




Jimmy Atchison

Case Status Report

Public Integrity Unit





Jimmy Atchison

Trial Team

- Seleta Griffin, Executive ADA
- Clinton Rucker, Executive ADA
- Robert Schollmeyer, Chief Senior ADA
- Kara Roberts, ADA
- Cynthia Nwokocha, Chief Investigator
- Greg Thomas, Senior Investigator

Conclusion

State of Georgia v. Sung Kim is ready to be presented to the Fulton County Grand Jury whenever Grand Jury proceedings resume. This case was initially scheduled to be presented during the March/April Term; however, the Emergency Judicial Order has stayed all grand jury proceedings. The investigation conducted by the Public Integrity Unit ("PIU") has shown that Task Force Officer Sung Kim's ("TFO Kim") use of force on January 22, 2019 was not justified, and that this case should be indicted.

Factual Summary

On January 7, 2019, Officer Jeffrey Henderson requested and was granted arrest warrants for Jimmy Atchison ("Mr. Atchison") for the offenses of Armed Robbery,

Aggravated Assault and Possession of a Firearm During the Commission of a Felony based upon the allegations of Kelly Brogan ("Miss Brogan"). Miss Brogan alleged that on December 29, 2018, Mr. Atchison pointed a gun at her and stole her purse; she claimed that inside the purse was a cell phone, credit cards and money. Even though, Miss Brogan reported the incident on December 29, 2018; the report was not finalized until January 7, 2019.

At some time prior to January 22, 2019, the Atlanta Metropolitan Major Offenders Violent Crimes Task Force ("AMMO Task Force") became aware of the state arrest warrants for Mr. Atchison. The AMMO Task Force is a unit comprised of local police officers from the Atlanta Police Department ("APD") and special agents from the Federal Bureau of Investigation ("FBI"). The purpose of the AMMO Task Force is:

[T]o identify and target for prosecution individuals and criminal enterprise groups responsible for violations of state and/or federal law, such as violent crimes occurring in a public place, mass killings, carjacking, robbery, kidnapping and firearms violations, as well as pursue dangerous fugitives where there is or may be a federal investigative interest.

On January 22, 2019, thirteen members of the AMMO Task Force, eleven of which were APD officers, planned to execute the arrest warrants for 21-year old Mr. Atchison. TFO Kim, an APD officer, was the case agent for Mr. Atchison's arrest and was responsible for leading the briefing and preparing the operational plan.

On the morning of January 22, 2019, AMMO Task Force Officer's ("TFOs") met near the target location and TFO Kim briefed the team on Mr. Atchison's background, assigned duties, and outlined the operational plan for how the arrest would be executed. According to TFO's Gardner, Cooper, Lambert, Feliberty, Malstrom, Priestly, Mercure, SA Costa and SA Winn, TFO Kim advised the team that Mr. Atchison had a violent criminal history of resisting arrest and fighting with police during previous arrests. Specifically, TFO Feliberty stated that TFO Kim advised that Mr. Atchison may be armed. Based upon the information provided by TFO Kim, Mr. Atchison was considered to be armed and dangerous and each officer was to follow the use of deadly force policy of their respective agency.

Once the briefing ended the team caravanned to the target location at 3047 Middleton Road, # 386, Atlanta, Georgia. This was the address of LaKeisha James ("Miss James"), the mother of Mr. Atchison's child. This address was not the residence of Mr. Atchison. When the team arrived at the target location, the entry team knocked, announced their presence, and then forced entry into the apartment after receiving no response. After entering the apartment, the TFOs saw Mr. Atchison jump out of the third story window and run away from the apartment. Several TFOs attempted to pursue Mr. Atchison but lost sight of him; eventually, TFO Darlene Scott ("TFO Scott") learned that Mr. Atchison was hiding in building 3018, in the apartment of Ronald Beasley ("Mr. Beasley"), which was another building inside the apartment complex. As a result of this information, multiple TFO's surrounded building 3018, but Mr. Atchison fled from that building before they could detain him. The TFOs chased Mr. Atchison to building 3049 and set a perimeter around the building and began conducting consent searches for each apartment in the 3049 building.

