

COMMONWEALTH OF VIRGINIA



MULTI-JURISDICTIONAL GRAND JURY FOR THE COUNTIES OF POWHATAN, GOOCHLAND, LOUISA, AMELIA, AND PRINCE EDWARD

TO: The Honorable D. Michael Caudill, Commonwealth's Attorney for Goochland County

FROM: Foreperson of the Multi-Jurisdictional Grand Jury

IN RE: Findings of the Multi-Jurisdictional Grand Jury regarding the officer-involved shooting of Xzavier Deyonte Hill

Date: February 25, 2021

We the members of the Multi-Jurisdictional Grand Jury, after hearing from the witnesses and reviewing the evidence presented, do hereby make the following findings of fact and conclusions of law concerning the officer-involved shooting of Xzavier Deyonte Hill. The purpose of this Multi-Jurisdictional Grand Jury report is to consider the evidence presented, the law as it applies to the evidence, and to make charging recommendations.

FACTUAL SUMMARY

On January 9, 2021 Virginia State Police Trooper S. Layton was the operator of a 2019 Virginia State Police Ford Taurus in which Trooper B. Bone was the front seat passenger. The 2019 Ford Taurus operated by Trooper Layton was a "marked" patrol vehicle bearing the customary Virginia State Police blue and grey color scheme and reflective "State Police" decals on the vehicle's hood, doors, and trunk. The Taurus was also equipped with a roof mounted flashing light bar, front grille and rear deck flashing emergency lights, and an emergency siren. All of the vehicle's emergency equipment was functioning properly. The Taurus was also equipped with a dashboard mounted video camera. Trooper Layton was the only one of the two Troopers wearing a microphone connected to the camera.

In the early morning hours of January 9, 2021 Troopers Layton and Bone were operating stationary radar monitoring the three westbound travel lanes of Interstate 64 near the Route 288 interchange in Henrico County. Both Troopers were in uniform and displaying their badge of authority. Video footage shows their patrol vehicle was positioned in a "cross-over" where it was facing east thereby affording the Troopers the opportunity to monitor approaching westbound traffic through their front windshield. At approximately 4:30 a.m. a sedan with only one headlight displayed approached the cross-over. The vehicle entered radar at a speed of 96 miles per hour in a posted 65 miles per hour zone.

After the sedan passed the cross-over Trooper Layton turned on the patrol vehicle's headlights and entered the westbound travel lanes of Interstate 64 to begin efforts to stop the sedan. As evidenced by audio and video recording, the Troopers began to take note of the manner in which the sedan was being operated. On a number of occasions the sedan was observed swerving across lane markings as the Troopers paced the vehicle at speeds between 93 and 97 miles per hour. Up to this point the Troopers had not yet activated their patrol vehicle's emergency equipment to try and stop the sedan.

As the sedan entered into Goochland County and the westbound lanes of Interstate 64 went from three lanes to two lanes the Troopers were able to determine that the vehicle they were following appeared to be a white Mercedes. Trooper Bone attempted to provide the State Police dispatcher with the license plate information from the Mercedes but he had difficulty in determining the actual numbers. It was at this time the emergency lights of the State Police vehicle were activated to direct the operator of the Mercedes to pull over and stop. Upon activation of the State Police vehicle's emergency lights the headlights and taillights of the Mercedes were extinguished by the driver and the Mercedes accelerated to approximately 120 miles per hour. The siren of the State Police vehicle was activated and a brief pursuit of the Mercedes ensued.

Shortly after the State Police vehicle's siren was activated the Mercedes began to slow and move to the right shoulder of the two-lane Interstate as if to comply with the direction to stop. With its lights still extinguished, the Mercedes abruptly attempted to make a U-turn in an effort to proceed eastbound in the westbound lanes of Interstate 64. The operator of the Mercedes failed to negotiate successfully the maneuver and slid, sideways, down a sloped section of the Interstate median. The Mercedes came to rest in the median facing east and with its passenger side against a tree line. The operator of the Mercedes attempted to extricate the vehicle from its position by repeatedly accelerating but the rear wheels were unable to gain any traction on the soft ground.

