordinance violations. This defined the relevant cases for analysis.

7. Between February 2016 and February 2019, there were 650 stops that met the definition contained in paragraph 6. I randomly selected and reviewed 380 case files from this group of files. To conduct my research, I analyzed the correlation of these stops where the Sheriff's officer drew his/her weapon, to the detainee's race and age. As a result, I made certain observations and conclusions.
8. Based upon my review of the data from Midland County Sheriff's department and subsequent analysis, it is my professional opinion that racial bias plays a statistically significant role in whether Midland County Sheriff's officers decide to draw their weapon during a stop.
9. Specifically, my research revealed that 77% of Caucasian Midland County Sheriff's Officers drew their weapon on African American men, ages 18-35; as compared to 33% of Caucasian Midland County Sheriff's officers who drew their weapon on Caucasian men, ages 18-35.
10. These findings are consistent with the research I conducted and wrote about in my article "Risk of being killed by police use of force in the United States by age, race-ethnicity, and sex, and can be found here <https://www.pnas.org/content/early/2019/07/30/1821204116>.

FURTHER AFFIANT SAYETH NAUGHT.

Frank Edwards, Ph.D.

FRANK EDWARDS, Ph.D.

CERTIFICATE OF OATH

I, SUZANNE BRADLEY, a Notary Public of the State of Florida at Large, authorized to administer oaths, certify that FRANK EDWARDS was by me first duly sworn to tell the truth.

Dated this 14th day of May, 2020.

Suzanne Bradley

SUZANNE BRADLEY

My Commission Expires: August 16, 2022

Frank R. Edwards

CONTACT INFORMATION	CLJ 578B 123 Washington St Newark, NJ 07102-3094	<i>Office:</i> 973.353.3348 <i>Email:</i> frank.edwards@rutgers.edu <i>Web:</i> frankedwards.net
APPOINTMENTS	RUTGERS UNIVERSITY - NEWARK Assistant Professor. School of Criminal Justice. 2018 - CORNELL UNIVERSITY Postdoctoral Associate. Bronfenbrenner Center for Translational Research. 2017 - 2018 Research Associate: National Data Archive on Child Abuse and Neglect. 2018 -	
EDUCATION	PH.D., SOCIOLOGY. THE UNIVERSITY OF WASHINGTON. 2017 M.A., SOCIOLOGY. DEPAUL UNIVERSITY. 2012 B.A., SOCIOLOGY AND HISTORY, THE UNIVERSITY OF TEXAS AT AUSTIN. 2005	
PUBLICATIONS	Edwards, Frank R. Forthcoming. "Fiscal Pressures, the Great Recession, and Monetary Sanctions in Washington Courts of Limited Jurisdiction." <i>The UCLA Criminal Justice Law Review</i> Yi, Youngmin, Frank R. Edwards, and Christopher Wildeman. 2020. "Cumulative Prevalence of Confirmed Maltreatment and Foster Care Placement for US Children by Race/Ethnicity, 2011-2016." <i>American Journal of Public Health</i> 110(5):704-709. Wildeman, Christopher, Frank R. Edwards, and Sara Wakefield. 2020. "The Cumulative Prevalence of Termination of Parental Rights for U.S. Children, 2000-2016". <i>Child Maltreatment</i> 25(1):32-42. Edwards, Frank R., Hedwig Lee, and Michael Esposito. 2019. "Risk of being killed by police use of force in the United States by age, race-ethnicity, and sex". <i>Proceedings of the National Academy of Sciences</i> 116 (34):16793-16798. Fernandes, April, Frank R. Edwards, Michele Cadigan, and Alexes Harris. 2019. "Monetary Sanctions: A Review of Revenue Generation, Legal Challenges, and Reform". <i>Annual Review of Law and Social Science</i> 15(1):397-413. Edwards, Frank R. 2019. "Family Surveillance: Police and the Reporting of Child Abuse and Neglect." <i>The Russell Sage Foundation Journal of The Social Sciences</i> 5(1):50-70. Edwards, Frank R., Michael Esposito, and Hedwig Lee. 2018. "Risk of Police-Involved Death by Race/Ethnicity and Place, United States, 2012-2018". <i>The American Journal of Public Health</i> 108(9):1241-1248. Edwards, Frank R. and Christopher Wildeman. 2018. "Characteristics of the Frontline Child Welfare Workforce." <i>Children and Youth Services Review</i> 89:13-26. Martin, Karin, Sarah Shannon, Bryan Sykes, Frank R. Edwards, and Alexes Harris. 2018. "Monetary Sanctions in Criminal Justice." <i>Annual Review of Criminology</i> 1(1):471-495. Harris, Alexes and Frank R. Edwards. 2017. "Fines and Monetary Sanctions." <i>Oxford Research</i>	

Encyclopedia of Criminology and Criminal Justice.