The resident living in building 3049, apartment #343, Tameka Pless ("Ms. Pless"), notified the TFOs that Mr. Atchison was inside her apartment. Ms. Pless provided both verbal consent to officers allowing them to search her apartment. The AMMO Task Force entered her apartment and found Mr. Atchison hiding in a closet in the back bedroom. Upon entry, TFO Kim was the first to notice Mr. Atchison sitting in the closet partially covered by clothing. TFO Kim notified other officers that Mr. Atchison was in the closet, then TFO Kim along with TFO Mark Cooper ("TFO Cooper"), TFO Mason Mercure ("TFO Mercure"), Special Agent Matt Winn ("SA Winn"), and Special Agent Paul Costa ("SA Costa") entered the bedroom. TFO Kim gave Mr. Atchison commands to raise his hands and come out of the closet. As Mr. Atchison raised his hands, TFO Kim fired one round at Mr. Atchison, striking him on the left side of the face. Despite attempts at life saving measures, Mr. Atchison died on scene.

The Georgia Bureau of Investigation ("GBI") arrived to process the scene and take photographs of his body still in the closet before releasing his body to the Fulton County Medical Examiner's Office. Mr. Atchison was officially pronounced dead at 1:00 p.m. on January 22, 2019.

Findings

The investigation by PIU discovered that in execution of the arrest warrant for Mr. Atchison the AMMO Task Force violated the law, FBI policies and several APD policies and procedures. Based upon the investigation the findings are as follows:

1. There is a lack of clarity as to how the AMMO Task Force is assigned cases.
2. There is no clear delineation as to how to assign fugitive cases, this creates inconsistency as to whether the AMMO Task Force, the US Marshal's Task Force or the APD Fugitive Squad is assigned to apprehend a subject.
3. The AMMO Task Force did not have a search warrant to enter the apartment of Miss James to apprehend Mr. Atchison, which is required by law to effectuate an arrest of a suspect in a third-party home. PIU's investigation showed that the AMMO Task Force was aware that Mr. Atchison did not reside at the address and did not attempt to obtain a search warrant to enter the apartment of Miss James.
4. As part of PIU's investigation, we reviewed hundreds of pages of investigative files compiled by the FBI. The files included a report from the Shooting Incident Review Team ("SIRT"). SIRT reports are generated by the FBI whenever an agent or officer on an FBI task force discharges their weapon to determine whether the officer was in compliance with FBI policies and requirements. **THE SIRT REPORT CONCLUDED SEVERAL VIOLATIONS REGARDING THE AMMO TASK FORCE'S ATTEMPTED APPREHENSION OF MR. ATCHISON:**
 - a. **Observation 1:** The AMMO Task Force failed to appropriately consider the use of SWAT or consult with the Atlanta SWAT Team Leader, despite the presence of hazardous factors, in contradiction of the SWAT Policy Guide. The SWAT Policy Guide in question is Section 4.5.2.

- i. In this instance, the Operational Plan submitted by TFO Kim required him to receive the permission of a supervisor to deviate from the prior approved operational plan to call SWAT if the subject was barricaded. It is mandatory to use SWAT in apprehension of a fugitive if the subject is barricaded, as Mr. Atchison was in this case (SIRT Report page 4).
- b. **Observation 2:** The AMMO Task Force failed to comply with the contingency for a barricaded subject as prescribed in the approved Operations Plan, in violation of FBI Domestic Investigations and Operations Guide ("DIOG") Section 19.2.3.
- i. TFO Kim did not contact the Atlanta SWAT Team even though the subject was barricaded; nor was there an operational plan that gave direction for the AMMO Task Force to detain a barricaded subject.
- c. **Observation 3:** The AMMO Task Force failed to comply with the FBI's requirement to use the FD-888 form for all written, approved Operations Orders, in violation of FBI DIOG Section 19.2.3.
- i. In this instance, TFO Kim used a different form that failed to meet all of the requirements of the FBI.
- d. **Observation 4:** The Task Force failed to demonstrate or articulate sufficient predication for the opening of an 88A, in violation of the Fugitive Policy Guide Section 4.4.1.
- i. An 88A is a report that is required to authorize a warrant for a fugitive that factually is determined to be an interstate flight risk. In this case, it was determined that TFO Kim did not demonstrate

a factual basis that Mr. Atchison was an interstate flight risk. In fact, the SIRT investigation revealed that TFO Kim obtained credible information from family members confirming Mr. Atchison was living with his girlfriend at an Atlanta apartment.

