

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Civil Action No. 5:15-cv-208

TRACIE KNIGHT, ADMINISTRATRIX  
FOR THE ESTATE OF LAWRENCE  
GRAHAM,

Plaintiff,

v.

CITY OF FAYETTEVILLE, DENTON  
LITTLE, both individually and in his official  
capacity as law enforcement officer with the  
Fayetteville Police Department, and  
HAROLD MEDLOCK, individually and in  
his official capacity as a law enforcement  
officer with the Fayetteville Police  
Department,

Defendants.

**AFFIDAVIT OF**  
**DENTON LITTLE**

The undersigned, being first duly sworn, deposes and says as follows:

1. I am a citizen and resident of the State of North Carolina. I am over eighteen (18) years of age, I am competent, and I am not otherwise under any disability. I have personal knowledge of the matters set forth herein.

2. I grew up in Fayetteville, North Carolina and graduated from South View High School.

3. I am currently a reserve police officer with the City of Fayetteville Police Department. I was a full-time police officer with the Fayetteville Police Department from July, 2010 until December, 2014. While with the Fayetteville Police Department, I completed basic law enforcement training, narcotics interdiction school and K-9 training. During the events set

**EXHIBIT A**

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forth below on May 1, 2013, I was a K-9 police officer with the City of Fayetteville assigned to patrol duties in the Campbellton District.

4. I reported to duty at 6:30 a.m. on May 1, 2013 in the assembly room at the Fayetteville Police Department. After assembly, I went to have breakfast. I remained in the Bragg Boulevard area and was available for calls. I was wearing my official police duty K-9 uniform that was clearly marked "Police" on the front.

5. At approximately 8:00 a.m. on May 1, 2013, I was driving my marked K-9 patrol vehicle in the area of downtown Fayetteville. I heard Officer Phillip Burlingame request another unit to a traffic stop on Sourwood Drive. I noted that Officer Burlingame sounded a little distressed, and I informed dispatch that I was in route to his location. I did not activate my blue lights or siren because it was a residential neighborhood and based on my experience multiple blue lights often escalate a traffic stop. Because my blue lights were not on, my dash-camera was not activated during this event. It took me approximately 3 to 5 minutes to arrive at the location of the traffic stop on Sourwood Drive. There was a school bus stop in the immediate area close to the location of the traffic stop.

6. Upon my arrival, I pulled my patrol vehicle directly behind Officer Burlingame's vehicle. His blue lights were activated. I exited my patrol vehicle and made contact with Officer Burlingame, who was sitting in his patrol vehicle. I noticed a tan/gold colored Toyota Corolla with tinted windows stopped directly in front of Officer Burlingame's patrol vehicle.

7. Officer Burlingame informed me that there were two persons in the vehicle; that the driver had no driver's license or other identification; and that the driver had likely given a fictitious name. He also informed me that he smelled a strong odor of marijuana in the suspect vehicle.

8. As I was getting this information from Officer Burlingame, I saw that the driver looked back at us in the driver's side mirror. As Officer Burlingame continued to try and positively identify the driver, I noticed additional movement inside the suspect vehicle. I told Officer Burlingame that we should go ahead and make contact with the two occupants. Our plan was to remove the driver from the vehicle first and conduct a search, and then remove and search the passenger.

9. Officer Burlingame approached the driver's side and I approached the passenger's side of the vehicle. I noticed that the passenger and the seat were in a reclined position and the passenger seemed to be in a relaxed state. The passenger door window was down slightly. Once the passenger realized that I was just outside the door, he tensed up and acted as if he was going to get out of the car. I told him to "sit tight" and remain in the car. I did not see a weapon inside the vehicle or in the possession of the passenger at that time.

10. I did not recognize the passenger and had never seen him before. Officer Burlingame did not tell me his name. I later learned after the incident that the passenger was Lawrence Graham, III.

11. While I was watching Graham, Officer Burlingame was in the process of getting the driver out of the vehicle. Officer Burlingame told the driver that he smelled the marijuana. Once the driver was out of the vehicle, Officer Burlingame escorted him back to his patrol car for searching purposes. Meanwhile, I noticed that Graham was acting uptight about the whereabouts of the driver. Graham peered over his shoulder to see what was going on with the driver and asked me "What is going on with my bro"? I again told Graham to "sit tight."

12. As Officer Burlingame was in the process of searching the driver at the front of his patrol vehicle, my attention was divided between Graham and Officer Burlingame. At some

point, during the search process, I saw Officer Burlingame pull a plastic baggie out of the driver's waistband. Based on my training and experience, I believed the baggie to contain controlled substances. After the apparent narcotics were found, the driver tried to get away from Officer Burlingame. Officer Burlingame was able to hold on to the driver and take him to the ground. As this was going on, I stayed at the passenger's side door of the vehicle.

13. I heard the driver scream when he went to the ground. At that point, I saw Graham quickly flee across the console of the interior of the car and exit the vehicle via the already open driver's side door. At this time, I did not see Graham with a weapon.

14. I immediately ran to the back of the suspect vehicle because I thought Graham may be going to help the driver, and I wanted to be in a position to intercept Graham before he got to Officer Burlingame. As I got to the back of the suspect vehicle, I saw Graham exit the vehicle, and look in the direction of Officer Burlingame.

15. Graham did not run towards Officer Burlingame. Instead, Graham turned to the right and ran widely around the open front door of the suspect vehicle. I shouted commands for Graham to get on the ground, but he ignored my commands.

16. I quickly rounded the back of the suspect vehicle and ran towards Graham as he was running around the open front door. At that point, I saw that Graham had a black Glock 22 handgun in his right hand and he was grasping the handle. Graham's right hand and weapon was above his right shoulder-line, and the barrel of the handgun was facing straight up in the air. Graham turned his head to the right and made eye contact with me over his right shoulder.