While the operator of the Mercedes attempted to free the vehicle from the median the State Police vehicle was positioned across the center line of the Interstate almost perpendicular to the Mercedes. **EXHIBIT 1.** The Mercedes was, at this point, on a slight downgrade in relation to the surface of the roadway. Troopers Layton and Bone approached the Mercedes with their guns drawn. Layton approached the Mercedes' driver's door from a direction that was directly in line with the operator and with a slightly elevated observation that gave him a vantage point allowing him to look down and into the passenger compartment through the driver's side window. Bone, who had exited the State Police vehicle from the front passenger side, approached the Mercedes' driver's door from the rear of the Mercedes.

As the Troopers approach the Mercedes the State Police dashboard video camera footage (EXHIBIT 2) reveals the following:

Trooper Layton: Get out of the car now! Get out of the car now! Get out of the car now!

Trooper Bone: Show me your hands, do it now!

Trooper Layton: Get out of the car now!

Trooper Bone: Put your hands up

Trooper Layton: Put your hands up! Let me see your hands!

Trooper Bone: Put your hands up!

(At approximately 5:05 minutes into the dashboard camera video the operator of the Mercedes is seen extending his left arm out of the open driver's side window appearing to reach for the driver's door exterior handle)

Xzavier Hill: My door doesn't open, my door doesn't open.

Trooper Bone: Put your hands up!

Xzavier Hill: My door doesn't open.

Trooper Bone: Put your hands out the door and do it now! Put your hands out the door!

Xzavier Hill: My door doesn't open.

(At approximately 5:08 minutes into the dashboard camera video the operator of the Mercedes is seen moving his left arm away from the exterior door handle and drawing it back into to the Mercedes)

Trooper Layton: Put your hands out the door! Stop moving! Put your hands out the door! Put your hands out the window! Put your hands out the window! Hey, he's reaching, reaching, reaching!

Trooper Bone: Stop reaching! Gun!

Trooper Layton: He's got a gun! Gun! Gun! Gun!

(Shots fired by Troopers at 5:15 minutes into the dashboard camera video)

Trooper Bone: He's got the gun in his hands!

Trooper Layton: Yeah, I got you! Hey, drop the gun!

After the Troopers discharged their weapons Mr. Hill fell sideways onto the front passenger seat. Trooper Layton positioned himself at the driver's door of the Mercedes while Trooper Bone went to the front passenger side. Both Troopers attempted to determine if Mr. Hill constituted a continuing threat and to establish the location of the weapon. Ultimately, Trooper Bone was able to see the weapon in the front passenger seat of the Mercedes. EXHIBITS 3 & 4. The Troopers then removed Mr.

Hill from the driver's seat of the Mercedes and placed him on the ground. Trooper Bone checked Mr. Hill for a pulse and, finding none, called for emergency medical services.

SCENE AND EVIDENCE RECOVERY

The location of the shooting was in the westbound median of Interstate 64 near the 172.6 mile marker in Goochland County, Virginia. The roadway consists of two lanes for westbound traffic with a wooded median separating the eastbound lanes. The Interstate at that location is primarily rural and without artificial illumination. The weather conditions were clear and the roadway was dry. The case investigation was assigned to Special Agent J. Cowan. The assigned Forensic Technician was Special Agent W. Johnson.

Special Agent W. Johnson collected the Virginia State Police issued firearm from Trooper Bone, a Sig Sauer P320 semi-automatic .357 caliber pistol. One .357 cartridge was loaded in the chamber and the magazine was found to contain 11 cartridges of .357 ammunition. All ammunition was head-stamped "SPEER .357 SIG."

Special Agent W. Johnson also collected the Virginia State Police issued firearm from Trooper Layton, a Sig Sauer P320 semi-automatic .357 caliber pistol. One .357 cartridge was loaded in the chamber and the magazine was found to contain 13 cartridges of .357 ammunition. All firearm and magazine ammunition was head-stamped "SPEER .357 SIG."

During a search of the scene three cartridge casings bearing the head-stamp "SPEER .357 SIG" were located on the ground in the median.

After Troopers removed the operator from the driver's seat of the Mercedes, later determined to be Xzavier Deyonte Hill, born on June 12, 2002, Mr. Hill was placed on his back near the vehicle's left rear quarter panel with his feet toward the Mercedes and his head toward the roadway. Wounds to the left hand, left cheek and neck were observed. There was evidence of significant blood loss from the deceased's body. Investigator L. Carleton with the Office of the Chief Medical Examiner responded to the scene to examine Mr. Hill. Mr. Hill's remains were released to H & S Body Removal and transported to the medical examiner's office in Richmond.