Edwards, Frank R. 2016. "Saving Children, Controlling Families: Punishment, Redistribution and Child Protection." *American Sociological Review* 81(3):575-595.

Edwards, Frank R. 2014. "Framing Punishment: Expert Selection and Punitive Ideology in the News." *McGill Sociological Review* 4:93-112.

REPORTS

Edwards, Frank R. and Alexes Harris. 2020. "Legal Financial Obligations in Seattle Municipal Court". Seattle, WA: City of Seattle Office for Civil Rights.

Edwards, Frank R. and April Fernandes. 2017. "Monetary Sanctions in Washington". In *Monetary Sanctions in the Criminal Justice System*. Washington, DC: Laura and John Arnold Foundation.

Edwards, Frank R., Mary Joyce, and Philip Howard. 2013. *Digital Activism and Non-Violent Conflict*. Seattle, WA: University of Washington.

Kaba, Mariame and Frank R. Edwards. 2012. *Policing Chicago Public Schools: A Gateway to the School-to-Prison Pipeline*. Chicago, IL: Project NIA.

GRANTS AND CONTRACTS

Research associate. (Role: Co-Investigator). City of Seattle, Office for Civil Rights. 2018, 2019

Research associate. National Data Archive on Child Abuse and Neglect. (Role: Statistical consulting and software development). 2018 - 2020

Research grant. Casey Family Programs. (Role: Co-Investigator). 2018, 2019

"Dual Debtors: Child Support and Criminal Financial Legal Obligations." Institute for Research on Poverty, University of Wisconsin. (Role: Co-Investigator). 2018

"Left Behind: Deportation, Child Welfare and Foster Care Placements." Cornell Project 2Gen Pilot Studies Program. (Role: Co-Investigator). 2017

AWARDS AND FELLOWSHIPS

Presidential Dissertation Fellowship. The Graduate School, University of Washington. 2016

Outstanding Graduate Student Paper Award, ASA Family Section for "Saving Children, Controlling Families". 2016

Outstanding Graduate Student Paper Award, ASA Section on Children and Youth for "Saving Children, Controlling Families". 2016

Herbert L. Costner Distinguished Graduate Student Paper Award, Department of Sociology, University of Washington. 2016

Prize in Public Interest Communications Research for *Digital Activism and Non-Violent Conflict*. College of Journalism and Communications, University of Florida. 2014

PRESENTATIONS

"Sovereign Shields: Family separation and police violence in Indian Country." Eastern Sociological Society. 2020.

"Risk of being killed by police use of force in the United States by age, race-ethnicity, and sex." American Society of Criminology. 2019.

“Sovereign Shields and State Violence in Indian Country.” American Indian Studies Department, San Francisco State University. Invited lecture with Theresa Rocha-Beardall. 2019.

“Fiscal pressures, the Great Recession, and Washington courts of limited jurisdiction.” Progressing Reform of Fees and Fines: Towards A Research and Policy Agenda. Criminal Justice Policy Program, Harvard Law School. 2019.

“Sovereign Shields: Law Enforcement and State Violence in Indian Country.” Native American and Indigenous Studies Association. 2019

“Sovereign Shields: Law Enforcement and State Violence in Indian Country.” Law and Society Association. 2019

“Risk of Being Killed by Police Use-of-Force in the U.S. by Age, Race/Ethnicity, and Sex.” Population Association of America. 2019

“Risk of Police-Involved Death by Race/Ethnicity and Place, United States, 2012-2018.” American Sociological Association. 2018

“Characteristics of the Front-Line Child Welfare Workforce.” Casey Family Programs Child Welfare Data Leaders Meeting, plenary. 2018

“Family Surveillance: Police and the Reporting of Child Abuse and Neglect.” Russell Sage Foundation. 2017

“Family Surveillance: Police and the Reporting of Child Abuse and Neglect.” American Sociological Association. 2017

“Concentrated Social Control and Racial Inequality in Child Protection.” American Sociological Association. 2016

