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20TH JUDICIAL CIRCUIT
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MEMO

TO: Stephen B. Russell, State Attorney

FROM: Dean R. Plattner, Assistant State Attorney

DATE: December 8, 2010

RE: Fort Myers Police Department Shooting Incident
FDLE # FM-27-0011
SAO Inv. # 2010-136

We have completed our investigative and legal review of the shooting incident on September 7, 2010, by Officers of the Fort Myers Police Department. The shooting incident was investigated by the Florida Department of Law Enforcement.

The FMPD Officers were responding to an armed robbery at the McDonald's on Colonial Boulevard near Metro Parkway. Officer Glenn Thompson, along with his K-9, pursued Kamyn Bright on foot. Bright was fleeing from the immediate scene of the armed robbery. Bright fired several shots from a handgun in the direction of Officer Thompson and his K-9. When Officer Thompson caught Bright, they engaged in a physical struggle. When it appeared that Bright was again reaching for his firearm, Officer Thompson, who was in fear for his life, shot Bright. Bright died from his injuries. It was then learned that Officer Thompson's K-9 had been fatally injured by one of the shots fired by Bright.

Separately, Officer George Sanford was chasing one of the other robbers, Gilberto Amaya. In the course of that chase, Amaya got into a car and drove at Officer Sanford, causing him to fire at the vehicle for his own protection. Amaya's vehicle struck Officer Sanford's police dog, causing non-fatal injuries. Amaya was later captured after crashing the vehicle at another location.

The facts of the incident are more fully set forth in the memo of SAO Investigator J Purdy. From my review of the facts of the case, it is clear that the Officers were attempting to apprehend persons who they had reason to believe were fleeing from the immediate scene of an armed robbery that they had just committed. Further, the evidence shows that the Officers were each in reasonable fear of imminent bodily harm at the time they fired their weapons.

The actions of the Officers was a legally justifiable use of deadly force based on the facts and circumstances of this situation. Therefore, this review should be closed without further action against the Officers.

Cc:

Randall B. McGruther, Chief Assistant State Attorney

Kevin L. Smith, Chief Investigator