17. I am familiar with the Glock 22 handgun, as it was the type used by the Fayetteville Police Department at the time. I know from my training, education and experience that a Glock 22 handgun can be fired from the firing grasp position in less than 1 second. Once

the trigger is manipulated, the safety is disengaged, and the weapon can be fired. As a result, I immediately took my service weapon out of the holster and pointed it in Graham's direction, but I did not fire.

18. After Graham rounded the open driver's door, and turned to the right, he ran in a diagonal direction towards the front of the suspect vehicle. I could still see the Glock 22 handgun in his right hand. Graham turned his head over his right shoulder and again made direct eye contact with me as he was running with the handgun. I knew that Graham could quickly fire his weapon at me at any point.

19. Despite my verbal commands, Graham never stopped or slowed his running. Instead, Graham continued to run a distance of 10-12 feet in front of the suspect vehicle, in a diagonal direction and toward a grassy area and fence located beside the street.

20. Because Graham was running in a diagonal direction, his body was already slightly turned so that the right side of his body was positioned in front of me. Graham was still grasping the handgun in his right hand, but it was no longer above his right shoulder line. Instead, I saw Graham extend his right arm and right hand, still grasping the handgun, straight out from the right side of his body about chest high. Graham turned his head to the right and looked directly towards me. Graham quickly and intentionally moved his right arm and right hand back in my direction, breaking a 90 degree plane that goes straight out from the right side of his body and behind his chest. As a result of this action by Graham, the barrel of the handgun was moving quickly in my direction. At that point, I felt threatened by Graham's actions and feared for my life and safety.

21. Because Graham was armed and was bringing his gun to bear on me, he posed an immediate threat to my personal safety and the safety of others in the area. I then fired to

prevent him from shooting me. I am trained to fire my service weapon until the subject is no longer a threat. I continued to fire until the threat was eliminated and Graham fell to the ground. I fired a total of three shots. I later learned that only two of the three shots struck Graham. Approximately one second elapsed from the time Graham pointed the handgun in my direction to the moment I fired the first shot. Less than 1.5 seconds elapsed from the time I fired the first shot and the moment Graham fell to the ground.

22. I saw the black 22 Glock handgun in Graham's right hand when I discharged the first shot. I did not see what happened with Graham's right arm or his weapon as I discharged my weapon.

23. After the third shot, Graham went to the ground. Once Graham hit the ground, I yelled at Graham to show his hands because I did not know where his handgun was located. Graham was lying on the ground, but at this point I was not sure if he had been shot. I was concerned the handgun may be under his body. Because of the continuing threat, I maintained cover on Graham. By "cover" I mean that my weapon was drawn and was pointed at Graham on the ground.

24. I yelled for Officer Burlingame to come and assist, so he could get Graham handcuffed. I also notified dispatch that shots had been fired and needed EMS. Officer Burlingame came to the area, handcuffed Graham and stayed with him until backup arrived. I continued to hold cover until back up arrived. I still did not know where the gun was located. After backup arrived, I looked for the black 22 Glock handgun and subsequently located the weapon in the grass across a fence in an adjacent yard. I did not touch or move Graham's weapon after it was located in the yard.

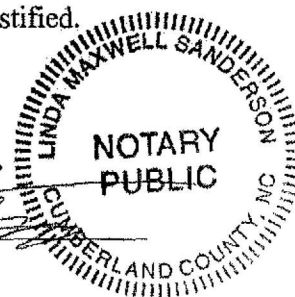
25. I fired my service weapon at Lawrence Graham because I was in fear of death or serious bodily harm from him and I continued to fire until the threat was eliminated. My reasonable fear was based on the totality of the circumstances, including: there was a controlled substance traffic stop in progress, which based on my education, training and experience often involves weapons; there was unexplained movement in the suspect vehicle after I arrived on the scene; Graham appeared tense and nervous while I was at the passenger door; Graham suddenly fled across the console of the suspect vehicle and out the open driver's door when the driver was in a confrontation with Officer Burlingame; Graham was holding a 22 Glock handgun in his right hand with a firing grasp; Graham failed to obey my commands; Graham continued to run and refused to stop; Graham made direct eye contact with me on more than one occasion; Graham turned his weapon on me when he brought his right arm back at chest level toward me and broke the 90 degree plane in my direction with the handgun while looking at me as if he was preparing to fire his weapon at me.

26. A thorough and complete investigation of the incident was conducted by the City of Fayetteville Police Department, Office of Professional Standards and Inspections. I was exonerated of any allegations of improper conduct or violation of police department policies because I acted under the immediate threat of death or serious bodily harm. A thorough criminal investigation was conducted by the Cumberland County District Attorney, based in part on the findings of the North Carolina State Bureau of Investigation. No charges were filed against me as a result of this incident because the District Attorney found the shooting justified.

Further the affiant sayeth not.

This the 16<sup>th</sup> day of JULY, 2016.

  
Denton Little



STATE OF NORTH CAROLINA

CUMBERLAND COUNTY

Personally appeared before me this day, Denton Little, who being first duly sworn, deposes and says that he has read the foregoing Affidavit and knows the contents thereof; that the contents of same are true of his own knowledge, except as to those matters and things stated therein upon information and belief, and as to those, he believes them to be true.

Subscribed and sworn to before me, this 16<sup>th</sup> day of July, 2016.

Official Signature of Notary

Linda Maxwell Sanderson

Linda Maxwell Sanderson

Printed/Typed Name

, Notary Public

My commission expires: 3-17-19