“Saving Children, Controlling Families: Punishment, Redistribution, and Child Protection.” West Coast Poverty Center. University of Washington. 2016

“Saving Children, Controlling Families: Punishment, Redistribution, and Child Protection.” American Sociological Association. 2015

“State Infrastructure and Child Welfare Surveillance.” Society for the Study of Social Problems. 2015

“Digital Activism and Non-Violent Conflict.” Public Interest Communications Conference, Department of Journalism and Communication, University of Florida. 2014

“Race, Place, and Disparities in Foster Care Entries.” West Coast Law and Society Retreat, University of Washington. 2013

“Punitive Juvenile Justice and Youth Crime Journalism: Chicago 1981-1982.” Midwest Sociological Society. 2011

TEACHING

RUTGERS UNIVERSITY - NEWARK

Introductory Statistics, PhD

Intermediate Statistics, PhD

Advanced Statistics: Bayesian, PhD

THE UNIVERSITY OF WASHINGTON

Introduction to Sociology.

Department of Sociology Writing Instructor.

Teaching Assistant: Criminology; Sociological Theory; Introduction to Law; Societies and Justice; Drugs and Society.

DEPAUL UNIVERSITY

Introduction to Sociology.

PROFESSIONAL
SERVICE

Occasional reviewer: *American Sociological Review*, *American Journal of Sociology*, *Journal of Public Administration Research and Theory*, *Social Problems*, *Criminology*, *Child Welfare*, *Science Advances*, *Epidemiology*

Committee work: PhD program committee, Rutgers School of Criminal Justice 2019 - 2020; MA program committee, Rutgers School of Criminal Justice 2018 - 2020

Conference session presider or discussant: American Sociological Association 2018, 2019, Population Association of America 2019

Student advisory editor: *Social Problems*. 2013-2014

Risk of being killed by police use of force in the United States by age, race–ethnicity, and sex

Frank Edwards^{a,1}, Hedwig Lee^b, and Michael Esposito^c

^aSchool of Criminal Justice, Rutgers University, Newark, NJ 07102; ^bDepartment of Sociology, Washington University in St. Louis, St. Louis, MO 63130; and ^cInstitute for Social Research, University of Michigan, Ann Arbor, MI 48106

Edited by John Hagan, Northwestern University, Evanston, IL, and approved July 3, 2019 (received for review December 12, 2018)

We use data on police-involved deaths to estimate how the risk of being killed by police use of force in the United States varies across social groups. We estimate the lifetime and age-specific risks of being killed by police by race and sex. We also provide estimates of the proportion of all deaths accounted for by police use of force. We find that African American men and women, American Indian/Alaska Native men and women, and Latino men face higher lifetime risk of being killed by police than do their white peers. We find that Latina women and Asian/Pacific Islander men and women face lower risk of being killed by police than do their white peers. Risk is highest for black men, who (at current levels of risk) face about a 1 in 1,000 chance of being killed by police over the life course. The average lifetime odds of being killed by police are about 1 in 2,000 for men and about 1 in 33,000 for women. Risk peaks between the ages of 20 y and 35 y for all groups. For young men of color, police use of force is among the leading causes of death.

criminal justice | public health | demography | social inequality

Violent encounters with the police have profound effects on health, neighborhoods, life chances, and politics (1–9). Policing plays a key role in maintaining structural inequalities between people of color and white people in the United States (1, 10). The killings of Oscar Grant, Michael Brown, Charleena Lyles, Stephon Clark, and Tamir Rice, among many others, and the protests that followed have brought sustained national attention to the racialized character of police violence against civilians (11). Social scientists and public health scholars now widely acknowledge that police contact is a key vector of health inequality (3, 6) and is an important cause of early mortality for people of color (12).

Police in the United States kill far more people than do police in other advanced industrial democracies (13). While a substantial body of evidence shows that people of color, especially African Americans, are at greater risk for experiencing criminal justice contact and police-involved harm than are whites (14–19), we lack basic estimates of the prevalence of police-involved deaths, largely due to the absence of definitive official data. Journalists have stepped into this void and initiated a series of systematic efforts to track police-involved killings. These data enable a richer understanding of the geographic and demographic patterning of police violence (17) and an evaluation of the magnitude of exposure to police violence over the life course.

