

State of North Carolina
General Court of Justice
David Learner – District Attorney, 25th District
Burke – Caldwell – Catawba

Following is a statement from District Attorney David Learner pertaining to the officer-involved shooting of Irecas Valentine that occurred on November 28, 2016.

On November 28, 2016, Mr. Irecas Rayshion Valentine, 41, was killed in Hickory by a Catawba County Sheriff's Office (CCSO) Narcotics Investigator.

The shooting occurred during a drug investigation being conducted by Narcotics Investigators with CCSO while operating within the City of Hickory without any involvement by the Hickory Police Department.

The purpose of my review was to examine whether the shooting of Mr. Valentine by the CCSO Investigator was lawful or unlawful.

I am expressing no opinion as to any issues relating to law enforcement tactics or whether officers complied with CCSO policies and procedures.

The North Carolina State Bureau of Investigation (SBI) investigated the above referenced officer-involved shooting. The SBI expended a considerable amount of time interviewing the witnesses to this shooting, photographing the scene and collecting items of physical evidence. No video is known to exist of the actual shooting, however, body camera footage from officers arriving after the incident was collected and examined.

I have been furnished all information obtained during the SBI investigation.

At my request, the SBI presented this case in full to a team of my most experienced prosecutors, including the three Chief Assistant District Attorneys, four other seasoned prosecutors in my office, my Chief Investigator who is a retired U.S. Marshal, and one of our Victim Witness Legal Assistants, a retired Captain from the Burke County Sheriff's Department with 26 years of law enforcement experience.

The law enforcement officers' statements, reports from the civilian witnesses, photographs and physical evidence were all consistent. Following the SBI's presentation, our team carefully reviewed the case in detail.

I spent an extensive amount of additional time personally reviewing each and every interview, photograph, video and all other evidence submitted to me by the SBI. After a review of all the evidence in this case, the following facts are apparent:

- Mr. Valentine fled from law enforcement officers about three years earlier, resulting in a confrontation that he survived after being shot multiple times. Officers approaching his vehicle on November 28, 2016 were unsure of the driver's identity but had information that it might be Mr. Valentine, and if so, he should be approached with great caution.
- In this case, Mr. Valentine was operating a deadly weapon, to wit: a Porsche Cayenne automobile.
- All evidence shows that Mr. Valentine's driver side window was completely rolled down and the radio was off.
- Mr. Valentine looked directly at the officers and could hear their commands.
- Evidence shows that officers immediately identified themselves as Sheriff's Department officers and commanded Mr. Valentine to put the car in park and turn it off.
- Mr. Valentine then put the car in reverse and began backing slowly.
- According to the witness statements, officers again loudly commanded Mr. Valentine to stop and put the car in park. Mr. Valentine refused to comply with lawful commands by CCSO Investigators, accelerated abruptly and violently rammed two CCSO vehicles.
- One of these CCSO vehicles was occupied by another Investigator, whose life was thereby put at risk.
- Only one CCSO Investigator fired his weapon.
- The entire sequence of events unfolded in just a few seconds.

The United States Supreme Court has addressed the question of the reasonableness of police officers' use of force. The Court has said, "Reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Connor*, 490 U.S. 386, 396-97 (1989)

The law of North Carolina recognizes the principle of self-defense, which is the inherent right to use deadly force to protect one's self or others from death or great bodily harm.

Therefore, based upon applicable law and the facts as reported by eyewitness accounts, corroborated by the photographs and other physical evidence, it is my conclusion that the CCSO Investigator acted lawfully in shooting Mr. Valentine on November 28, 2016.

My office is committed to the fair treatment of every person within the 25th Judicial District, and the equal and impartial administration of justice.