

May 23, 2018
Malina Stokes
Clerk S.C.C.C., GA

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

IN RE CHATHAM COUNTY GRAND JURY
INVESTIGATION OF THE SHOOTING DEATH OF RICKY BOYD

GENERAL PRESENTMENT

This Grand Jury was convened pursuant to O.C.G.A. section 15-12-71 (b) (5) (B) at the request of the District Attorney, Meg Heap, to review the circumstances surrounding the fatal shooting of Ricky Boyd on January 23, 2018 by Deputy United States Marshals.

Below is a summary of the evidence presented which contains this Grand Jury's findings of fact. Where the factual findings below were unanimous based upon a vote by all grand jurors present, such finding is indicated, "(unanimous finding)". Where the factual findings below were not unanimous but based upon a majority vote by all grand jurors present, such finding is indicated, "(majority finding)".

As the grand jury, we wanted the public to know that the makeup of its members is 10 female and 9 male. Further, the race makeup is 9 Caucasian, 9 African American, and 1 Hispanic.

Ricky Boyd on January 23, 2018, was 20 years of age and was a suspect in the January 21, 2018 murder of Balil Whitfield. Warrants were issued by Recorder's Court Judge, Harris O'Dell, on January 22, 2018 for Ricky Boyd's arrest for the offenses of Felony Murder, Party to the Crime of Armed Robbery and Party to the Crime of Aggravated Assault. Ricky Boyd was killed when law enforcement officers attempted to arrest Ricky Boyd on those warrants.

The Grand Jury heard testimony from the lead investigator in the Balil Whitfield murder investigation and concludes there is substantial credible evidence to show Ricky Boyd's involvement in Balil Whitfield's murder. Specifically, the Grand Jury found:

- Ricky Boyd and his father, Ricky Boyd, share the same name. Ricky Boyd shall connote the name of the subject killed on January 23, 2018. Ricky Boyd, Sr., shall connote Ricky Boyd's father.
- Ricky Boyd and another family member had planned to rob Balil Whitfield during a marijuana sale;
- Ricky Boyd setup the sale through Armond Green and was supposed to be alone, however, another family member accompanied him;
- Ricky Boyd and another family member entered the back seat of Balil Whitfield's car for the marijuana deal;
- Ricky Boyd's family member was armed with a firearm, Balil Whitfield was sitting in the driver's seat with Armond Green in the front seat passenger;

- Ricky Boyd's family member sat behind Balil Whitfield in the back seat while Ricky Boyd sat in the rear passenger side seat;
- Ricky Boyd's family member brandished his gun at Balil Whitfield and shot Balil Whitfield several times in the back and face from behind;
- Both Ricky Boyd and Ricky Boyd's family member fled the scene on foot and Armond Green described one of the persons who fled as dropping a cell phone;
- The dropped cell phone was recovered by police and determined to belong to Ricky Boyd. A family member gave a taped statement to the GBI that Ricky stated he had lost his cell phone on January 21st and he had been acting odd since that day.
- Ricky Boyd's mother, Jameillah Smiley, reported in a recorded statement to homicide detective Rebecca Gregory that Ricky had admitted to his father his participation in Balil Whitfield's murder.
- Ricky Boyd's father, Ricky Boyd, Sr, has been uncooperative with police;
- Armond Green, identified Ricky Boyd as the person in the backseat of Balil Whitfield's car at the time of Whitfield's murder.
- Evidence was presented to Chatham County Recorder's Court Judge Harris Odell by Homicide Detective Rebecca Gregory, Savannah Chatham Metropolitan Police Department (SCMPD), on January 22, 2018 and Judge Odell issued three arrest warrants for Ricky Boyd for the Crimes of Felony Murder, Party to the Crime of Armed Robbery, and Party to the crime of Aggravated Assault.

On January 23, 2018 a team of Deputy United States Marshals and Savannah Chatham Metropolitan Police officers gathered outside Ricky Boyd's residence at 113 Marian Circle for the purpose of arresting him on the outstanding warrants.

The Deputy United States Marshals and Savannah Chatham Metropolitan Police officers were wearing law enforcement attire that clearly identified themselves as law enforcement officers. Via a loudspeaker, the police repeatedly identified themselves as law enforcement and directed all occupants of Ricky Boyd's residence to come out of the house with their hands up. Upon confirmation by family members that Ricky Boyd was in the house, law enforcement directed Ricky Boyd, by name, repeatedly and specifically to come out of the house with his hands up. There is no evidence to believe that Ricky Boyd was unaware that the officers outside his residence were law enforcement officers.

