

WILLIAM "BILL" EDDINS  
STATE ATTORNEY



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OFFICE OF  
**STATE ATTORNEY**  
FIRST JUDICIAL CIRCUIT OF FLORIDA

October 16, 2013

**PRESS RELEASE**

The Office of the State Attorney announced today that the Grand Jury for Escambia County, Florida has completed its review of the shooting death of James W. McGlothlin and the wounding of Roy Middleton. Both of these shootings involved deputies of the Escambia County Sheriff's Office. The Grand Jury met over a three-day period of time and heard evidence from numerous witnesses including Special Agents from the Florida Department of Law Enforcement, deputies of the Escambia County Sheriff's Office, as well as civilian witnesses. Based upon their review of this testimony, as well as other evidence, the Grand Jury has returned No True Bills in both of these cases. This means that the Grand Jury has found insufficient evidence to establish that any criminal violations were committed. The Grand Jury has, however, returned a Report making recommendations to the Sheriff's Office regarding training and procedures. A copy of the Report and No True Bills are attached to this Press Release. The Sheriff's Office has filed a Response to the Grand Jury Report. A copy of that Response is also attached to this Release.

For further information, please contact Assistant State Attorney Greg Marcille at (850) 595-4761.

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY, FLORIDA

TO THE HONORABLE JUDGES OF THE ABOVE-ENTITLED COURT:

We, the Grand Jurors of the State of Florida, lawfully selected, empaneled and sworn, in and for the body of Escambia, Spring 2013, do respectfully present this report.

**NO TRUE BILL**

During our term as Grand Jurors, we were requested to inquire into allegations that deputies of the Escambia County Sheriff's Office violated certain criminal laws of the State of Florida involving the shooting of Roy Middleton on July 27, 2013.

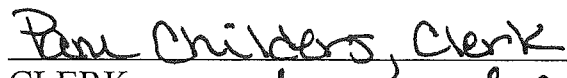
We received sworn testimony from all parties allegedly involved in the incident and from witnesses to the alleged incident.

After hearing all the testimony, being advised on the law as it pertains to this particular situation, and deliberating thereon, we return this NO TRUE BILL.

SO SAY WE ALL,

Dated: October 15, 2013

  
FOREPERSON

  
CLERK  
by Susan S Gergel, D.C.

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY, FLORIDA

TO THE HONORABLE JUDGES OF THE ABOVE-ENTITLED COURT

We, the Grand Jurors of the State of Florida, lawfully selected, empaneled and sworn, in and for the body of Escambia, Spring 2013, do respectfully present this report.

**NO TRUE BILL**

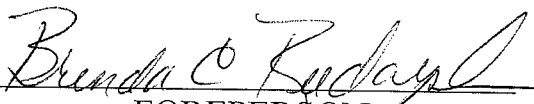
During our term as Grand Jurors, we were requested to inquire into allegations that deputies of the Escambia County Sheriff's Office violated certain criminal laws of the State of Florida involving the death of James W. McGlothlin on July 5, 2013.

We received sworn testimony from all parties allegedly involved in the incident and from witnesses to the alleged incident.

After hearing all the testimony, being advised on the law as it pertains to this particular situation, and deliberating thereon, we return this NO TRUE BILL.

SO SAY WE ALL,

Dated: October 14, 2013

  
FOREPERSON

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CLERK

**IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA  
IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT OF THE  
STATE OF FLORIDA IN AND FOR  
ESCAMBIA COUNTY, FLORIDA**

**AT THE SPRING TERM HEREOF,  
IN THE YEAR OF OUR LORD,  
TWO THOUSAND AND THIRTEEN**

**REPORT**

WE THE GRAND JURORS OF THE STATE OF FLORIDA, LAWFULLY SELECTED, IMPANELED AND SWORN, INQUIRING IN AND FOR THE BODY OF THE COUNTY OF ESCAMBIA UPON THEIR OATHS AS GRAND JURORS, DO PRESENT THE FOLLOWING REPORT.

At the request of the Office of the State Attorney, we have reviewed two instances of the use of deadly force by deputies of the Escambia County Sheriff's Office. The first incident involved the shooting death of JAMES W. MCGLOTHLIN on July 5, 2013, and the second involved the wounding of ROY MIDDLETON which occurred on July 27, 2013. Based upon our review of these two cases, we have determined that criminal charges are not appropriate and have issued NO TRUE BILLS. We do, however, write this Report to make recommendations to law enforcement to hopefully avoid similar situations in the future.

For these reasons we make the following recommendations:

1. That the Escambia County Sheriff's Office establish more focused and intensive training for the first four years of a law enforcement officer's career.
2. That greater mentoring be encouraged between junior and senior officers.
3. That the situations presented in both these cases be recreated for training purposes for use in the force on force room. These scenarios should be prepared with various outcomes.
4. In the case involving the death of JAMES W. MCGLOTHLIN, we realize that the officers acted in a manner necessary under the circumstances. We do find, however, that these circumstances led to poor decisions. While we understand that the SWAT team was not available under these particular circumstances, we believe that other technological abilities should be available to deal with similar circumstances.

5. In cases where medical care becomes necessary, we believe that both blood or urine samples should be available for additional testing by law enforcement. Procedures should be established that provide that appropriate subpoenas or court orders are available to either obtain or retain such samples for additional testing.

DONE THIS 15<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
Foreperson

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**LOCATION**  
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**ESCAMBIA COUNTY SHERIFF'S OFFICE**  
David Morgan, Sheriff

October 16, 2013

Honorable William "Bill" Eddins  
State Attorney, First Judicial Circuit  
190 Governmental Center  
Pensacola, FL 32505

PAM CHILDEERS  
CLERK OF CIRCUIT COURT  
ESCAMBIA COUNTY, FL  
2013 OCT 16 A 9:38  
COURT DIVISION  
FILED & RECORDED

Dear Mr. Eddins,

On behalf of the men and women of the Escambia County Sheriff's Office, we thank the Grand Jury, comprised of individuals representing a cross section of the citizens of Escambia County, for their careful consideration of these cases. We appreciate their thoughtful report, and this opportunity to provide our comments on the report.

We are constantly striving to improve the quality of service we provide, and to enhance the safety and security of those who live and work in Escambia County. To that end, we will carefully consider the recommendations of the Grand Jury. We will incorporate the Grand Jury recommendations into our policies, procedures, and training plans as appropriate within the constraints of the law and funding. We will review our training and conduct appropriate additional training to the extent possible within current budget constraints. It must be noted that no amount of training can substitute for actual experience, and that our low salary structure, the result of multiple years without any pay raise, has led to a high degree of turnover. As a result, our current Deputies have a relatively low experience level compared to historical norms.

We look forward to reviewing the report of the Florida Department of Law Enforcement in this case. The actions of the Deputies involved in the Middleton case will be further evaluated pursuant to our internal investigation policy. We will investigate the incident to determine whether there were any policy violations and to identify any additional areas for improvement. Mr. Middleton will have the opportunity to testify during the investigation. We look forward to making a full public disclosure of the results once the investigation process is complete.



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**ESCAMBIA COUNTY SHERIFF'S OFFICE**  
David Morgan, Sheriff

I wish to add my personal gratitude to the Grand Jurors for their personal sacrifice and public service throughout this grand jury term.

  
David Morgan  
Sheriff