5. TFO Kim lied to the AMMO Task Force members at the briefing by stating that Mr. Atchison has a history of "resisting arrest and fighting with police officers," despite evidence to the contrary.

a. The previous arrest warrant for the charge of obstruction was issued on August 17, 2018 and states that "[a]ccused did not offer and did not do violence to the person of said officer....." (see Exhibit "A")

b. Mr. Atchison has no other arrests for violence against police officers

6. The AMMO Task Force Officers were not wearing body worn cameras at the time of the shooting and there were not any civilian witnesses to the shooting.

a. Several members of the AMMO Task Force were APD officers and did not wear body worn cameras; this violated the policy of APD to wear body worn cameras during citizen encounters.

7. In order to understand exactly what happened in the bedroom where Mr. Atchison was killed, our office needed to consult and hire multiple experts to reconstruct the crime scene.

a. The Medical Examiner's report concluded that the cause of death was a gunshot wound to the head and the manner of death was homicide. The entrance wound was to his left cheek underneath his left eye; the trajectory was front to back and in a straight line. A bullet was recovered

from Mr. Atchison's brain. The Medical Examiner detailed that the injury was sustained from indeterminate range; there was not any soot or stippling surrounding the wound (see Exhibit "B").

b. PIU also contracted with a lighting expert, Tom Burtness ("Mr. Burtness"), to determine the level of visibility in the bedroom on the morning of the shooting. Mr. Burtness concluded that there was sufficient visibility in the bedroom where Mr. Atchison was shot for the officers to see before they shot into the closet (see Exhibit "C")

c. PIU contracted with a Crime Scene Reconstruction Expert, Rod Englert ("Mr. Englert"), who specializes in blood spatter reconstruction analysis to aid in interpreting the crime scene. Mr. Englert and his team reviewed photos of the crime scene, Jimmy's clothing, Kim's firearm, and visited the crime scene. Englert's team concluded that based on the blood spatter patterns on the walls, clothing and body of Mr. Atchison that he could not have been holding a gun at the time he was shot. Additionally, based on the sworn statements from the officers in the room when Jimmy was killed, Mr. Atchison was unarmed and defenseless (see Exhibit "D").

d. To assist with the presentation of the case, PIU contracted with Southern Model Incorporated to have a "to scale" model built of the closet and the bedroom where Jimmy was shot.

8. The TFO's sworn statements regarding the position of Mr. Atchison's hands are inconsistent to each other and the physical evidence.

a. TFO Cooper stated that Jimmy made a "quick, sudden upward motion with his right hand."

b. SA Winn indicated that Jimmy "raised his right hand."

- c. SA Costa specifically noted that it appeared to be "two hand which appeared empty but were held together in the shape of a pistol."

9. Miss Pless told TFOs that Mr. Atchison was in her apartment.

- a. Miss Pless gave verbal consent for the TFOs to enter her apartment to apprehend Mr. Atchison.
- b. Miss Pless indicated that Mr. Atchison was located in the back bedroom.
- c. Miss Pless never stated that Mr. Atchison was armed with a gun at that time.

10. The AMMO Task Force led by TFO Kim should have contacted SWAT to handle a barricaded subject. The failure of TFO Kim to notify SWAT to effectuate the arrest of Mr. Atchison lead to his death.

- a. TFO Kim created the operational plan for arresting Mr. Atchison; he was aware of the requirement to notify SWAT if the subject became barricaded. TFO Kim knew that the AMMO Task Force was not equipped nor were they briefed on how to apprehend a barricaded subject. TFO Kim, an experienced law enforcement officer, knew that flaunting the policies and procedures of APD and the FBI had no consequences. The lack accountability by his superiors in APD and the FBI gave him a license to kill.

11. TFO Kim was not justified when he shot and killed Mr. Atchison

- a. Mr. Atchison had run from the Task Force Officers for over an hour; no one ever reported seeing Mr. Atchison with a weapon.

