



State of North Carolina
General Court of Justice
Nineteen B Prosecutorial District

ASHEBORO, NC 27203

PRESS RELEASE

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December 4, 2009

From: Garland N. Yates
District Attorney
Judicial District 19B

Re: Law Enforcement Officer Involved Shooting
Date of Incident: August 23, 2009
Victim: Courtland Benjamin Smith

On August 23, 2009 Archdale Police Department Officer J. P. Flinchum shot and killed Courtland B. Smith during the performance of Officer Flinchum's duties as a law enforcement officer.

During the early morning hours of August 23, 2009 authorities within the Archdale Police Department requested that the North Carolina State Bureau of Investigation (NCSBI) assume responsibility for the investigation of the incident. Later that morning, the NCSBI notified the District Attorney's Office of the incident and the District Attorney made a concurring request for the NCSBI to conduct the investigation.

NCSBI Special Agent R.T. Hayes was assigned as lead investigator. Special Agent Hayes was assisted by numerous other NCSBI special agents in interviewing witnesses, gathering evidence and in the investigation of the scene of the shooting. Special Agent Hayes' report of investigation was delivered to the District Attorney's Office on November 16, 2009.

The District Attorney's Office has carefully reviewed the NCSBI report of investigation, the evidence gathered, and consulted extensively with agents assigned to the investigation and other witnesses. The District Attorney determined that there is no need for any further investigation.

The District Attorney's responsibility in this matter is to determine whether Officer Flinchum's actions were legally justified and lawful under North Carolina law governing the use of deadly force.

Under North Carolina law a law enforcement officer is justified in using deadly force when it appears to be reasonably necessary to defend against the unlawful use or imminent use of deadly force against the officer or another. Deadly force is force that is likely to cause death or serious physical injury. The officer's belief about the use or imminent use of deadly force must be honest and reasonable in light of all of the circumstances as they appeared at the time.

On Sunday, August 23, 2009 at approximately 4:30 a.m., a male called Guilford Metro Communications (911) from a cellular phone. In a lengthy conversation the male caller told the 911 operator that he was on the highway in a gray Toyota 4Runner and was going to kill himself. The male caller said that he had a 9mm pistol, was driving at a high rate of speed and drinking alcohol. The 911 operator was eventually able to determine that the caller was on I-85 traveling towards Archdale. Guilford Metro Communications notified Archdale Police Department communications of the situation and of all of the pertinent information.

On Sunday, August 23, 2009 just after 4:30 a.m. Archdale Police Department Officers D. Jones and J.P. Flinchum were on duty. They received notice by Archdale Police Department Communications that the Greensboro Police Department was asking for assistance in stopping a gray Toyota 4Runner. Communications notified Officer Jones and Flinchum that the person in the vehicle was possibly suicidal, intoxicated and armed with a 9mm handgun. The officers were informed that this information was

obtained by a Guilford Metro Communications 911 operator who was still talking with the person. Both officers were in uniform and driving marked patrol cars. Communications also advised the officers that the 4Runner was traveling south on I-85 and had passed the exit for Highway 311.

Officers Jones and Flinchum drove their patrol cars onto I-85 South and activated their patrol cars' blue lights and sirens. Officer Jones was the lead car and Officer Flinchum was close behind. Just north of Trinity Bridge Officer Jones saw the gray Toyota 4Runner. The 4Runner was in the middle lane and weaving erratically back and forth. Officer Jones estimated the 4Runner's speed to be 90 mph. Both Officers' patrol cars were equipped with video and audio recording devices. The 4Runner activated the right hand turn signal and pulled over and stopped on the shoulder just before the exit ramp for Exit 108 (Hopewell Church Road). Officer Jones stopped his patrol car just off the road behind the 4Runner and Officer Flinchum stopped his patrol car behind Jones' car and slightly to the left. Both officers got out of their patrol cars. The blue lights remained activated on both patrol cars.

