

PROFFER OF CHRIS LONG

This is a summary of information regarding the performance of my duties on December 1, 2006, while serving as a New Hanover County Deputy Sheriff. On December 1, 2006, I was employed as a full time New Hanover County Deputy Sheriff. I had been employed with the New Hanover County Sheriff's Department (NHSD) since 1996. On December 1, 2006, my state law enforcement certification was in good standing, and I was acting under law enforcement authority vested in me by Chapter 153A of the North Carolina General Statutes and under the North Carolina Constitution. My specific job function on December 1, 2006 was a full-time member of the NHSD Emergency Response Team (ERT).

The routine duties of ERT members include day-to-day service of warrants individually under ordinary circumstances, backing up and assisting patrol officers on other calls, and periodic assistance to detectives and vice officers. On very rare occasions, the ERT would be called out to serve in a high risk SWAT type operation. A full SWAT style call-out occurred approximately four or five times in a year.

On Friday December 1, 2006, at approximately 7:30 p.m., I received a text message in reference to a call-out for duty on the ERT, directing me and other members of the Emergency Response Team to meet at the Blair School. While driving to Blair School, I made several telephone calls to other team members to make sure they received the message, and I also spoke briefly with Lieutenant D. H. Price. Lt. Price advised that the call-out was to assist the UNCW Police Department in serving armed robbery warrants and a related search warrant. Lt Price stated that he was going to

drive by the residence in an attempt to see if anyone was at the residence and to get the exact location of the house and a description.

I was the second Deputy Sheriff to arrive at Blair School. Other team members began to arrive, along with several UNCW Police Officers. Deputy M. Partin, a K-9 Officer with the New Hanover County Sheriffs Department was also called to Blair School to assist with the search warrant due to the nature of the warrants.

Captain Howell and Captain Moulton of the UNCW Police Department briefed the Emergency Response Team regarding the warrants, their underlying factual basis, and the anticipated circumstances of the police action. From the briefing, I learned that we were to execute a search warrant at 533 Long Leaf Acres Drive in Wilmington, and to serve arrest warrants on felony suspects who were believed to be there, who were known by law enforcement officials to be armed and dangerous. The dangerous nature of the police mission at 533 Long Leaf Acres Drive was stressed, especially by Captain Howell.

During the briefing, Captain Howell stated that they had a "knock and announce" search warrant for the residence at 533 Long Leaf Acres Dr. and arrest warrants for robbery with a dangerous weapon on two subjects at the residence. Captain Howell advised that the two subjects were Peyton Strickland and Ryan Brooks Mills, both white males who were approximately 18 years old.

Captain Howell passed out photographs of both subjects for all Deputies and officers to observe. Captain Howell also circulated pictures that he had obtained from a website posted by one of the subjects. The photographs revealed one of the subjects

with other unidentified males posing with pointed firearms. One picture depicted of three males, one holding a short barreled pistol grip shotgun, another aiming an M-16 type rifle, and the third holding two semi-automatic handguns, one in each hand in a pointing pose. All of the photographs depicted the actual use of the firearms. The photographs were intimidating to me and apparently were intended to be intimidating as the subjects were posing with the weapons in an extremely hostile manner by pointing and aiming the weapons.

Captain Howell stated during the briefing that the two subjects had robbed a college student who had purchased two Play Station 3s (video game systems) from a local Wal-Mart store. The subjects stalked the victim as he purchased the video game systems, watched him get into his car, and then followed him to his home. When the victim arrived at his home, three subjects, Peyton Strickland, Ryan Brooks Mills, and another unknown subject, assaulted and battered the victim by beating him severely with a blunt object, either a pipe or slapstick. The subjects then stole the student's Play Station 3s.

During the briefing, Captain Howell also advised that one of the subjects, Peyton Strickland, had severely beaten another individual and had broken his jaw on another occasion. That individual told law enforcement officers that Mr. Strickland threatened him by saying that they would come after him if he went to the police.

The information provided by Captain Howell and Captain Moulton at the briefing clearly indicated that the environment of the search was expected to be extraordinarily dangerous. Captain Howell informed the ERT team that the subjects

were expected to be armed with firearms and dangerous. There was no information provided regarding the location of the firearms in the residence. I, therefore, anticipated that the firearms could be anywhere in the residence. During the search of the residence, firearms were discovered.

The briefing included information of suspected gang activities by the subjects, and mention that the AR-15 firearms that we had seen in the photos and which were believed to be in the residence were capable of penetrating of our body armor.

During the debriefing, we were provided a copy of the warrants to review that further confirmed that we would be working in a dangerous environment. Based on Captain Howell's statements, the warrants, and the other information provided at the briefing, I believed that the ERT and I were about to encounter a severely dangerous environment including heavily armed suspects with histories of intentional physical violence causing injuries to persons.

