



HIGHLANDS COUNTY SHERIFF'S OFFICE

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PRESS RELEASE: March 18, 2017

Deputies cleared in October shooting

SEBRING -- A lengthy and thorough investigation by the Florida Department of Law Enforcement and the Tenth Judicial Circuit Office of the State's Attorney has determined the two deputies involved in a fatal shooting Oct. 7 in Sebring acted within the law and were fully justified in the actions they took that night.

K-9 Deputy Cory Tomblin and Det. Brian Van Fleet, who have been on limited duty since that night, have been returned to their regular assignments.

"After considering the facts and applicable law, we have concluded that the actions of Deputies Tomblin and Van Fleet were justified under Chapter 776, Florida Statutes. As such, this office will take no further action regarding these officer," Assistant State's Attorney Steve Houchin wrote in a letter to Sheriff Paul Blackman.

Sheriff Paul Blackman presented a summary of the FDLE findings -- a report that is in excess of 600 pages along with multiple audio and video recordings -- to a group of community leaders and media Friday afternoon "to show total transparency and to give you the opportunity to ask questions," he told the group. The presentation included multiple segments of the dash cam video from Tomblin's vehicle, which was the lead for most of the high-speed pursuit that preceded the shooting.

The report prepared by Special Agent Steven Harris, the FDLE lead investigator, determined the events of that night began when two men were shot at a nightclub known as "The Spot" on Martin Luther King Boulevard in Sebring. The shooting, which was reported at 8:20 p.m., claimed the life of Dequante Yarde and critically injured Michael McCune.

At 9:45 p.m., another shooting was reported a half-mile away at 121 Douglas Ave. The FDLE investigation revealed that Desmond Edwards, who had been standing outside The Spot at the time of the first shooting, had left the scene and parked his red Honda Civic at his cousin's house. He was met there by Ja'Quar "Tweet" Mathis and Ricky Nelson. The three left in Nelson's gold Toyota Camry with the intention of getting retribution for the shooting at The Spot.

Nelson told investigators Mathis was “very agitated” about the shooting of Yarde. Edwards was armed with a .45-caliber handgun, Nelson had a 20-gauge shotgun and Mathis was armed with what was later determined to be a .40-caliber handgun.

Nelson told investigators the three drove by 121 Douglas Ave. and committed a drive-by shooting, where all three fired their weapons. The trio then drove back to where Edwards’ red Civic was parked. Nelson and Mathis took the Civic, leaving Edwards behind and telling him they wanted to “scope” out the scene of the drive-by and wanted to use a car that would not be recognized. Mathis was driving, and they were still armed with the weapons used in the drive-by.

The pair were recognized, however, by witnesses when they drove by the Douglas Avenue home. They were pointed out to Sgt. Mike Abell, who radioed the information to Consolidated Dispatch. At that point, approximately 10:36 p.m., a high-speed pursuit began.

Tomblin, in his fully marked Ford Explorer, tried to initiate a traffic stop on the Civic, but Mathis instead sped down School Street, where Sgt. Kim Gunn and Det. David Pearlman stopped Pearlman’s GMC Envoy, which was unmarked but equipped with activated emergency lights and a siren, in the road to let the pursuit go past. Mathis deliberately swerved and hit the driver’s side of the Envoy and nearly hitting Pearlman.

Gunn and Pearlman then joined the pursuit, which led to 923 Grand Ave., where the Civic circled the home in total disregard for the safety of anyone who may have been near the house. Gunn and Pearlman stopped on Grand Avenue, where they were joined by Det. Max Van D’Huynslager in an unmarked Chevy Impala. After circling the home, the Civic came back onto Grand Avenue, first deliberately hitting Van D’Huynslager’s car and then striking Pearlman’s Envoy a second time.

The pursuit then took circular route that ranged as far north as Manatee Drive -- where “stop sticks” were deployed that disabled the right front tire of the Civic -- before coming back through downtown Sebring. Deputies were made aware during the pursuit that the Civic held two suspects from the drive-by shooting and they were most likely still armed.

By the time the Civic reached the Circle in downtown Sebring, it was running on the rim. The 15-minute pursuit, which covered 11.5 miles on and forced multiple civilian vehicles to be put at risk, ended at Bayside Apartments on Poinsettia Avenue. After driving into the north entrance of the complex, the Civic slid to a stop near Apartment 53 on the south edge of the complex. Tomblin was immediately behind the Civic, with Van Fleet a short distance behind Tomblin.

As Tomblin and his K-9 partner Remco exited the vehicle, Tomblin saw Nelson jump out of the Civic carrying a shotgun, followed by Mathis. Tomblin said he could see Mathis had an object in his hand. A woman, who had been standing outside Apartment 53, fled inside when she saw Nelson approaching with the shotgun, saying she feared for her children who were inside. Nelson ran into the apartment, putting the shotgun in a bathtub and then hiding in a closet in a bedroom where five children were present.

The Civic was registered to an address on Dolphin Drive, so the responding deputies had no way of knowing if Mathis and Nelson were heading to an apartment they were familiar with or if they were simply entering the closest shelter available. They also had no way of knowing who was inside Apartment 53, which turned out to belong to a family member of Mathis.

Tomblin released Remco to apprehend Mathis, who was also fleeing toward the apartment. Remco caught Mathis, knocking him to the ground. Tomblin gave multiple commands for Mathis to show his hands, but Mathis, illuminated by the light on Tomblin's service pistol, got up and began dragging Remco, who was biting his leg, toward the apartment door.

As Tomblin followed and rounded a corner, he saw that Mathis had a black, semi-automatic pistol in his right hand as he tried to gain entry into Apartment 53. Mathis then pointed the gun at Remco and, despite being ordered to drop the gun, then pointed it at Tomblin. In fear for his life and for the people in the apartment, Tomblin fired two shots from his Glock .40-caliber pistol.

Meanwhile, Van Fleet had exited his vehicle and followed Tomblin and Remco. Van Fleet said he heard two faint pops (Tomblin's shots sounded quiet to Van Fleet due to a phenomenon known as auditory exclusion, a loss of hearing in times of danger) and as Mathis was falling to the ground, saw Mathis still had the gun and was continuing to try to drag Remco into the apartment. Van Fleet also fired two rounds, later telling investigators that not only was he in fear for his own life, but also for Deputy Tomblin and the people who were inside Apartment 53.

The woman told investigators that she saw Mathis, whom she had only met a few times, fall into the apartment and also saw him throw something into the apartment, saying "They shot me. I'm hit."

When Tomblin entered the apartment to pull back Remco, he saw a handgun -- a Beretta .40-caliber -- sitting on the corner of a couch. Sometime in the moments after the shooting, someone covered the pistol with a blanket. The pistol did not have a round in the chamber, but the magazine, which was later found to have Mathis' palm print, was fully loaded with 12 rounds.

The female witness told FDLE investigators she was sure there was no gun on the couch prior to the incident.

A search of the apartment revealed Nelson hiding in the closet, and he was taken into custody.

"If we have another situation like this, regardless of if the investigation shows our deputies were in the right or in the wrong, we will still be transparent with the results of the investigation," Blackman said, "but I hope we never have another shooting for the rest of my career as sheriff. These deputies have been cleared and I am going to return them to their duties."