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Chief Assistant State Attorney

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**State Attorney**  
Ninth Judicial Circuit of Florida

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Randy J. Means  
Director of Investigations  
and Administration

April 29, 2011

Orlando Police Department  
Attn: Chief Valdez Demings  
100 South Hughey Avenue  
Orlando, FL 32801

RECEIVED  
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CHIEF'S OFFICE

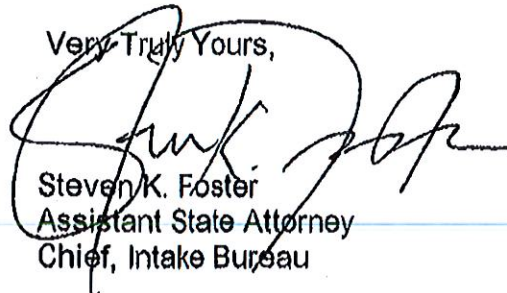
Dear Chief Demings:

I have reviewed the investigation of the incident involving Officers Randall Pennington and Shawn Shaouni wherein Marvin Habakkuk Ellison, Jr. was shot by Officer Randall Pennington on December 18, 2010.

The incident was thoroughly investigated by Special Agent Jeffrey Duncan of the Florida Department of Law Enforcement and forwarded to my office. The investigation reveals Officers Pennington and Shaouni attempted to make a traffic stop on a SUV that was occupied by Marvin Ellison. As the traffic stop was initiated, Ellison got out of the rear passenger side of the SUV with a gun in his right hand and a cell phone in his left hand. As Ellison began to run west on Central Blvd., Officer Pennington got out of the unmarked police car and started to chase Ellison. Officer Shaouni drove parallel to Ellison and Pennington. After Pennington yelled "police" Ellison ran across the roadway in front of the police car. Officer Shaouni saw Ellison raise his right hand and point a handgun at him. In an effort to avoid being shot, Officer Shaouni accelerated in an attempt to hit Ellison. When Shaouni struck Ellison, Ellison fell onto the hood of the car, raised up and again pointed his gun at Officer Shaouni. Shaouni ducked down in the seat and hit the brakes to force Ellison off the car. Officer Pennington observed the car hit Ellison, and Ellison point his handgun at the windshield of the car. At that point Pennington fired his first shot and Ellison then started to run in the direction of a grassy area next to Lake Lorna Doone. Pennington then fired one shot, hitting Ellison in the left back area. Ellison lunged and threw an object in the lake. The next morning, an Orange County Sheriff's Office dive team recovered a Glock Model 17 handgun from the lake in the area that Pennington saw Ellison throw an object.

Taking note of the law enforcement decision not to forward a charging affidavit to the Office of the State Attorney based on their investigation, and after a complete review of the investigative reports, I find that the use of deadly force by Officers Pennington and Shaouni were justified and no criminal charges are warranted. This office considers our review of this investigation completed.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "S. K. Foster", is written over the typed name and title.

Steven K. Foster  
Assistant State Attorney  
Chief, Intake Bureau

CC: Joyce Dawley, Special Agent in Charge,  
Florida Department of Law Enforcement