The Emergency Response Team had been requested to make the initial entry into the residence due to the high risk of danger in serving the warrants that was supported by the violent nature of the alleged offenses, the threat of the presence of high powered weapons in the residence, the conduct of the subjects depicted in the photographs, and the past violent conduct on the part of Peyton Strickland. The ERT's responsibility would be to execute the search warrant, make entry into the residence, and secure all persons and firearms within. The UNCW Police Department's would then be responsible to take custody of all persons in the house and take control of the residence.

At the briefing, Lieutenant D. H. Price described the house as being single story

with tan or light colored brick. The door of the residence was black and had three windows towards the top of the door. Lt. Price also advised that there were vehicles in the driveway, lights were on inside, and there were no lights on outside the front of the house.

The following is a summary of the assignments. I was designated as the ERT Team Leader. I was to serve as breach cover, which required me to protect, defend, and fully cover Deputy Cina who was to be positioned in front of the door with a battering ram which he would utilize if the occupants resisted service of the warrants. My responsibility was to protect Deputy Cina both as he approached the house and while he conducted his operations at the front door. Because of the panes of glass in the door, I was to focus on observing into the house through the glass in the upper door after I reached my position on the front porch.

As Team Leader, I made the Entry Team assignments. Lt. Price would be on the front of the residence with the UNCW Police Officers. Detective J.S. Croom would assist Deputy M. Partin at the rear of the residence. The Entry Team assignments were as follows:

Entry Team:

Sergeant G. Johnson - (Ballistic Shield with Light)

Deputy E. Edwards - (Shield Cover)

Deputy J. Cina - (Breach Ram)

Corporal C. Long - (Team Leader and Breach Cover)

Detective L. C. Robinson - (Assistant Team Leader)

Paramedic E. Jernigan - (M-5 Medic-pack)

Corporal T. Grady - (Rear Guard)

The following were assigned as perimeter units at the front of residence:

Lt. D. H. Price

UNCW Captain W. Howell

UNCW Captain R. Moulton

Detective C. Padgett

Two unknown Officers

The following were assigned as perimeter units at the rear of residence:

Detective J.S. Croom

Deputy M. Partin.

Lt. Price reiterated that the search warrant would be a "knock and announce" warrant. The execution of the search warrant was planned as follows: Deputy Cina would knock on the door in an attempt to get someone to the door, and then if someone came to the door, he would loudly announce "sheriff's office, search warrant." If that person opened the door, he would be taken into custody and the entry team would proceed into the house and secure any other subjects in the residence. If the subjects in the residence did not open the door, or if no one comes to the door after the knock, Deputy Cina would loudly announce "sheriff's office, search warrant," and breach the door with the ram. The Entry Team would then proceed with the entry and secure all subjects within. The anticipated weapons in the residence were a major concern in light of the history of physical violence by the subjects.

The ERT uniform and equipment that I wore on the night of December 1, 2006 consisted of a Kevlar ballistic helmet with a black cloth cover with the word "Sheriff" on the front on it in white letters, a ballistic face shield attached to the helmet, a police radio in my ballistic vest with an ear piece in my left ear, a black exterior full tactical entry vest with raised collar with the word "Sheriff" on the front in white letters, a black face hood, a black t-shirt, black BDU pants, black boots, and knee and elbow pads. I carried an H&K UMP .45 caliber sub gun, an H&K UPS .45 caliber pistol, two extra pistol magazines, two extra sub gun magazines, a black nylon web belt, a drop holster for the pistol, a gasmask with bag, handcuffs and holder, multiple flex cuffs, one knife, one CS gas canister, and one flash bang grenade.

The head gear worn by myself and other team members limits our hearing. The black face hood covers both ears. A radio plug goes in the left ear. The helmet on top of the face hood further inhibits hearing.

The other ERT team members were similarly uniformed and equipped. The other ERT team members also carried additional equipment not carried by me due to their specific responsibilities. This additional equipment carried by others included a ballistic shield, a medic pack, a breach pack, a shotgun and a battering ram.

At approximately 8:15 p.m., Sheriffs Office personnel, along with the UNCW Officers proceeded to the area of 533 Long Leaf Acres Drive in several vehicles. All units parked around the corner, approximately one house away from the subject location. All personnel on the scene exited their vehicles. The Entry Team members lined up and were given the command to pull down their ballistic face shields, turn

their hologram sights on, and insure that their weapons were loaded. All team members gave the ready signal (Tap-up) and then were given the command to proceed to the residence. When the team reached the driveway of the house, we stopped to allow Detective J.S. Croom and Deputy M. Partin to get in position at the rear of the residence.