Per The Deputy United States Marshals Standard Operating Procedures, they do not utilize body cameras.

Of the two Savannah Chatham Metropolitan Police Department officers on scene utilizing a body camera, the officer positioned at the front of the house captured the shooting of Ricky Boyd. That video was viewed in its entirety numerous times in normal speed, stabilized, slow motion and frame by frame by the grand jurors. The video shows:

- Ricky Boyd exited from his residence with his hands down by his sides in the area of his pants pockets.
- Law enforcement and civilian testimony stated that commands were made by officers for Ricky Boyd to raise his hands. But video evidence shows he did not comply.
- At no time does Ricky Boyd place his hands above his head.
- Ricky Boyd quickly removed his hands from the area of his pants pocket and takes a shooter's stance with both hands pointing initially in the direction of law enforcement officers in front of him and shortly thereafter pointing to his left.
- From the video, it is not clear what he has in his hands, however it can be seen that he is holding something that is consistent in size and shape with a gun.
- It is not possible to accurately determine what happened by viewing the video at regular speed; repeated slow motion and still frame viewing is necessary as was done by the grand jurors.

The Grand Jury heard testimony from all Deputy United States Marshals as well as SCMPD officers on scene. Each of the eight law enforcement officers who fired their weapon at Ricky Boyd testified consistently with what the above body camera video showed.

Five law enforcement witnesses (Marshall Rawl, Jase Gallagher, Sean Wilson, Samuel Hunt and Brandon Lord) testified that Ricky Boyd pointed at them what appeared to be a firearm placing them in reasonable apprehension of immediately receiving a violent injury and believed their life was placed in jeopardy.

Each law enforcement officer who fired their weapon at Ricky Boyd testified that they observed Ricky Boyd point what appeared to be a firearm in the direction of other law enforcement officers at the scene and that they fired at Ricky Boyd to defend a 3rd party from what reasonably appeared to be Ricky Boyd's imminent use of unlawful force and the gunshots fired by the law enforcement officers were reasonably necessary, in their opinion, to prevent death or great bodily injury to officers standing nearby. It is the Grand Jurors' opinion that the officers' beliefs were objectively reasonable.

No law enforcement officer fired at Ricky Boyd until after Ricky Boyd pointed what appeared to be a pistol in the direction of other law enforcement officers.

After Ricky Boyd was struck by gunfire and fell to the ground, officers were reluctant to approach him because the gun that he held remained in close proximity to his body and the officers were unaware if Ricky Boyd was still a threat.

Officer Weir who was stationed in the back yard, was operating a body camera. The audio portion of officer Weir's body camera captured the voice of a Deputy United States Marshal, in the front yard shortly after the shooting occurred repeatedly asking Boyd to show officers his hands so that they can render medical aid to him.

Law enforcement was unaware if other persons remained within Ricky Boyd's residence who may have presented a threat. Based on Sgt. Hunt's position, he was able to determine that he could successfully retrieve and secure the weapon. He therefore approached Ricky Boyd, picked up the weapon, and retreated with the weapon back to the pine tree located in front of 111 Marian Circle where he continued to use the tree as cover. Once there, he laid the weapon on the ground. This action was corroborated by multiple civilian and law enforcement witness testimony.

Tactical Medic Walter Kent moved in immediately after the weapon was secured to render medical aid to Ricky Boyd. The stack team moved into position to protect Medic Kent from possible injury.

The law enforcement officers as well as civilian witnesses believed that Ricky Boyd's pistol was a real firearm. Hours later, it was determined by GBI that Ricky Boyd's pistol was a compressed carbon dioxide powered BB pistol.

The BB pistol was in a sealed evidence box and opened with a knife in front of the grand jury by GBI Special Agent Thompson. The grand jurors physically examined Ricky Boyd's BB pistol, viewed photographs of the pistol and observed both video and live demonstrations of the firing of the pistol.

Under the circumstances of this incident, a reasonable person in the position of the law enforcement officers who fired at Ricky Boyd would likely have perceived the BB gun being held by Ricky Boyd as being a real firearm.

The grand jury compared photographs of the BB pistol taken by the forensic unit of the GBI and photographs taken by a neighbor (Jacoby Minor). Both photographs depict the BB Pistol in the same location next to the tree where Sergeant Hunt testified and gave a recorded statement that he placed it. The BB pistol was continuously monitored by Sergeant Hunt and CPL John Albert, until released to GBI.

Furthermore, the grand jury found no evidence to suggest that the BB pistol recovered by SGT Hunt was moved in a suspicious manner to any place whatsoever.