Prior research has clearly established that race, sex, and age are closely correlated with exposure to the criminal justice system (20–22). Age, race, and gender are also central to the logics that police and legal systems use to decide who to target, how to intervene, and how much force should be applied in the process of policing (5, 23–26).

Research Strategy and Key Findings

This paper provides descriptive estimates of the national prevalence of fatal police violence. In doing so, we contribute to a body of research that uses demographic methods to systematically describe the depth of the involvement of the criminal justice system in the lives of Americans (22, 27–30).

We estimate the risk of being killed by police use of force in the United States by age, race, and sex. We also construct period life tables (31) that provide estimates of the risk of death across the life course, with the central assumption that risk profiles observed between 2013 and 2018 remain stable. We use Bayesian simulation and multilevel models to provide uncertainty intervals for our mortality estimates.

Our results show that people of color face a higher likelihood of being killed by police than do white men and women, that risk peaks in young adulthood, and that men of color face a nontrivial lifetime risk of being killed by police.

Focal measures for this analysis rely on data compiled by Fatal Encounters (FE) (32), a journalist-led effort to document deaths involving police. Cases are identified through public records and news coverage, and each variable in the data is validated against published documents. Unofficial media-based methods provide more comprehensive information on police violence than do the limited official data currently available (4, 33, 34).

We focus exclusively on police use-of-force deaths and exclude cases from the analysis that police described as a suicide, that involved a vehicular collision, or that involved an accident such as an overdose or a fall. We provide sensitivity analyses that explore the impact of these inclusion criteria in *SI Appendix*, Fig. S12. Mortality rate estimates for all groups increase substantially when all recorded cases are included in the analysis.

We describe the data and methods, their limitations, and their assumptions in more detail in *Materials and Methods* and in *SI Appendix*.

Results

Fig. 1 displays estimates of lifetime risk of being killed by police use of force by race and sex, using data from 2013 to 2018. We

Significance

Police violence is a leading cause of death for young men in the United States. Over the life course, about 1 in every 1,000 black men can expect to be killed by police. Risk of being killed by police peaks between the ages of 20 y and 35 y for men and women and for all racial and ethnic groups. Black women and men and American Indian and Alaska Native women and men are significantly more likely than white women and men to be killed by police. Latino men are also more likely to be killed by police than are white men.

Author contributions: F.E. and H.L. designed research; F.E. and M.E. performed research; F.E. and M.E. analyzed data; and F.E. wrote the paper.

The authors declare no conflict of interest.

This article is a PNAS Direct Submission.

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Data deposition: All scripts and data used in this analysis are available on Open Science Framework (<https://osf.io/c8qhx/>).

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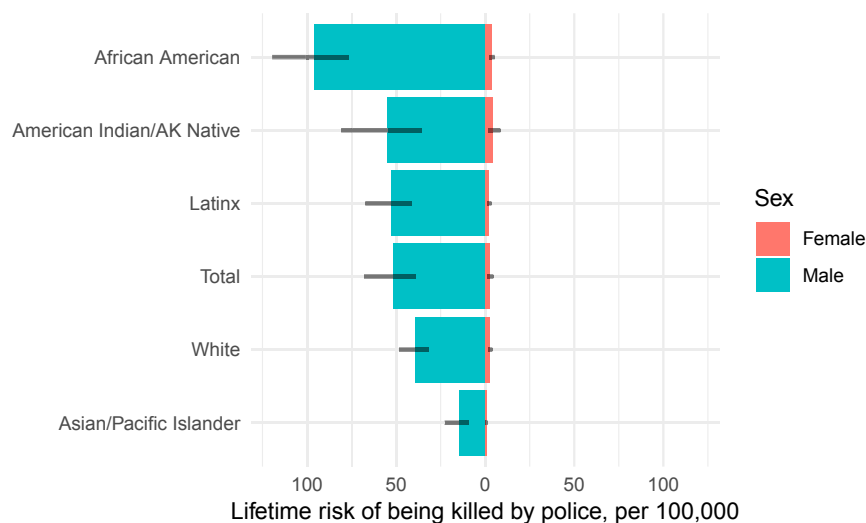


Fig. 1. Lifetime risk of being killed by the police in the United States by sex and race-ethnicity for a synthetic cohort of 100,000 at 2013 to 2018 risk levels. Dashes indicate 90% posterior predictive uncertainty intervals. Life tables were calculated using model-based simulations from 2013 to 2018 Fatal Encounters data and 2017 National Vital Statistics System data.

estimate that over the life course, at levels of risk similar to those observed between 2013 and 2018, about 52 [39, 68] (90% uncertainty interval) of every 100,000 men and boys in the United States will be killed by police use of force over the life course, and about 3 [1.5, 4.5] of every 100,000 women and girls will be killed by police over the life course.