After Detective Croom and Deputy Partin were in position, I gave the team the command to move up to the residence. The team approached the front of the residence from the right side of the house. During the approach, I saw that there were lights on inside the residence, but no exterior lights on in front. The team traveled along the front side of the residence, up the sidewalk, and stopped at the bottom step of the porch. At the bottom step of the porch, I called for breach-up, and Deputy Cina and I approached the door.

The entry to the residence had an alcove with an inset area a couple of feet deep leading to the front door. The front door contained three separate clear windows, approximately two feet wide and six inches high. We were able to look into the house through the glass panes. The door appeared to be made out of wood.

Deputy Cina went to the left side of the door and I positioned myself to the right, somewhat behind him with my sub gun aimed through the window in the entry of the house. At that time, my body was facing the left side of the door. When in position, Deputy Cina loudly knocked on the door. At this point, the upper torso and head of a white male appeared, through the windows on the door. At that time, my task was to entirely focus my observations through the pane of glass to determine if that subject or anyone inside the house were posing any threat to the ERT, and stop the threat, if

necessary.

When the subject appeared at the door, I could not see his hands. He looked at us through the windows, and he had to have seen us wearing clearly marked Sheriff's uniforms with "Sheriff" on our helmets and vests. The subject did not open the door, and I heard Deputy Cina shout, "sheriff's office, search warrant." At this point, I saw the white male subject dart suspiciously to his left, and I still could not see his hands. This sudden suspicious movement was consistent with an attempt to retrieve a weapon, especially in light of the background information provided to us in the briefing and my law enforcement experience. As the subject moved to the left, he moved into a position where he had a direct line of fire to my torso. While the subject moved to the left, I heard a loud bang, which sounded like a gun shot. I thought and believed that the sound was a gunshot from the person at the door inside the house.

I believed that Deputy Cina and I were directly in the line of fire, and that we and the others behind us were in immediate danger of being shot. Based upon the information that I had received at the briefing, the conduct of the subject at the door when he made a sudden suspicious movement to the left, and the loud bang that I heard, I believed that the subject had fired a weapon at the team and me. At this point, I fired a three to five round burst from my weapon through the door.

The front door burst open, and I saw a large black German shepherd dog running towards the ERT team. Fearing for my safety and the safety of the team, I fired a two to three round burst from my weapon to stop the dog. I heard the dog yelp, so I believed the dog was hit; but it kept approaching the door. As the dog reached the

doorway, I heard another shot, which appeared to come from a team member beside me.

At this point, I continued to focus my attention to the interior of the residence to determine whether there were armed individuals inside. While still standing just outside the doorway on the porch, the dog continued yelping, and I felt it moving around down my left leg. I shouted for the team to move, and I heard a burst of gunfire to my left, which stopped all of the dog's actions.

At this time, team members began to enter the residence. The ERT Shield and Shield Cover were the first to enter the house, and I followed in behind them. As we entered, I saw a white male kneeling in the middle of the room immediately to my right and another white male lying on the floor. As we moved past the room, I could hear team members calling for EMS 10-18 (Urgent) and confronting a subject or subjects in the room.

As Shield, Shield Cover, and I reached the end of the foyer, we stopped at the kitchen. Shield and Shield Cover took up a position to the right and I took up a position to the left which faced down a hall off which opened three to four rooms. Another team member joined me at my position, and we proceeded down the hall, and searched the rooms. After the rooms were cleared, we joined back up with Shield and Shield Cover in the kitchen and searched the room located off the right side of the kitchen. Several long guns were leaning against the walls in that room. At this time, I announced that the "initial search was complete."

Team members began the secondary search, and when the rooms were searched

and cleared, I announced "secondary search complete." After the final search was complete, I announced "final search complete." Lt. Price approached the team inside the residence and asked if all members were alright and all advised yes. The team exited the residence out the back door and took a position outside in the area of the driveway.

As we stood by at the driveway, I heard yelling coming from the street and when I looked, I saw the UNCW Officers confronting a subject or subjects in a vehicle at gun point. I subsequently learned that the subject was Ryan Mills and that he was then in possession of a riot style shotgun and a ski mask.

Lt. Price approached the entry team in the driveway and asked which members fired their weapons. Sergeant G. Johnson and I answered that we had fired our weapons and later, I was advised that Detective L.C. Robinson had also fired his weapon.

Lieutenant Price requested that we not talk to anyone regarding the shooting, and I was seated in Sgt. K. Sarvis' patrol vehicle. Before getting into Sergeant Sarvis' vehicle, I took off my tactical equipment, vest, duty belt, knee and elbow pads, and helmet. My weapon was given to Lt. Price. My tactical equipment was given to investigators.