The grand jury found no evidence to suggest that the BB pistol was planted by any law enforcement or civilians.

Audio recorded statements of family members of Ricky Boyd confirmed that Ricky Boyd possessed BB gun pistols that he kept in his room at his home.

The GBI examined the location in Ricky Boyd's room where family members described that he kept his BB guns. The GBI found an additional BB gun pistol and found a container holding metal BBs.

TESTIMONY OF LAW ENFORCEMENT OFFICERS CORROBORATED BY NEIGHBORS

The GBI conducted a neighborhood canvas of the homes near Ricky Boyd's residence.

During that neighborhood canvas, the GBI discovered civilian eye witnesses who corroborated the testimony of all law enforcement officers who witnessed the shooting of Ricky Boyd. The civilian witnesses testified before the grand jury.

The civilian neighbor eye witnesses testified that they knew the Boyd family; that on 01-23-18 they observed Ricky Boyd being called out of his house by police; they observed Ricky Boyd come out of his house and ignore officers' demands to place his hands above his head; they observed Ricky Boyd pull out what appeared to be a gun and point it in the direction of police officers; and police officers fired at Ricky Boyd only after Ricky Boyd pointed the gun at police; one of those civilian eye witnesses observed Ricky Boyd fire the weapon he held as evidenced by his finger squeezing the trigger followed by an apparent muzzle discharge BEFORE police fired at Ricky Boyd. The civilian witness also testified that he could hear Boyd's pistol being fired.

Several civilian witnesses referenced both veiled and unveiled threats by Ricky Boyd's mother, Jameillah Smiley.

TESTIMONY OF LAW ENFORCEMENT OFFICERS CORROBORATED BY RICKY BOYD'S FAMILY MEMBERS

Several of Ricky Boyd's family members, who lived in the same residence with Ricky Boyd, were interviewed by GBI agents. Those interviews were recorded. Those witnesses refused to testify before the grand jury on the advice of the attorney for Ricky Boyd's family, however, the Grand Jury heard their recorded statements to the GBI in their entirety.

Relative #1 stated that (s)he observed Ricky Boyd exit the house in response to law enforcement officers ordering him out; that Ricky Boyd refused to raise his hands above his head as ordered by law enforcement officers; that when Ricky Boyd came out, (s)he heard him fire his gun first; that Ricky Boyd's gun fire sounded like a BB gun and not like a real gun; the police did not fire at Ricky Boyd until after Ricky Boyd fired the first shot. This relative stated that Ricky Boyd's

BB gun looked like a .45 or 9 mm pistol. It should be noted that the direction indicated by Relative #1 in which Ricky Boyd fired the gun that he held was in the direction where SCMPD officers Wilson, Hunt and Lord were located. It should also be noted that this testimony was consistent with the testimony of other civilian witnesses and law enforcement officers who were present during the shooting.

Relative #2 stated that (s)he heard the law enforcement officers order Ricky Boyd out of his residence and he was told repeatedly to come out with his hands up; that when Ricky Boyd came out, he refused to put his hands up; that Ricky Boyd appeared scared; that (s)he never saw Ricky Boyd holding a gun; that Ricky Boyd held his hands in front of his body "and he put his hands together like he had a gun"; "that's probably what made them (police) think that was a real gun"; that it appeared Ricky Boyd wanted the police to shoot him ["I don't know why (he) wanted to die"].

ABSENCE OF BODY CAMERAS

Only two Savannah Chatham Metropolitan Police Officers who were present at the scene when the shooting occurred, Foraker and Weir, had body cameras in operation.

As a matter of national policy, the United States Marshals do not use body cameras.

Officer Foraker was located in the front of Boyd's residence and his camera captured the shooting from the edge of the yard near the roadway.

Officer Weir was located in the back of Boyd's residence and captured the sound of gunfire followed by the voice of a Deputy United States Marshal in the front yard moments after the shooting asking Ricky Boyd to show his hands so that they could render aid and asking other agents if they could see the gun that Ricky Boyd had been holding.

FORENSIC EVIDENCE

Ricky Boyd was transported to the hospital by EMS where he later succumbed to his wounds.

A forensic toxicology report showed that Ricky Boyd had the presence of marijuana in his blood.

The autopsy report showed that Ricky Boyd died as the result of multiple gunshot wounds.

The evidence was un rebutted that Ricky Boyd and SCMPD officer, Samuel Hunt, held the BB gun. GBI biologist Tara Ransom performed the touch DNA analysis and testified that there was insufficient DNA present to identify an individual. She also testified that the absence of an identifiable DNA match was not unusual.