Fig. 2 displays the ratio of lifetime risk for each racial-ethnic group relative to risk for whites for both men and women. Note that a rate ratio of 1 indicates equality in mortality risk relative to whites. The highest levels of inequality in mortality risk are experienced by black men. Black men are about 2.5 times more likely to be killed by police over the life course than are white men. Black women are about 1.4 times more likely to be killed by police than are white women. Although risks are estimated with less precision for American Indian/Alaska Native men and women than for other groups, we show that they face a higher lifetime risk of being killed by police than do whites. American Indian men are between 1.2 and 1.7 times

more likely to be killed by police than are white men, and American Indian women are between 1.1 and 2.1 times more likely to be killed by police than are white women. Latino men are between 1.3 and 1.4 times more likely to be killed by police than are white men, but Latina women are between 12% and 23% less likely to be killed by police than are white women. Both Asian/Pacific Islander men and women are more than 50% less likely to be killed by police than are white men and women, respectively.

Among all groups, black men and boys face the highest lifetime risk of being killed by police. Our models predict that about 1 in 1,000 black men and boys will be killed by police over the life course (96 [77, 120] per 100,000). We predict that between 36 and 81 American Indian/Alaska Native men and boys per 100,000 will be killed by police over the life course. Latino men and boys have an estimated risk of being killed by police of about 53 per 100,000 [41, 67]. Asian/Pacific Islander men and boys face a lifetime risk of between 9 and 23 per 100,000, while

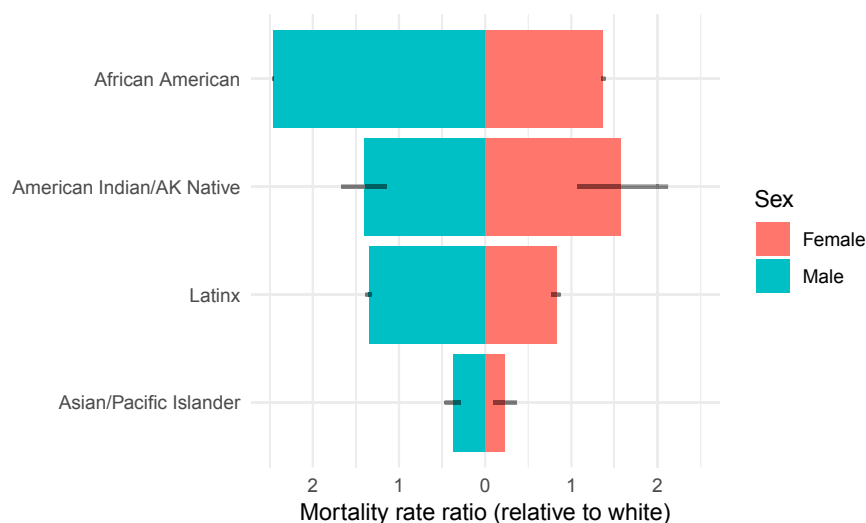


Fig. 2. Inequality in lifetime risk of being killed by police use of force in the United States by sex and race-ethnicity at 2013 to 2018 risk levels. Dashes indicate 90% uncertainty intervals. Life tables were calculated using model simulations from 2013 to 2018 Fatal Encounters data and 2017 National Vital Statistics System data.

