

REPRESENTING:

CHARLOTTE

COLLIER

GLADES

HENDRY

LEE



*Stephen B. Russell*  
State Attorney

OFFICE OF THE STATE ATTORNEY

Twentieth Judicial Circuit of Florida

P.O. Box 399  
Fort Myers, FL 33902-0399

Telephone (239) 533-1000  
FAX (239) 533-1150

Website: [www.sao.cjis20.org](http://www.sao.cjis20.org)

April 29, 2009

Sheriff Mike Scott  
Lee County Sheriff's Office  
14750 Six-Mile Cypress Parkway  
Fort Myers, FL 33912

Re: Officer Involved Shooting of  
George Vincent by Deputy Bryan Perera

Dear Sheriff Scott:

My office has completed the review of the Lee County Sheriff's Office investigation into the shooting death of George Vincent on February 15, 2009, by Lee County Sheriff's Deputy Bryan Perera.

Based upon the evidence submitted, and the applicable law, I am convinced that the actions of Deputy Perera were in self-defense, and a legally justifiable use of deadly force. Therefore, my office will not be filing any criminal charges in this matter.

A memorandum by Assistant State Attorney Dean R. Plattner, which summarizes the legal review of this incident, is enclosed.

Thank you for your cooperation with the investigation and review of this case.

Sincerely,

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

Stephen B. Russell  
State Attorney

SBR/dlt  
Enclosure

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

**Stephen B. Russell, State Attorney**

PHONE: 239-533-1108

FAX: 239-533-1150

**MEMO**

TO: Stephen B. Russell, State Attorney  
FROM: Dean R. Plattner, Assistant State Attorney  
DATE: April 22, 2009  
RE: Officer Involved Shooting  
Death of George Vincent  
LCSO # 2009-067014  
SAO Inv. Case # 2009-009

Chief Investigator Kevin Smith and I have completed our review of the Lee County Sheriff's Office Investigation into the shooting death of George Vincent on February 15, 2009. Vincent was shot by Deputy Bryan Perera in a garage at Vincent's home.

Deputies went to the home in response to a 911 call by Vincent's wife, who indicated that Vincent was armed with a firearm, intoxicated, and suicidal. Vincent's mother was also present at the home, having been summoned by the wife.

Deputy Perera and other deputies arrived at the home without using sirens, in an attempt to avoid further exciting Vincent. When the deputies got there, they found Vincent and his mother inside an open garage. Deputy Perera could see the outline of a handgun in Vincent's pants.

The deputies announced themselves and ordered Vincent to put his hands up. Rather than comply, Vincent took the handgun out of his pants and held it down at his side. On seeing this, Deputy Perera and other deputies began ordering Vincent to drop the gun. He again didn't comply. Instead, he suddenly raised the firearm in the direction of the

deputies and pointed the gun at them. Deputy Perera fired 5 times, 3 of which struck Vincent. According to the Medical Examiner, one shot, to the thorax, was fatal. Neither Vincent nor any other deputy fired their weapons. Vincent's handgun was, in fact, loaded.

The above sequence of events, as described by Deputy Perera, was corroborated by the other deputies who were present. In addition, Vincent's wife and mother were both interviewed by the lead detective and provided sworn taped statements regarding the events, which were consistent with the other witnesses.

Vincent's mother confirmed that he raised the gun towards the deputies. She indicated, "And I don't think he shot but he pointed it at 'em. And I know that was his way, he just wanted to die."

Vincent was reported to have consumed 18 beers, and was quite intoxicated. The Medical Examiner's testing shows between a .27 and .30 alcohol level. He was also upset over being unemployed, and his financial status.

Although the situation is tragic, our legal review is limited to the issue of whether the deputy committed a criminal act or was legally justified in the use of deadly force. It is clear from the evidence and statements of witnesses that Deputy Perera had a well founded fear for his own safety and the safety of other persons in the area. The deputies restrained themselves from using force when they saw the handgun on Vincent's person, and even when he initially held the gun in his hand. When Vincent raised the gun and pointed it, however, they were in imminent danger.

The use of deadly force by Deputy Perera was clearly justifiable under Florida law, as an act in self-defense and/or defense of others. I therefore recommend that this matter be closed without further action.

Cc: Randall B. McGruther, Chief Assistant State Attorney  
Kevin Smith, Chief Investigator