About fifteen (15) seconds after the 4Runner stopped a white male got out of the car on the driver's side. This white male was later identified as Courtland B. Smith. Both officers drew their service pistols and immediately gave Mr. Smith several commands to stay in the car and to show his hands. Mr. Smith placed both hands behind his back and ignored the officers' commands to show his hands. Both officers retreated to the nearest cover which was Officer Jones' patrol car. Mr. Smith began to walk towards the officers and eventually took his left hand out from behind his back, leaving his right hand behind his back. Officers Jones and Flinchum continued to give Mr. Smith commands to stop and to show his hands. Mr. Smith ignored these commands and continued to walk towards the officers. At one point the officers warned Mr. Smith that because of his actions he was about to get shot. Mr. Smith then walked backward to his 4Runner, ignoring a command to stop. While walking backward to the 4Runner, Mr. Smith kept his hand behind his back. Upon reaching the 4Runner he leaned into the driver's side of the car.

After a few seconds Mr. Smith emerged from the 4Runner and again advanced on the officers, placing his left hand behind his back. While walking towards the officers he took his left hand out from behind his back and continued to walk towards the officers. Mr. Smith then stopped and placed his right hand behind his back, and again walked directly towards the officers, ignoring their order to show his hands. Officers Jones and Flinchum retreated as far as they could to the rear of Officer Flinchum's patrol car and attempted to speak to Mr. Smith, telling him to not do anything stupid, and that they just wanted to talk to him and help him. Mr. Smith continued to advance directly towards Officer Flinchum who had retreated to the rear of his patrol car on the passenger side. Officer Jones had retreated to the rear of Officer Flinchum's patrol car on the driver's side. While facing Officer Flinchum from about ten (10) feet away, Mr. Smith suddenly drew his right hand from behind his back while holding something black in color. Officer Flinchum fired five shots from his Glock .40 caliber service pistol. Mr. Smith immediately collapsed to the ground.

Paramedics were immediately called to the scene and Mr. Smith was taken to High Point Regional Hospital where he was pronounced dead. An autopsy conducted by the NC Medical Examiner's Office revealed that Courtland Smith died from the infliction of gunshot wounds. The two gunshot wounds to his abdomen were each fatal. The gunshot wound to Mr. Smith's left thigh was not immediately fatal. The gunshot wound to Courtland Smith's upper back penetrated just slightly below the skin and appeared to the Medical Examiner to most likely be a ricochet or was deflected. This wound was not fatal. The autopsy also revealed that Courtland Smith's blood alcohol level was .22.

Investigation of the scene of the incident by NCSBI Agents revealed a black Blackberry type cellular phone next to where Courtland Smith fell after being shot. A search of Mr. Smith's 4Runner revealed a half empty 750 ml bottle of Jack Daniels brand whiskey. Five .40 caliber spent shell casings were recovered in the area at the rear of Officer Flinchum's patrol car.

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Subsequent investigation revealed that in the time not long before this incident Courtland Smith had sent an email to family members indicating suicidal intent.

It is clear from all of the evidence that Officer J.P. Flinchum reasonably believed that he and Officer Jones were in imminent threat of death or serious bodily injury when he shot Courtland Smith. Both officers had been advised by communications operators that the driver was armed with a 9mm pistol and was possibly suicidal. Mr. Smith aggressively advanced on the officers, forcing them to retreat to the rear of their patrol cars twice. He ignored the officers' repeated and clear orders to stop advancing on them and to show his hands. It was reasonable for Officers Jones and Flinchum to assume from Mr. Smith's actions that he was concealing a weapon behind his back. Finally, Officer Flinchum only fired on Courtland Smith when he suddenly drew his hand from behind his back while holding a black object.

Given the totality of circumstances, Officer Flinchum's belief that he faced an imminent use of deadly force from Courtland Smith when he fired his service pistol was entirely reasonable. Officer J.P. Flinchum's actions were justified under the circumstances and well within the bounds of North Carolina law governing the use of deadly force.

The District Attorney's investigation into this matter is closed.



Garland N. Yates
District Attorney