The Mercedes Operated by Xzavier Deyonte Hill

An inspection of the 2003 C230 Mercedes revealed no other occupants. The Mercedes was registered to Xzavier Deyonte Hill at an address in Charlottesville, Virginia.

The driver's side window was down and the passenger side window was up. The interior driver's side door handle did not function and the door was unable to be opened from the inside.

On the front passenger seat of the Mercedes was a semi-automatic handgun. The handgun appeared to be covered in blood. A cartridge was jammed in the chamber and no magazine was seated in the weapon. The jammed round was a .40 caliber cartridge with a head-stamp of "AGUILA .40 SW." A closer inspection showed the weapon to be a Smith & Wesson .40 caliber SD40 with serial number FCL1110. EXHIBITS 5 & 6. There was no ammunition magazine in the weapon.

On the Mercedes' front passenger floorboard a Smith and Wesson ammunition magazine was located. The magazine was in a vertical position with the cartridge end on the floorboard and leaning

against the front of the passenger seat. The magazine was wedged between the front of the passenger seat and the seat adjustment lever. **EXHIBITS 7, 8 & 9.** The magazine contained 8 cartridges of .40 caliber ammunition with each cartridge bearing the head-stamp "AGUILA .40 S&W." Two additional ammunition cartridges head-stamped "AGUILA .40 S&W" were found in the center console and a single cartridge with the same head-stamp was found inside a black stocking hat that was located behind the front passenger seat. **EXHIBITS 10 & 11.**

On January 10, 2021 the owner of a .40 caliber Smith and Wesson SD40 handgun reported to the Old Dominion University Police Department that the gun had been stolen from under the front seat of his vehicle. The gun's owner reported that he last saw the gun on January 7, 2021. **EXHIBIT 12.** The gun's owner was known to Mr. Hill and he reported that Mr. Hill had been in the vehicle on January 8, 2021. The make, model and serial number of the gun that was reported stolen matched the make, model and serial number of the gun recovered from the front seat of Mr. Hill's Mercedes. Mr. Hill was not of legal age to purchase or possess a handgun.

An examination of the .40 caliber Smith and Wesson SD40 firearm recovered from Mr. Hill's Mercedes was conducted by the Department of Forensic Science to determine the mechanical operating condition of the weapon. The forensics examiner fired three of the .40 caliber cartridges that were contained in the Smith and Wesson ammunition magazine recovered from the Mercedes. The firearm was found to be in mechanical operating condition. The frame of the firearm was stamped with a cautionary statement indicating that the weapon could be fired with the magazine removed. The results of the examination are contained in a certificate of analysis dated February 17, 2021 (FS Lab # C21-516). **EXHIBIT 13.**

Located in the driver's side door pocket was a black air pistol. The appearance of the air pistol resembled a semi-automatic handgun. Stamped on the side of the air pistol was language indicating the air pistol was designed to shoot BBs. An empty magazine was loaded in the air pistol. **EXHIBITS 14 & 15.**

Throughout the vehicle and in the center console of the Mercedes was United States currency in the amount of \$435.00. **EXHIBIT 16.** The currency consisted primarily of \$1.00 and \$5.00 bank notes. In addition to the United States currency found in the vehicle three counterfeit \$100.00 United States bank notes were also found.

Cell phone data

Two cell phones were recovered from Mr. Hill's Mercedes. The content of both cell phones was downloaded by Virginia State Police High Tech Crimes investigators. A number of digital images were recovered from one of the phones of which four images are pertinent to this inquiry.

The first image is that of a Smith and Wesson semi-automatic handgun and ammunition magazine. **EXHIBIT 17.** The handgun is depicted with the ejector slide "locked back" with the magazine outside of the weapon. The magazine is displayed next to the gun itself and is shown to be loaded with 13 ammunition cartridges. The image of the handgun and magazine was taken from a position inside the 2003 Mercedes showing the firearm and magazine in the lap of an individual seated in the driver's seat of the Mercedes. The serial number on the firearm in the image matches the serial number of the firearm recovered after the shooting and the serial number of the firearm reported stolen by the individual known to Mr. Hill. The date on which the image was created was on January 8, 2021.

