

OFFICE OF
STATE ATTORNEY
FIRST JUDICIAL CIRCUIT OF FLORIDA

TO: State Attorney William Eddins
Sheriff Michael A. Adkinson, Walton County Sheriff's Office
Special Agent Brannon Riley, Florida Department of Law Enforcement

FROM: Assistant State Attorney Joshua A. Mitchell

DATE: July 15, 2019

SUBJECT: Officer Involved Shooting of Travis Leo Hayes, FDLE# PE-27-0125

This review is based upon the findings contained in Florida Department of Law Enforcement Investigative Report # PE-27-0125.

THE FACTS:

On May 1, 2019, the Walton County Sheriff's Office received a call related to an aggravated battery taking place at 4156 State Highway 20 East in Freeport, Florida. The caller, Keith Ostfeld, advised that one of his tenants, Travis Hayes, had attacked another tenant, Francis Muldowney, with a knife. This location contains several individual bedrooms with common areas shared by all tenants.

Walton County Deputy Sheriff David Sanders and Karagan Hatley responded to the scene. Deputy Sanders was equipped with body-worn camera and recorded all contact. The officers made contact with Ostfeld and Muldowney and confirmed that Travis Hayes had attacked Muldowney. The officers observed cuts and blood on Muldowney.

The deputies then entered the building to make contact with Travis Hayes. The entrance to the building is a common area which then leads down narrow hallways to the bedroom areas. A common kitchen area is located in the back of the building. The deputies proceeded towards the common kitchen area where they could hear shouting from the kitchen area. The deputies made contact with Travis Hayes, who was standing in the kitchen area alone.

Travis Hayes was holding a knife and was very agitated. Deputy Sanders then advised Hayes to put the knife down and step over to him to talk with him. Hayes responded with profanities towards the officer and continued with his agitated responses. Deputy Sanders attempted to speak with Hayes for approximately 35 seconds, asking Hayes to step away from the knife and speak with him. Hayes refused and continued to become more agitated and hostile towards Deputy Sanders. Hayes then suddenly grabbed the knife again and started towards Deputy Sanders in an aggressive manner. Hayes began advancing on Deputy Sanders while yelling that Deputy Sanders "didn't have anything but a Taser", while pointing the knife at Deputy Sanders. Both deputies pulled their firearms, yelling for Hayes to put the knife down multiple times. Hayes refused to put the knife down and yelled that the deputies "did not have guns

and if they did, fire them." While making these statements, Hayes was hitting the knife blade against the wall in an agitated manner.

Deputy Sanders had backed away from Hayes and changed from his firearm to his Taser. Hayes moved back into the kitchen area. Deputy Sanders continued trying to get Hayes to put the knife down and talk to him. Hayes continued to refuse and continued to become more agitated. Hayes then suddenly came out of the kitchen, advancing on Deputy Sanders. Deputy Sanders yelled multiple times for Hayes to stop and put the knife down. Hayes refused and advanced quickly towards Deputy Sanders. Deputy Sanders deployed his Taser as Hayes approached. The Taser had no effect upon Hayes and he continued advancing towards Deputy Sanders with the knife. Deputy Sanders was quickly backing away from Hayes and changed back to his firearm. Deputy Sanders continued yelling for Hayes to stop as he backed away. Hayes yelled for Deputy Sanders to shoot each time he was told to stop. Hayes increased his speed coming towards Deputy Sanders. At that time, Deputy Sanders fired his weapon, striking Hayes three times.

Deputy Sanders and Deputy Hatley immediately requested assistance and medical personnel. Walton County Emergency Medical Services arrived and transported Hayes to Healthmark Regional Hospital in DeFuniak Springs where he was pronounced deceased.

ISSUE:

Was Walton County Deputy Sheriff David Sanders justified in using deadly force against Travis Leo Hayes?

LAW:

Pursuant to Terry v Ohio, 392 U.S 1 (1968), a law enforcement officer is justified in detaining someone when there are specific articulable facts which taken together with rational inferences from those facts reasonably justify the detention.

Florida Statute 776.051 states that a person is not justified in the use or threatened use of force to resist an arrest by a law enforcement officer, or to resist a law enforcement officer who is engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.

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

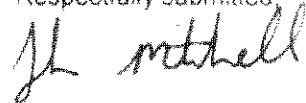
Florida Statute 776.012 states that a person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony

CONCLUSION:

On May 1, 2019, Walton County Deputy David Sanders responded to a call of an aggravated battery committed by Travis Leon Hayes. While making contact with Travis Hayes, Hayes armed himself with a deadly weapon. Despite numerous clear lawful commands to put the knife down, Hayes advanced towards Deputy Sanders in an aggressive manner. The actions of Hayes holding the knife in a threatening manner, yelling for Deputy Sanders to shoot and advancing to within just a few feet away from Deputy Sanders as he threatened, placed Deputy Sanders in reasonable fear of imminent harm to himself and

others. The actions of Deputy Sanders in the shooting of Travis Hayes were justified. The shooting of Travis Hayes was the result of a justified use of deadly force and no criminal charges should be filed against Walton County Deputy Sheriff David Sanders

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JA Mitchell". The signature is written in a cursive, slightly slanted style.

Joshua A. Mitchell
Assistant State Attorney