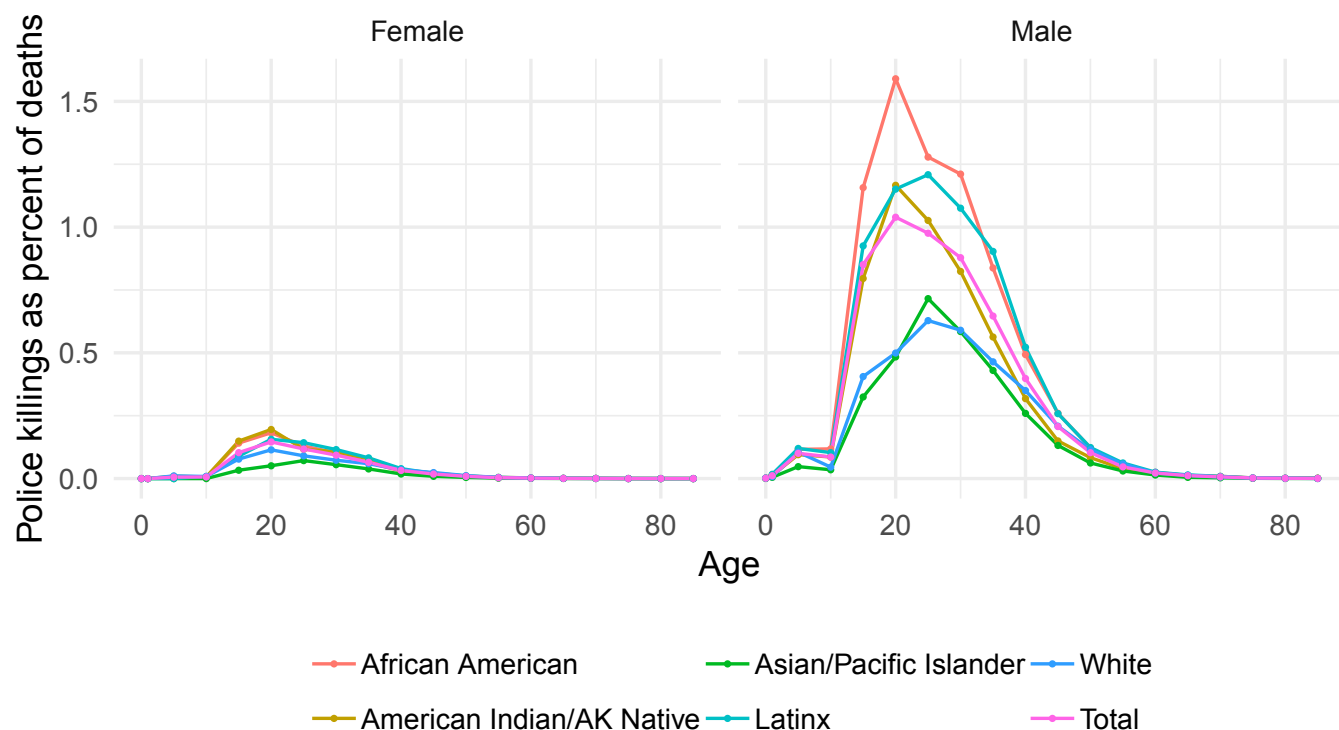


Fig. 5. Deaths caused by police use of force (median model-based prediction) as a percentage of all deaths by age, race, and sex. Life tables were calculated using model simulations from 2013 to 2018 Fatal Encounters data and 2017 National Vital Statistics System data.

comprehensive data on police-involved deaths than do official mortality files (34), has a broader scope than similar unofficial efforts to document deaths, and has been endorsed as a sound source of data by the Bureau of Justice Statistics (47). Despite the relatively high quality of FE, because the data rely on media reports, counts of deaths are likely negatively biased. If any death is not covered by news organizations or is not documented in searchable public records, it will not appear in the data.

Between 2013 and 2018, about 9% of FE cases are missing data on race-ethnicity (*SI Appendix, Table S1*). We use multiple imputation by chained equations (48) to address missing data for observations between 2013 and 2018. Imputation models include victim age, sex, race, cause of death, and the racial/ethnic composition of the county in which a death occurred. We also include surname-specific estimates of the probability of racial/ethnic group identification on the US Census compiled by Imai and Khanna (49). Results yield similar case compositions to those we observe in NVSS and FE data, as shown in *SI Appendix, Fig. S7*. Listwise deletion of missing cases unrealistically understates uncertainty in our parameter estimates and negatively biases mortality risk estimates (*SI Appendix, Fig. S8*).

We use these imputed data to construct multilevel Bayesian count models of mortality risk that allow us to directly estimate uncertainty driven by small annual age-race-sex-specific death counts for some groups, by

variation in underlying risk over the 6 y of FE data, and by missing data. Intervals reported in the text are drawn from model posterior predictive distributions.