- b. Mr. Atchison was hiding in the bedroom closet of Miss Pless.
- c. Miss Pless spoke to the TFOs prior to entry into the apartment; she did not tell any of the TFOs that Mr. Atchison had a gun.
- d. Mr. Atchison did not threaten the TFOs.
- e. Mr. Atchison was surrounded by three TFOs with weapons drawn and no way to leave the closet.
- f. TFO Kim told Mr. Atchison to raise and show his hands.
- g. Mr. Atchison raised his hands to comply with the order of TFO Kim.
- h. TFO Kim was the only TFO that fired his gun.

The findings outlined above are based on an intensive investigation conducted by our unit. Throughout the course of this investigation PIU has completed several site visits with and without experts, taken measurements and photographs of the bedroom where Mr. Atchison was shot, physically walked the route that was taken by Mr. Atchison when he was running, toured the apartment where Mr. Atchison obtained clothing before he was captured and shot, interviewed all witness on multiple occasions, reviewed cell phone records and cell tower logs, talked to friends and family to learn about the life of Mr. Atchison and spent countless hours trying to obtain information from the FBI.

Timeline

EVENTS LEADING TO MR. ATCHISON'S DEATH

- **December 29, 2018:** Kelly Brogan filed a police report against Mr. Atchison accusing him of stealing her purse and phone at gunpoint at 3376 Lake Valley Rd. NW., Atlanta, Georgia
- **January 7, 2019:** A Judge signed an arrest warrant for Mr. Atchison for the alleged armed robbery that occurred on December 29, 2018

- **January 2019:** Mr. Atchison's case was assigned to the AMMO Task Force
- **January 2019:** AMMO Task Force Officers attempted to locate and apprehend Mr. Atchison at his mother, Cynthia Atchison's, home but Mr. Atchison was not there
- **January 2019:** AMMO Task Force Officers learned that Mr. Atchison's girlfriend and child lived at 3047 Middleton Road with Miss James
- **January 21, 2019:** Mr. Atchison was seen at the Allen Hill Apartment complex and allegedly told Miss Pless that he was wanted by the police and "wouldn't be taken alive."

MR. ATCHISON'S DEATH (January 22, 2019)

- **5:30 AM:** Mr. Atchison's girlfriend, Lynn McFashion ("Miss McFashion"), dropped him off at 3047 Middleton Rd., which Miss James' apartment, to watch his children. Miss McFashion drives a white Mazda.
- **6:25 AM:** Miss James went to work and left her children with Mr. Atchison
- **7:00 AM:** The AMMO Task Force was briefed near the target location, informed of operational plan, shown a picture of Mr. Atchison, and assigned entry and perimeter duties
- **7:10 AM:** The AMMO Task Force headed to the Allen Hills Apartment Complex, 3047 Middleton Road NW, #386 to execute the arrest warrant for Mr. Atchison
- **7:12 AM:** The AMMO Task Force made a forced entry into apartment #386 after knock and announce was unsuccessful
- **7:15 AM:** Mr. Atchison jumped out of third floor window and flees to building 3018. The AMMO Task Force lost track of Mr. Atchison during pursuit
- **7:15 AM—8:00 AM:** The AMMO Task Force began searching complex and surrounding area for Mr. Atchison

- **7:25 AM:** Mr. Atchison called Miss McFashion from Mr. Beasley's phone to ask her to come pick him up from the 3018 building because he just jumped out of a window
- **7:28 AM:** Mr. Atchison called Miss James but she didn't answer
- **7:33 AM:** Miss James got a call from her mother telling her that her door was kicked in and that her kids were left alone
- **7:39 AM:** Sunrise
- **7:54 AM:** Mr. Atchison called Miss James from Mr. Beasley's phone and told her that he jumped out of a window and that the kids are home alone
- **8:00 AM:** The AMMO Task Force developed information placing Mr. Atchison at the 3018 building and set up a perimeter around the building
- **8:06 AM:** Mr. Atchison called Miss James for the last time
- **8:07 AM:** TFO Scott called Mr. Beasley's phone two times
- **8:10 AM:** Miss Beasley made Mr. Atchison leave her apartment and he fled to building 3049
- **8:11 AM:** The TFOs began doing consent searches of all units in building 3049
- **8:25 AM:** Miss Pless told TFOs that Mr. Atchison was inside her apartment; she gave verbal consent for them to search her apartment and the team made entry
- **8:30 AM:** TFO Kim shot and killed Mr. Atchison
- **1:00 PM:** Mr. Atchison was pronounced dead