A photograph taken of the steering wheel of the 2003 Mercedes Hill was driving appears to match the steering wheel depicted in Exhibit 17. **EXHIBIT 18.**

The second image is of what appears to be the same firearm and ammunition magazine being displayed in a similar fashion as that of the previously described image. **EXHIBIT 19.** The image was taken from inside the 2003 Mercedes with the weapon and ammunition magazine both lying on the passenger seat of the vehicle. The ejector slide of the weapon is "locked back." Although the gun and ammunition magazine appear to be identical to the those in the previously described image, the serial number on the weapon and the cartridge count in the ammunition magazine are not visible. The date on which the image was created was January 7, 2021.

The third image is of Mr. Hill holding an object similar in appearance to a black handgun. **EXHIBIT 20.** The image depicts Mr. Hill holding the object in his right hand with the camera lens at a position looking up at Mr. Hill's face and right hand in which he holds the object appearing to be a handgun. Two of Mr. Hill's fingers are on what would be the grip of a handgun with the middle finger resting on what would be the frame of a handgun and the index finger resting on what would be the ejector slide of a handgun. The date on which the image was created was November 30, 2020

The fourth image is of Mr. Hill holding an object similar in appearance to a black handgun. **EXHIBIT 21.** The image depicts Mr. Hill from a position looking slightly up at his face and right hand in which he holds an object similar in appearance to a handgun. Three of Mr. Hill's fingers are on what would be the grip of a handgun with his index finger positioned on where the frame and ejector slide would contact on the right side of a handgun. The date on which the image was created was November 27, 2020.

The third and fourth images are of significance because of allegations on social media that Mr. Hill was left-handed and would not have had a gun in his right hand as observed by the Troopers. The evidence presented to this body clearly shows Mr. Hill was possessed of such ability as to utilize a handgun with his right hand.

A review of Mr. Hill's Internet searches on his cell phone revealed the following information: **EXHIBIT 22.**

January 6, 2021	Internet search for "driving with lights off"
January 7, 2021	Internet search for "Smith and Wesson SD 40"
January 8, 2021	Internet search for "check gun serial number"

THE AUTOPSY

An autopsy report dated February 23, 2021 revealed Mr. Hill's death resulted from a gunshot wound to the neck on January 9, 2021. **EXHIBIT 23.**

A toxicology report dated January 30, 2021 revealed the presence of marijuana in Mr. Hill's system on January 9, 2021. **EXHIBIT 24.**

TROOPER BONE'S POST-INCIDENT STATEMENTS

During a post-incident interview Trooper Bone provided the following regarding Mr. Hill's movements:

Mr. Hill started moving to his right toward the center console.

Mr. Hill was making "gross movements" toward the driver's door and the bottom of the seat.

I remember 100% seeing a gun.

He was coming up with the pistol in his right hand – gripping as if going to shoot.

His hand was on the pistol where he could manipulate the trigger.

Trooper Bone fired his weapon two, possibly three times.

GRAND JURY WITNESSES

1. Virginia State Police Special Agent J. Cowan
2. Virginia State Police Special Agent W. Johnson

FINDINGS OF FACT

We, the Members of the Multi-Jurisdictional Grand Jury, make the following findings of fact based on sworn witness testimony and evidence presented.

1. On January 9, 2021 a Mercedes sedan, operated by Xzavier Deyonte Hill, was travelling at a speed of 96 miles per hour in a posted 65 miles per hour zone with only one headlight displayed on his vehicle. The Mercedes entered stationary radar operated by Virginia State Police Trooper S. Layton and Trooper B. Bone.
2. As the Mercedes was being followed by the Troopers, without yet having been given a visual or audible signal to pull his vehicle over, the Mercedes continued to be driven at speeds of 93 to 97 miles per hour while repeatedly swerving into an adjacent travel lane.
3. Upon the Troopers activating their police vehicle's emergency lights and siren to effect a traffic stop, the Mercedes' headlights and taillights were extinguished by Mr. Hill and the vehicle's speed increased to 120 miles per hour.
4. With the vehicle's lights still extinguished, Mr. Hill slowed and pulled the Mercedes to the right shoulder as if to comply with Troopers' signal to stop. Instead of stopping Mr. Hill attempted to make a U-turn in an effort to proceed eastbound in the westbound lanes of Interstate 64.
5. The actions of Mr. Hill in the operation of the Mercedes constituted a clear and immediate danger to the Troopers and the general public utilizing the Interstate highway.
6. Mr. Hill was unsuccessful in negotiating the U-turn and drove onto the median where his vehicle slid sideways down a slight embankment. The vehicle came to rest facing east.