Because we lack sufficient data to track a birth cohort over the life course, we rely on synthetic cohorts to estimate lifetime risk (31). Period life tables allow us to estimate deaths over the life course within a compressed period by tracking age-specific mortality risk over hypothetical cohorts in each subgroup with the key assumption that underlying age-specific mortality risks remain constant at observed levels throughout the life course. All risk estimates presented in this paper can be interpreted as estimates of age-specific or cumulative lifetime risk at 2013 to 2018 police use-of-force mortality rates and 2017 total mortality rates. Our methods are described in more detail in *SI Appendix*, and an excerpt of our multiple-decrement period life table is displayed in *SI Appendix, Table S4*.

A replication package containing all scripts and data used in this analysis is available through an Open Science Framework project repository (<https://osf.io/c8qhx/>).

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
LAKEVILLE DIVISION

SHERYL JORDAN, as Personal
Representative of the Estate of DAVID
JORDAN, JR.,

Case No. 2:20cv15994

Plaintiff,

vs.

SHERIFF DEREK MICHAELS in his
official Capacity as Sheriff of Midland
County, and ERIC WATSON, an
individual,

Defendants.

PLAINTIFF'S NOTICE OF EXPERT WITNESS

Plaintiff, SHERYL JORDAN, as Personal Representative of the Estate of DAVID JORDAN, JR., provides notice to this Court and to Defendants that Plaintiff intends to call as a witness and qualify as an expert, Frank Edwards, Ph.D. Plaintiff anticipates Dr. Edwards will testify regarding the racial bias present at Midland County Sheriff's Office and the impact the racial bias had on Deputy Eric Watson's actions on the day he shot and killed DAVID JORDAN, JR. in his own home.

Respectfully submitted by:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 1, 2020, a true copy of the foregoing was filed utilizing the Lakeville E-Filing Portal and was served via email to:

Elizabeth M. Wright
Wright & Wright, P.A.
Attorney for Defendant
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/s/ Sarah M. Diamond
Sarah M. Diamond, Esq.
Fla. Bar No. 1119880
Email: sarahd@diamonddlaw.com

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
LAKEVILLE DIVISION

SHERYL JORDAN, as Personal
Representative of the Estate of DAVID
JORDAN, JR.,

Case No. 2:20cv15994

Plaintiff,

vs.

SHERIFF DEREK MICHAELS in his
official Capacity as Sheriff of Midland
County, and ERIC WATSON, an
individual,

Defendants.

**DEFENDANT ERIC WATSON'S FIRST MOTION IN LIMINE -
PLAINTIFF'S EXPERT WITNESS FRANK EDWARDS, PHD**

COMES NOW the Defendant, ERIC WATSON, who respectfully moves this Court, pursuant to Federal Rules of Evidence 401, 403 and 702, to prohibit the testimony at trial of Plaintiff's expert witness, Frank Edwards, Ph.D. The grounds supporting this motion are set forth in the following Memorandum.

PROCEDURAL HISTORY

1. On or about February 2, 2020, Plaintiff, SHERYL JORDAN, as Personal Representative of the Estate of DAVID JORDAN, JR. filed a Complaint in the Circuit Court of the Thirtieth Judicial Circuit, in and for Midland County, Florida. Because of

the nature of the claims contained therein, Defendants subsequently removed this action to federal court where it currently remains.

2. On or about August 1, 2020, Plaintiff provided notice to this Court and the Defendant that Plaintiff intended to call as an expert witness Frank Edwards, Ph.D., a Professor, to testify to the racial bias present in Midland County Sheriff's office and the impact that racial bias had on the actions of Defendant Deputy ERIC WATSON when he shot and killed DAVID JORDAN, JR.

3. Expert testimony is subject to Federal Rules of Evidence 401, 403 and 702.¹

4. Defendant ERIC WATSON stipulates that Frank Edwards, Ph.D., is qualified to be tendered as an expert witness.

5. However, Defendant ERIC WATSON affirmatively states that Professor Frank Edwards' testimony will not assist the trier of fact in understanding the evidence or determining a fact at issue and Professor Frank Edwards' opinion is likely to confuse the jury.

6. In addition, Defendant ERIC WATSON would submit that any probative value associated with the testimony of Frank Edwards, Ph.D, would be outweighed by its prejudicial effect.

¹ Specifically, FRE 702 adopts the model provided by the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). The *Daubert* test sets forth a non-exclusive checklist of facts to determine the reliability of scientific expert testimony. *Id.* at 593-95. See also *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999).

MEMORANDUM OF LAW IN SUPPORT OF MOTION

Omitted.

