

REPRESENTING:

CHARLOTTE

COLLIER

GLADES

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LEE



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*Stephen B. Russell*  
State Attorney

June 22, 2010

The Honorable Bill Cameron  
Sheriff  
Charlotte County Sheriff's Office  
7474 Utilities Road  
Punta Gorda, FL 33982

Re: Officer Involved Non-Fatal Shooting  
of George Lafferty

Dear Sheriff Cameron:

My office has completed the review of the investigation into the non-fatal shooting of George Lafferty by Charlotte County Sheriff's Office Deputies Abimael Renta III and Paul Underwood on November 7, 2009.

After a thorough review based upon the evidence submitted, as well as the applicable law, I am convinced that the actions of the officers involved in this incident were a legally justifiable use of deadly force in the defense of themselves and/or others. Therefore, my office will not be filing any criminal charges in this matter.

I am enclosing memos by Assistant State Attorney Dean R. Plattner and Investigator J.S. Purdy, which summarize our legal and investigative review of this matter.

Please feel free to contact me if you have any questions or need further information regarding our finding.

Sincerely,

A handwritten signature in blue ink that reads "Stephen B. Russell".

Stephen B. Russell  
State Attorney

SBR/dlt  
Enclosures

## CASE REPORT / CLOSING

**CASE NO:** 2009-183  
**DATE:** May 14, 2010  
**INVESTIGATOR:** J S. Purdy  
**SUBJECT:** Officer Involved Shooting, Charlotte County Sheriff's Office  
Deputies Abimael Renta III and Paul Underwood  
George Lafferty, Survived

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On Saturday, November 7th, 2009, Deputies Abimael Renta III and Paul Underwood of the Charlotte County Sheriff's Office used deadly force upon George Lafferty. The incident occurred at 3490 Cohoes Street, Port Charlotte, in Charlotte County, Florida.

I have reviewed investigative case package 0911-003436, compiled by Detective Corporal Michelle Whitney of the Charlotte County Sheriff's Office (CHCSO). Her report was received January 15, 2010, and additional information provided through May 10, 2010, is representative of a thorough and complete investigation as required for our purpose of a legal review.

In summary, the report indicates that on November 7, 2009, at 1:15 am, uniformed deputies with the Charlotte County Sheriff's Office were dispatched to a 911 call. The caller Kande Lafferty stated, "My husband (George Lafferty) is trying to kill himself with a gun." Mrs. Lafferty advises Mr. Lafferty is armed with a 38 revolver, outside her bedroom door, and is stating, "They're going to have to fucking kill me." Kande would later tell deputies in a statement that she and George had been out drinking earlier in the evening. When Kande told George she was planning on leaving him, George stated to her, "I might as well just kill myself now." George retrieved her revolver from inside the residence and pointed the revolver to his own head, then at hers. Kande states George threatened to shoot her and then himself, at which point she called 911.

At 1:18 am, Deputies Paul Underwood, Abimael Renta, Ed Jaques, and Yale Houghton confront George Lafferty in front of the residence. Lafferty was armed with a revolver in his right hand and shotgun in his left. The investigation would later reveal Lafferty possessed a fully loaded Smith and Wesson 38 Special revolver and a fully loaded Featherlight 16 gauge shotgun. Lafferty attempted to provoke the deputies into shooting him yelling profanities and specifically asking them to shoot him.

Deputies Renta and Jaques were closest to Lafferty. They attempted to calm him and get him to put down his firearms through negotiation and verbal commands. Renta observed Lafferty point the shotgun at him and seeing smoke appear around Lafferty. This led Renta to believe that Lafferty had fired at him. Fearing for his life and the lives of his fellow deputies, Renta fired at Lafferty. Renta fired six gunshots with his department issued 9 mm Sig Sauer semi-automatic pistol before it jammed. While clearing the malfunction, Renta observed Lafferty had fallen to the ground and ceased fire.