7. Trooper Layton positioned the police vehicle in an almost perpendicular manner to Mr. Hill's vehicle. Both Troopers approached Mr. Hill's vehicle with their weapons drawn and directing Mr. Hill to comply with their commands. As the Troopers approached Mr. Hill he attempted to extricate the vehicle from the median by repeatedly accelerating. The rear wheels were spinning but unable to gain traction.

8. Trooper Bone gave the following commands to Mr. Hill prior to shots being fired:

Show me your hands, do it now!

Put your hands up!

Put your hands up!

Put your hands up!

Put your hands out the door and do it now! Put your hands out the door!

Stop reaching! Gun!

9. Trooper Layton gave the following commands to Mr. Hill prior to shots being fired:

Get out of the car now! Get out of the car now! Get out of the car now!

Get out of the car now!

Put your hands up! Let me see your hands!

Put your hands out the door! Stop moving! Put your hands out the door! Put your hands out the window! Put your hands out the window! Hey, he's reaching, reaching, reaching!

He's got a gun! Gun! Gun! Gun!

10. Mr. Hill placed his left arm out the driver's side window for approximately three seconds before pulling his arm back into his vehicle.

11. At no time did Mr. Hill display his right hand outside of the vehicle or within the vehicle in a non-threatening manner.

12. After Mr. Hill pulled his left arm back into his vehicle Trooper Layton observed Mr. Hill reaching into the vehicle's passenger compartment and announced Mr. Hill's movements to Trooper Bone.

13. Trooper Bone shouted "Stop reaching! Gun!"

14. Mr. Hill refused to comply with Trooper Bone's command.

15. Trooper Layton shouted "He's got a gun! Gun! Gun! Gun!"

16. The Troopers exercised deadly force in the discharge of their firearms resulting in the death of Xzavier Deyonte Hill. Mr. Hill was struck by one bullet entering his left hand, one bullet

entering the left side of his face and one bullet entering the base of his neck. An autopsy revealed the cause of death was the result of a gunshot wound to the neck.

17. After the shots were fired Trooper Bone shouted "He's got the gun in his hands."
18. After the shots were fired Trooper Layton shouted "Hey, drop the gun!"
19. After the shots were fired Trooper Bone states to Trooper Layton "It was in his right hand."
20. After the shots were fired Trooper Layton states to Trooper Bone "Yeah, I saw it. I saw it clear as day."
21. After the shots were fired Trooper Layton states to Trooper Bone "Hey, that gun was right at me when you called it."
22. During a post-incident interview Trooper Bone said provided the following regarding Mr. Hill's movements:

Mr. Hill started moving to his right toward the center console.

Mr. Hill was making gross movements toward the driver's door and the bottom of the seat.

I remember 100% seeing a gun.

He was coming up with the pistol in his right hand – gripping as if going to shoot.

His hand was on the pistol where he could manipulate the trigger.

Trooper Bone fired his weapon two, possibly three times.

23. After the shooting scene was secured a semi-automatic handgun was found in the front passenger seat of the Mercedes. The handgun appeared to be covered in blood. A cartridge was jammed in the chamber. No magazine was seated in the weapon. The jammed round was a .40 caliber cartridge with a head-stamp of "AGUILA .40 SW." A closer inspection showed the weapon to be a Smith & Wesson .40 caliber SD 40 with serial number FCL1110. The frame of the firearm was stamped with a cautionary statement indicating that the weapon could be fired with the magazine removed.

24. On January 10, 2021 the owner of a Smith and Wesson .40 caliber semi-automatic handgun, bearing serial number FCL1110, was reported to the Old Dominion University Police Department as having been stolen between January 7, 2021 and January 10, 2021 from the owner's vehicle. The gun's owner was known to Mr. Hill. On January 8, 2021 Mr. Hill had been in the vehicle of the individual from whom the gun was stolen. The gun was last seen by the owner in the vehicle in which Mr. Hill had been an occupant on January 8, 2021. Mr. Hill was not of legal age to purchase or possess a handgun.

25. On January 9, 2021 Mr. Hill illegally possessed a handgun that was reported to have been stolen between January 7, 2021 and January 10, 2021.

26. On January 9, 2021 Mr. Hill attempted to use the stolen handgun, without just cause or provocation, against Trooper B. Bone and Trooper S. Layton.

27. Two digital images retrieved from Mr. Hill's cell phone show Mr. Hill holding, in his right hand, an object similar in appearance to a semi-automatic pistol.

