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OFFICE OF
STATE ATTORNEY
FIRST JUDICIAL CIRCUIT OF FLORIDA

July 23, 2013

PRESS RELEASE

William Eddins, State Attorney for the First Judicial Circuit, announced today that it has completed its review of the Florida Department of Law Enforcement investigation concerning the May 15, 2013 shooting incident of Eric Moore by Okaloosa County Deputy Elisa Tino.

The review has determined that Deputy Tino was justified in the use of deadly force that day after being attacked by Eric Moore during a traffic stop. No criminal charges will be filed.

A copy of the report is attached. Any questions may be directed to Chief Assistant State Attorney William Bishop at (850) 651-7260.

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Special Agent Ronnie Austin
Florida Department of Law Enforcement
1301 N. Palafox Street
Pensacola, FL 32501

RE: Officer Involved Shooting of Eric Moore
FDLE #PE-27-0070

The Office of the State Attorney has received the following material provided by the Florida Department of Law Enforcement:

- * Opening IR dated 05/15/13
- * Interview of Deputy Elisa Tino dated 05/15/13
- * Interview of Pensacola Police Officer Shawn Thompson dated 05/15/13
- * Interview of Nurse Misty Spooneybarger dated 05/15/13
- * Interview of Pensacola Police Officer Danny Lawrence dated 05/15/13
- * Interview of Eric Moore dated 05/15/13
- * Interview of Deputy Adam Fitchett dated 05/15/13
- * FDLE Crime Scene Report dated 05/23/13
- * FDLE Firearms Report dated 05/22/13
- * Aerial Photographs of the Scene by FDLE dated 05/22/13
- * AIRHeart Air Ambulance Flight Report dated 05/15/13
- * Offense Report for Okaloosa County Sheriff's Office, #OCSO 13OFF004989
- * Okaloosa County Sheriff's Office Crime Scene Photos dated 05/15/13

THE FACTS:

On 05/15/13, at approximately 5:40 p.m., the Okaloosa County Sheriff's Office received numerous phone calls from various motorists in the Mary Esther area of Okaloosa County, that a white work van was driving erratically on Highway 98. Motorists reported that the car was weaving and nearly struck other vehicles and telephone poles on the side of the road. Deputy Sheriff Elisa Tino and other officers responded to the area and attempted to locate the vehicle. Deputy Tino observed the vehicle at the intersection of Hollywood Boulevard and Mary Esther Cutoff. Deputy Tino observed the vehicle being driven erratically and initiated a traffic stop on the vehicle. The suspect's vehicle entered into the Lee Chrysler dealership on Mary Esther Cutoff and stopped. Deputy Tino approached the vehicle and made contact with the driver and sole occupant, Eric Jacob Moore. Deputy Tino suspected that Moore was intoxicated. Deputy Tino asked for and obtained Moore's driver's license and vehicle information and returned to her patrol vehicle to run a check on Mr. Moore. At that time, Moore exited his vehicle and fled on foot. Deputy Tino began a foot pursuit. During the foot pursuit Deputy Tino temporarily lost sight of Moore around some bushes on the side of the Lee Chrysler dealership. Deputy Tino had already upholstered her service weapon and was checking around bushes when Moore reappeared from around the bushes coming directly at Deputy Tino. Moore swung at Deputy Tino and just grazed her across her nose. At that time, Deputy Tino fired her service weapon twice striking Moore on his right and left shoulder, respectively. Deputy Tino holstered her weapon and was going to render medical aid when Moore began running away again. Deputy Adam Fitchett had arrived as back-up, and he and Deputy Tino began pursuing Moore again. During this subsequent chase, Deputy Fitchett deployed his Taser and Moore was secured and Deputy Tino began administering aid to Moore's wounds. Deputy Robert Speakman had arrived at the scene and heard Moore make statements that he was "fucking high" and stated that he had taken "Xanax and Valium" and was "on Meth" and had taken some that day. Deputy Speakman also observed a folded pocket knife in Moore's right hand.

Moore was subsequently arrested for Battery on a Law Enforcement Officer and Resisting a Law Enforcement Officer with Force. Driving Under the Influence charges are pending.

The scene was documented by the Florida Department of Law Enforcement. Deputy Tino's service weapon and Deputy Fitchett's Taser were collected for further testing. Further statements from Moore revealed that Eric Moore knew that he had outstanding warrants from the State of Georgia and that was his reason for his actions.

THE ISSUE:

Florida Statute 776.05 (2013) provides that a law enforcement officer need not retreat or resist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. Furthermore, the statute says the officer is justified in the use of any force which he reasonably believes to be necessary to defend himself or another from the bodily harm while making an arrest.

Florida Statutes 776.051 states that a person is not justified in the use of force to resist an arrest by a law enforcement officer....if the law enforcement officer was acting in good faith and he or she is known to reasonably appears to e a law enforcement officer.


Additionally, Florida Statutes 776.012 states that the use of deadly force is justified when a person reasonably believes that such a force is necessary to prevent imminent death or great bodily harm to himself/herself or another.

CONCLUSION:

On May 15, 2013, Deputy Elisa Tino attempted to detain and investigate Eric Moore for possible Driving Under the Influence charges. Eric Moore fled Deputy Tino and during that chase, Eric Moore attacked Deputy Tino, attempting to punch her. The actions of swinging and attempting to strike a uniformed deputy is an act which reasonably placed Deputy Tino in fear of imminent harm.

The actions and choices of Eric Moore on May 15, 2013 led to his being shot. Deputy Tino attempted to have contact with Eric Moore without force. However, when Eric Moore attacked Deputy Tino, her response by shooting him was justified. The injuries to Eric Moore were the result of a justified use of deadly force and no criminal charges should be filed against the deputy.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "William B. Bishop". The signature is fluid and cursive, with a large loop at the end.

William B. Bishop
Chief Assistant State Attorney

cc: William Eddins, State Attorney, First Judicial Circuit
Larry Ashley, Sheriff, Okaloosa County