MEDIA COVERAGE

The grand jury found no evidence whatsoever that Chief Mark Revenew made false statements to the news media. In an effort to be transparent, Chief Revenew released information as it became available. Although different, each statement made to the media was truthful and accurate. Such information was provided in good faith to the media based upon preliminary reports.

WITNESSES WHO DID NOT TESTIFY

Six family members were personally subpoenaed to testify. (James Peter Hill, III; Patrice Hill; Jameillah Smiley; Rahim Smiley; Mattie Smiley Wallace and Ja'Lescia Smiley) Repeated efforts were made to meet with the family to review their taped GBI statements prior to Grand Jury. However the family refused to appear on the advice of family attorney, Will Claiborne.

Each of the civilian witnesses who did testify personally in front of the Grand Jury, confirmed that they were given the opportunity to review their statements at the District Attorney's Office prior to their testimony. They also testified that they were given the opportunity to verify the accuracy of those prior statements and that at no time were they coerced or coached to testify differently.

In addition to refusing to meet to review their statements, each witness likewise failed to appear before the grand jury to give testimony under oath despite having been subpoenaed to do so.

In a letter dated May 11, 2018 from Will Claiborne to the District Attorney's Office, Will Claiborne asserted the following:

"Mr. Boyd's family has lost all confidence in your handling of this case."

"The GBI failed to conduct a full, fair and impartial investigation into Ricky's death."

"The GBI never canvassed the neighborhood."

"Jameillah Smiley, Mattie Smiley-Wallace, and Ms. Smiley's minor children requested to review the statements they made the morning of January 23 as part of routine preparation for their grand jury testimony. This request was denied."

The Grand Jury finds that that the GBI investigation into Ricky Boyd's death was full, fair and impartial.

The Grand Jury finds that that there was no evidence justifying Mr. Boyd's family to have lost confidence in District Attorney's Office's handling of this case.

The Grand Jury finds that the GBI did in fact canvass the neighborhood in a search for witnesses and did in fact find multiple witnesses to the shooting of Ricky Boyd. Each of whom testified under oath.

The Grand Jury finds that the District Attorney's Office made diligent efforts for Ricky Boyd's family members to discuss their testimony prior to May 21, 2018 but the family, on advice of their attorney, Will Claiborne, refused to meet for that purpose.

Although Ricky Boyd's above mentioned family members refused to testify in this matter despite having been subpoenaed to do so, each of those family members who gave recorded statements to the GBI had their recorded statements played to the Grand Jury in their entirety.

IN SUMMARY

LAW ENFORCEMENT OFFICERS WERE ACTING APPROPRIATELY TO SERVE VALID ARREST WARRANTS ON RICKY BOYD ISSUED UPON A SHOWING OF PROBABLE CAUSE BY RECORDERS COURT JUDGE HARRIS ODELL BASED ON EVIDENCE GATHERED IN THE INVESTIGATION IN THE MURDER OF BALIL WHITFIELD.

RICKY BOYD WAS AWARE WHEN HE WALKED OUT OF HIS RESIDENCE ON JANUARY 23, 2018 THAT HE WAS ABOUT TO BE PLACED UNDER ARREST FOR HIS INVOLVEMENT IN AN ACTIVE MURDER WARRANT.

WHEN RICKY BOYD CAME OUT OF HIS RESIDENCE ON JANUARY 23, 2018 HE POSSESSED A BB GUN PISTOL.

THE BB GUN HAD THE APPEARANCE OF A REAL FIREARM.

WHEN RICKY BOYD CAME OUT OF HIS RESIDENCE ON JANUARY 23, 2018 HE HAD HIS HANDS IN HIS POCKET AREA.

WHEN RICKY BOYD WAS ORDERED TO RAISE HIS HANDS ABOVE HIS HEAD, INITIALLY HE REFUSED AND A SHORT TIME LATER, HE QUICKLY REMOVED HIS HANDS FROM HIS POCKET AREA HOLDING A BB GUN AND ASSUMED A SHOOTER'S TWO-HANDED STANCE WHILE POINTING THE BB GUN IN THE DIRECTION OF MARSHAL RAWL, JASE GALLAGHER, SGT. SEAN WILSON, SGT. SAMUEL HUNT AND BRANDON LORD.