For the foregoing reasons, the Defendant ERIC WATSON respectfully moves this Court to prohibit the testimony of Plaintiff's expert witness, Frank Edwards, Ph.D.

Respectfully submitted,

WRIGHT & WRIGHT, P.A.
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BY s/ Elizabeth M. Wright
ELIZABETH M. WRIGHT
Fla. Bar No. 9889001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 5, 2020, a true copy of the foregoing was filed utilizing the Lakeville E-Filing Portal and was served via email to:

Sarah M. Diamond, Esquire
Counsel for Plaintiff
sarahd@diamondlaw.com

/s/ Elizabeth M. Wright
Elizabeth M. Wright, Esq.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
LAKEVILLE DIVISION

SHERYL JORDAN, as Personal
Representative of the Estate of DAVID
JORDAN, JR.,

Case No. 2:20cv15994

Plaintiff,

vs.

SHERIFF DEREK MICHAELS in his
official Capacity as Sheriff of Midland
County, and ERIC WATSON, an
individual,

Defendants.

_____ /

ORDER SETTING STATUS CONFERENCE

This Court, *sua sponte*, orders the parties to appear before it for a Status Conference on Monday, August 10, 2020, at 2:30 p.m. to address the scheduling of a hearing regarding Plaintiff's Motion to Strike Defendant Deputy ERIC WATSON's Affirmative Defense of Qualified Immunity and Defendant Deputy ERIC WATSON's First Motion in Limine as to Plaintiff's expert, Frank Edwards, Ph.D. All parties shall appear before the Court or be subject to contempt.

/s/ CHR

Judge Claire Harper Rothman
United States District Court for the
Middle District of Florida
Lakeville Division
Courtroom 3B

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
LAKEVILLE DIVISION

SHERYL JORDAN, as Personal
Representative of the Estate of DAVID
JORDAN, JR.,

Case No. 2:20cv15994

Plaintiff,

vs.

SHERIFF DEREK MICHAELS in his
official Capacity as Sheriff of Midland
County, and ERIC WATSON, an
individual,

Defendants.

NOTICE OF HEARING
PLAINTIFF'S MOTION TO STRIKE AND
DEFENDANT'S FIRST MOTION IN LIMINE

This Court notices the Plaintiff's Motion to Strike Defendant ERIC WATSON'S
Affirmative Defense of Qualified Immunity and Defendant ERIC WATSON's First
Motion in Limine as to Plaintiff's expert Frank Edwards, Ph.D., for hearing on Friday,
October 9, 2020, at 9:00 a.m.

1. The parties shall address only the following issues in the following manner on the
aforementioned motions:
 - a. By Evidentiary Hearing and Oral Argument: Whether Plaintiff's Motion to
Strike Defendant Deputy ERIC WATSON's Affirmative Defense of
Qualified Immunity should be granted.

- i. Plaintiff will call Taylor Roberts, MD. The parties have stipulated Taylor Roberts, MD, is a Board-Certified Pathologist and qualified expert witness.
 - ii. Plaintiff will also call Lee McDonald as a witness to testify in addition to Dr. Taylor Roberts.
 - iii. Defendant will call Deputy Eddie Rivera as a witness in addition to Defendant's (Eric Watson) testimony.
 - b. By Oral Argument Only: Whether Frank Edwards, Ph.D., may be permitted to testify as an expert witness pursuant to Federal Rules of Evidence 401, 403 and 702.
 - i. The parties stipulate that Frank Edwards, Ph.D., is qualified as an expert and his qualifications are not at issue for this hearing.
2. Pursuant to the Status Conference held on Monday, August 10, 2020, the parties shall file with the Court memoranda of law in support of their motions by 12:00 p.m. EST on September 10, 2020.

/s/ CHR
Judge Claire Harper Rothman
United States District Court for the
Middle District of Florida
Lakeville Division

EVIDENTIARY HEARING WITNESS INSTRUCTIONS

During the evidentiary hearing for this competition, four witnesses must be called.

The Plaintiff must call:

1. Taylor Roberts, MD can be played by any gender.
2. Lee McDonald can be played by any gender.

The Defendant must call:

1. Defendant Deputy Eric Watson should be played by a male student, if possible, or any gender as if male, but shall be played as set forth in the fact pattern (white male).
2. Deputy Eddie Rivera can be played by any gender.

Teams are required to provide the gender of their witnesses at the time they provide their memo submissions, but not later than September 10, 2020.