Difficulties Encountered

Early conversations with the GBI agent assigned to investigate the case revealed that PIU was not provided with the complete investigative file from the FBI. DA Paul Howard personally requested from FBI Special Agent J. C. Hacker ("SA Hacker") that the FBI forward the complete file to the office for our independent investigation. Several

request were made and months later we ultimately received several additional volumes of the FBI investigative file. The difficulty has been in obtaining documents and records which will aid in the determination of the essential issue which is whether or not the use of force was justified. Additionally, there has been a lack of cooperation with the officers who comprise the task force, who, although they are not targets or subjects of the investigation, but merely witnesses, they have refused to be interviewed.

REQUEST FOR DOCUMENTS

- **April 9, 2019:** Received one (1) FBI case file and three (3) discs labeled - 3099 Middleton Rd, Atlanta, GA; 898-AT-305285 - 3099 and 3047 Middleton Rd, Atlanta, GA, 299I-HQ-A3053868 - 1/23/2019 (4) media clips
- **May 23, 2019:** Sent Touhy Request to FBI SA Hacker requesting complete file
- **August 30, 2019:** Received Touhy Response from U.S. Attorney B.J. Pak granting access to FBI File Series 88 (fugitive investigation); FBI File Series 89 (field office file - follow up investigation); FBI File Series 297 (FBI headquarters file – internal investigation)
- **September 3, 2019:** Received a green USB titled GBI case file 10-0232-24-19 x2
- **September 6, 2019:** Received three (3) separate stacks of paper from FBI (1 large, 1 medium, and 1 small) each separated by rubber bands to maintain the integrity of the order of each stack of documents – these documents are in response to the May 23, 2019 request
- **February 25, 2020:** Sent Touhy Request via Email to FBI Special Agent Kristine Greene requesting any firearm reports, lab reports, or new reports related to the Mr. Atchison investigation
- **February 28, 2020:** Received Touhy Response from U.S. Attorney B.J. Pak granting access to a new lab report from January 14, 2020, and an Executive Summary of the Shooting Incident Group minus duplicates of documents we received from the August 30, 2019 Response
- **March 3, 2020:** Investigator Greg Thomas picked up the Executive Summary and Lab Reports from the FBI's Atlanta Field Office

- **March 13, 2020:** Sent two (2) Touhy requests to CDC Kristine Greene requesting permission to interview all TFO's involved in the January 22, 2019 shooting and all relevant policy guides and other supporting documentation
- **May 8, 2020:** Received Touhy response via email from U.S. Attorney B.J. Pak via AUSA Lori Beranek granting access to interview TFOs and requesting phone conference to discuss releasing policy guides
- **May 14, 2020:** Phone conference with CDC Kristine Green, AUSA Lori Beranek, Executive ADA Seleta Griffin, Executive ADA Clint Rucker and ADA Kara Roberts asking PIU to narrow the requested information; AUSA Beranek informed us that the two special agents involved are not going to give a statement
- **May 26, 2020:** Sent Touhy request to CDC Kristine Green with a narrower request for policy guides and first and last names

Recommendation

Based on the investigation conducted by the Fulton County District Attorney's Office Public Integrity Unit, it is recommended that Sung Kim be charged with Felony Murder in violation of O.C.G.A. § 16-5-1(c), Aggravated Assault O.C.G.A. § 16-5-21, and Violation of Oath by Public Officer in violation of O.C.G.A. § 16-10-1.