THE LAW ENFORCEMENT OFFICERS WHO FIRED THEIR WEAPONS AT RICKY BOYD EACH TESTIFIED THAT THEY OBSERVED RICKY BOYD HOLDING WHAT APPEARED TO BE A FIREARM POINTED IN THE DIRECTION OF LAW ENFORCEMENT OFFICERS AND BELIEVED THOSE LAW ENFORCEMENT OFFICERS TO BE IN IMMEDIATE AND IMMINENT DANGER OF BEING UNLAWFULLY SHOT BY RICKY BOYD.

THE TESTIMONY OF THE EIGHT LAW ENFORCEMENT OFFICERS WHO FIRED THEIR WEAPONS AT RICKY BOYD WAS CORROBORATED BY OTHER LAW ENFORCEMENT OFFICERS AT THE SCENE WHO DID NOT FIRE THEIR WEAPONS AT RICKY BOYD.

THE TESTIMONY OF THE EIGHT LAW ENFORCEMENT OFFICERS WHO FIRED THEIR WEAPONS AT RICKY BOYD WAS CORROBORATED BY INDEPENDENT CIVILIAN WITNESSES WHO WERE NEIGHBORS OF RICKY BOYD AND WHO WITNESSED THE SHOOTING.

STATEMENTS FROM THE TESTIMONY OF THE EIGHT LAW ENFORCEMENT OFFICERS WHO FIRED THEIR WEAPONS AT RICKY BOYD WAS CORROBORATED BY CIVILIAN WITNESSES AND FAMILY OF RICKY BOYD WHO WITNESSED THE SHOOTING.

OFFICER SEAN WILSON'S GUNSHOT WOUNDS WERE INFLICTED ACCIDENTALLY BY GUNFIRE FROM A DEPUTY UNITED STATES MARSHAL WHO WAS SHOOTING IN THE DIRECTION OF RICKY BOYD. EVIDENCE SHOWED THE BULLETS THAT CAUSED THESE WOUNDS TO SGT. WILSON RICOCHETTED OFF THE HOUSE.

IT IS THE OPINION OF THE GRAND JURY THAT THE SHOOTING OF RICKY BOYD WAS JUSTIFIED AS BEING REASONABLY NECESSARY TO PREVENT RICKY BOYD'S PERCEIVED IMMINENT USE OF UNLAWFUL, DEADLY FORCE AGAINST LAW ENFORCEMENT OFFICERS NEARBY AND THAT THE USE OF DEADLY FORCE BY LAW ENFORCEMENT OFFICERS WAS REASONABLY NECESSARY TO PREVENT THE PERCEIVED DEATH OR GREAT BODILY INJURY TO THEMSELVES OR OTHER OFFICERS.

IT IS THE OPINION OF THE GRAND JURY THAT RICKY BOYD WAS LIKELY AWARE THAT WHEN HE POINTED THE BB PISTOL AT ARMED LAW ENFORCEMENT OFFICERS THAT THEY WOULD SHOOT AND LIKELY KILL HIM.

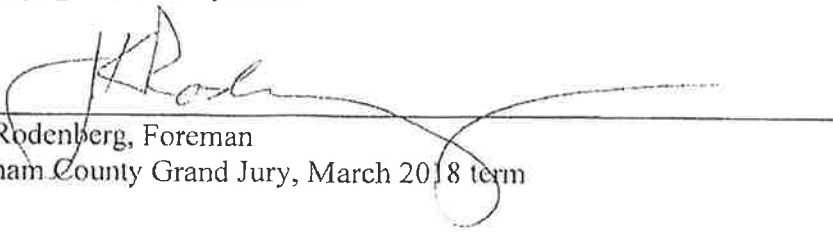
ADDITIONAL FINDINGS

The Grand Jurors were informed by the District Attorney that the United States Department of Justice has opened, on or about May 18, 2018, a federal Civil Rights investigation into the circumstances surrounding the shooting death of Ricky Boyd. The Grand Jury understands that they were to review the case to determine if the actions were justified or if there was a violation of Georgia state law. The Grand Jurors understand that the federal investigation may delay public disclosure of the entire GBI investigative file and the grand jury transcript concerning this matter. For that reason, the Grand Jury has endeavored to make its findings of fact detailed so as to give the public confidence in the Grand Jury's decision in this case.

The Grand Jury is also concerned about the welfare of civilian eye witnesses in this case should their identities be made public. This concern is based upon evidence of threats being made by a member of Ricky Boyd's family. The Grand Jury recommends that the District Attorney's office keep confidential the identities of all civilian eye witness testimony in this matter for so long as is legally possible.

This Grand Jury is unanimous in its findings.

This 23 day of May, 2018


Joel Rodenberg, Foreman
Chatham County Grand Jury, March 2018 term