## CASE REPORT / CLOSING

Simultaneously, Deputy Underwood observed Lafferty with his shotgun in a "low ready" position make an "arc" movement which he perceived to be a "clear and imminent threat". Seeing smoke around Lafferty led Underwood to believe Lafferty had fired a weapon, and hearing several gunshots believed to be from Deputy Renta, Underwood fired at Lafferty. Underwood fired one gunshot with his department issued 9 mm Sig Sauer semi-automatic pistol and Lafferty fell to the ground.

Deputies Houghton and Jaques, along with John Mills (Mills arriving at the end of the engagement) did not discharge their weapons although they gave statements supporting the observations and actions of Deputies Renta and Underwood.

Barbara Lewis, a neighbor, heard a male voice telling the deputies to shoot and the deputies telling Lafferty to put the gun down. When Lafferty lifted the "barrel" of the gun up, Lewis retreated to the rear of her home. She believes she subsequently heard eight gunshots.

Deputies secured the scene and with the assistance of Emergency Medical Services transported Lafferty to Lee Memorial Hospital. Medical records indicate that Lafferty was shot twice. One projectile entered Lafferty's left chest and the trajectory path was into the right lung. A second projectile perforated the left leg fracturing the tibia. Lafferty survived his injuries.

The analysis of Lafferty's firearms revealed the shotgun contained what appear to be four live shot shells with one of the four shot shells chambered, ready to fire. The revolver contained five live bullets with the hammer "cocked" ready to fire. A function test was performed on both firearms and revealed they are in working order. No further testing was performed.

On November 10, 2009, during a recorded conversation with detectives, Lafferty advised he was drinking (alcohol) and was faced with having no home or wife. Lafferty went on to state, "...they told me to put the guns down at least three times...and I didn't. And I turned on them...I may have shot. But I shot over to the sides and I didn't take aim or anything...I didn't know what else to do." Lafferty went on to acknowledge he wanted the deputies to shoot him. In his words, he states, "Cause it's, like, the only way out."

On November 20, 2009, the Charlotte County Sheriff's Office arrested George Lafferty (09-001735cf) on charges of aggravated assault with a firearm and aggravated assault on a law enforcement officer. On March 22, 2010, George Lafferty pled no contest to both charges, was adjudicated guilty and subsequently sentenced to three (3) years in prison on each count to be served concurrently.

Based on the contents of this report it is my opinion that Deputies Abimael Renta III and Paul Underwood used deadly force as justified by law.

This case is closed.

J S. Purdy  
Investigator IV

**OFFICE OF THE STATE ATTORNEY  
20<sup>TH</sup> JUDICIAL CIRCUIT  
P.O. BOX 399  
FORT MYERS, FLORIDA 33902**

**Stephen B. Russell, State Attorney**

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**MEMO**

TO: Stephen B. Russell, State Attorney

FROM: Dean R. Plattner, Assistant State Attorney

DATE: June 15, 2010

RE: Charlotte County Sheriff's Office Non-Fatal Shooting Incident  
CCSO # 0911-003436  
SAO Inv. # 2009-183

We have completed the investigative and legal review of the non-fatal shooting of George Lafferty on November 7, 2009 by members of the Charlotte County Sheriff's Office.

The details of this incident and the investigative review are more fully described in the memo of SAO Investigator J. Purdy. In summary, the CCSO responded to a 911 call from Lafferty's wife, after he threatened to shoot her and kill himself with firearms he was holding. Deputies arrived to find Lafferty still holding a handgun and a shotgun. Lafferty would not put down the weapons, and tried to provoke the deputies to shoot him.

When he pointed the weapons at deputies, and one of them appeared to produce smoke as if it had been fired, 2 deputies fired at Lafferty. Lafferty survived his wounds, and later admitted that he wanted the deputies to shoot him. He has since been prosecuted and sentenced for aggravated assault in this incident.

The investigation has provided evidence to support that the deputies acted lawfully in self-defense and/or defense of others, in a justifiable use of deadly force. Therefore, there is no basis for further action by this office regarding the actions of the deputies, and this review should be closed.