28. Social media postings have indicated that Mr. Hill was left-handed and would not have held a gun in his right hand.

28. A digital image created on January 8, 2021 and recovered from Mr. Hill's cell phone depicts the stolen Smith and Wesson .40 caliber SD40 and ammunition magazine in the lap of an individual in the driver's seat of Mr. Hill's Mercedes.

29. A digital image created on January 7, 2021 depicts a gun and ammunition magazine displayed in the passenger seat of Mr. Hill's Mercedes. The image is similar in appearance to the stolen gun recovered in Mr. Hill's Mercedes.

30. From the vantage point on the sloping median embankment, being above and looking down into the Mercedes, the Troopers were in a position to see Mr. Hill's movements, and the handgun he possessed, that are not captured by the dashboard camera video.

31. Trooper Bone fired 3 shots from his service weapon. Trooper Layton fired one shot from his service weapon.

32. The discharge of firearms by Troopers Bone and Layton constituted the use of deadly force.

APPLICABLE LAW

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene rather than the 20/20 vision of hindsight." Graham v. Connor, 490 U.S. 386, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989) "The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham at 396 "As in other Fourth Amendment contexts, however, the 'reasonableness' inquiry in an excessive force case is an objective one: the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation." Graham, at 397.

"Before employing deadly force, police must have sound reason to believe that the suspect poses a serious threat to their safety or the safety of others." Lee v. City of Richmond, 100 F. Supp. 3d 528, 541-542 (E.D. Va. 2015) "A person who *reasonably* apprehends imminent bodily injury by another to himself or others is privileged to exercise reasonable force to repel the assault." Humphreys v. Commonwealth, 37 Va. App. 36, 553 S.E.2d 546 (2001). "There must be some overt act indicative of imminent danger at the time." Commonwealth v. Sands, 262 Va. 724, 553 S.E.2d 733 (2001). It is not essential to the right of self-defense that the danger should, in fact, exist. "If it reasonably appears to a person using deadly force that a danger to life exists, he has the right to defend against it to the same extent, and under the same rules, as would pertain if the danger had been real." McGhee v. Commonwealth, 219 Va. 560, 248 S.E.2d 808 (1978).

In Lee v. City of Richmond, 100 F.Supp.3d 528 (E.D. Va. 2015) “The Fourth Circuit “has consistently held that an officer does not have to wait until a gun is pointed at the officer before the officer is entitled to take action.” Anderson v. Russell, 247 F.3d 125, 131. “The Fourth Amendment does not require omniscience....Officers need not be absolutely sure ... of the nature of the threat or the suspect's intent to cause them harm—the Constitution does not require that certitude precede the act of self-protection.” Russell, 247 F.3d at 132.

“The law of self-defense is the law of necessity, and the necessity relied upon must not rise out of the defendant’s own misconduct.” McGhee v. Commonwealth, 219 Va. 560 (1979). In order to prevail on a claim of self-defense a person must reasonably fear death or serious bodily harm to himself or others.” Id. A person may always act upon reasonable appearances of danger and whether the danger is reasonably apparent is always to be determined from the viewpoint of the defendant at the time he acted.” “However, fear alone regardless of how reasonable it may be, will not justify the use of deadly force.” “There must be also an overt act indicative of imminent danger at the time.” Vlastaris v. Commonwealth, 164 Va. 647 (1935).

Criminal liability may not attach if:

1. The officer believed his life, or the life of another, was at risk of imminent death or serious bodily injury,
2. The officer’s belief was reasonable from the officer’s perspective, and
3. There was an overt act on the part of the actor indicative of immediate danger.

CONCLUSIONS

On January 9, 2021 Xzavier Deyonte Hill initiated and continued to engage in an escalating course of dangerous conduct resulting in a violent confrontation with law-enforcement. Mr. Hill’s failure to comply with the commands of the Troopers and then introduce a firearm into a rapidly evolving event provided a reasonable basis for the officers to believe they were in imminent danger of serious bodily injury or death.

In reviewing all of the evidence in its totality this body unanimously determines that the actions of Trooper Bone and Trooper Layton were reasonable, justified, and supported by the facts and circumstances as they were known to the Troopers at the time. Accordingly, we unanimously find there is no probable cause to believe the Troopers committed any criminal offense in the shooting of Xzavier Deyonte Hill on January 9, 2021.

_____, Signature redacted, Foreperson
Multi-Jurisdictional Grand Jury