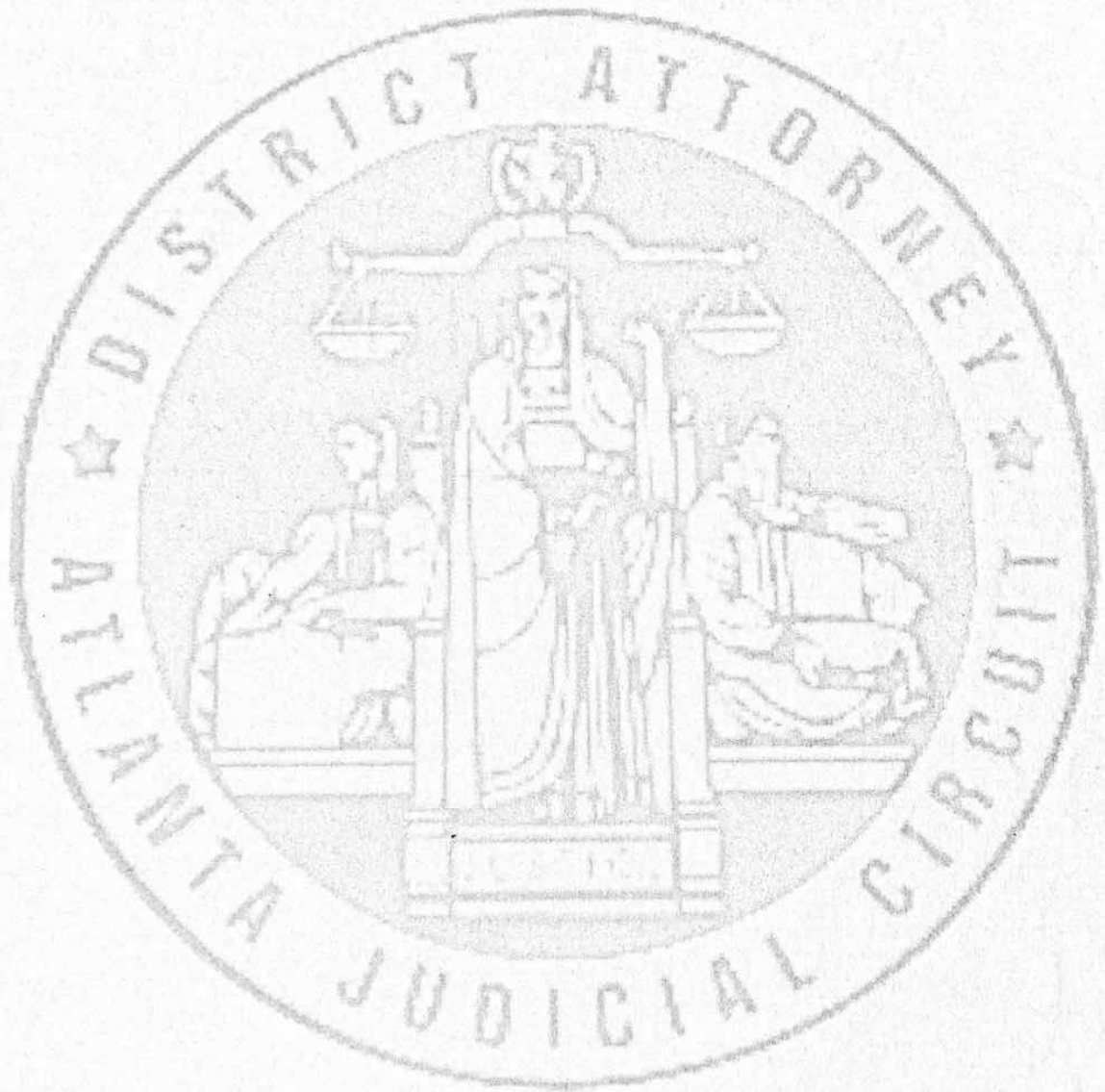
Statute of Limitations

The statute of limitations for misdemeanors in this case runs on January 22, 2021 and the statute of limitations for felonies runs on January 22, 2023. Thus, this case could properly be presented in January 2021 without violating the statute of limitations.

Family Contact

The family was first contacted three days after the shooting on January 25, 2019, by Victim Witness Advocate Millicent Taylor. At that time, the family informed Ms. Taylor that they wished to have all communications occur through their attorney. On February 8, 2019 PIU had an in person family meeting with the Atchison family. The family's attorney, Tanya Miller was present along with some of Mr. Atchison's family members.

Additionally, Executive ADA Seleta Griffin has been in regular communication with Ms. Miller regarding the status of the case and the investigation.



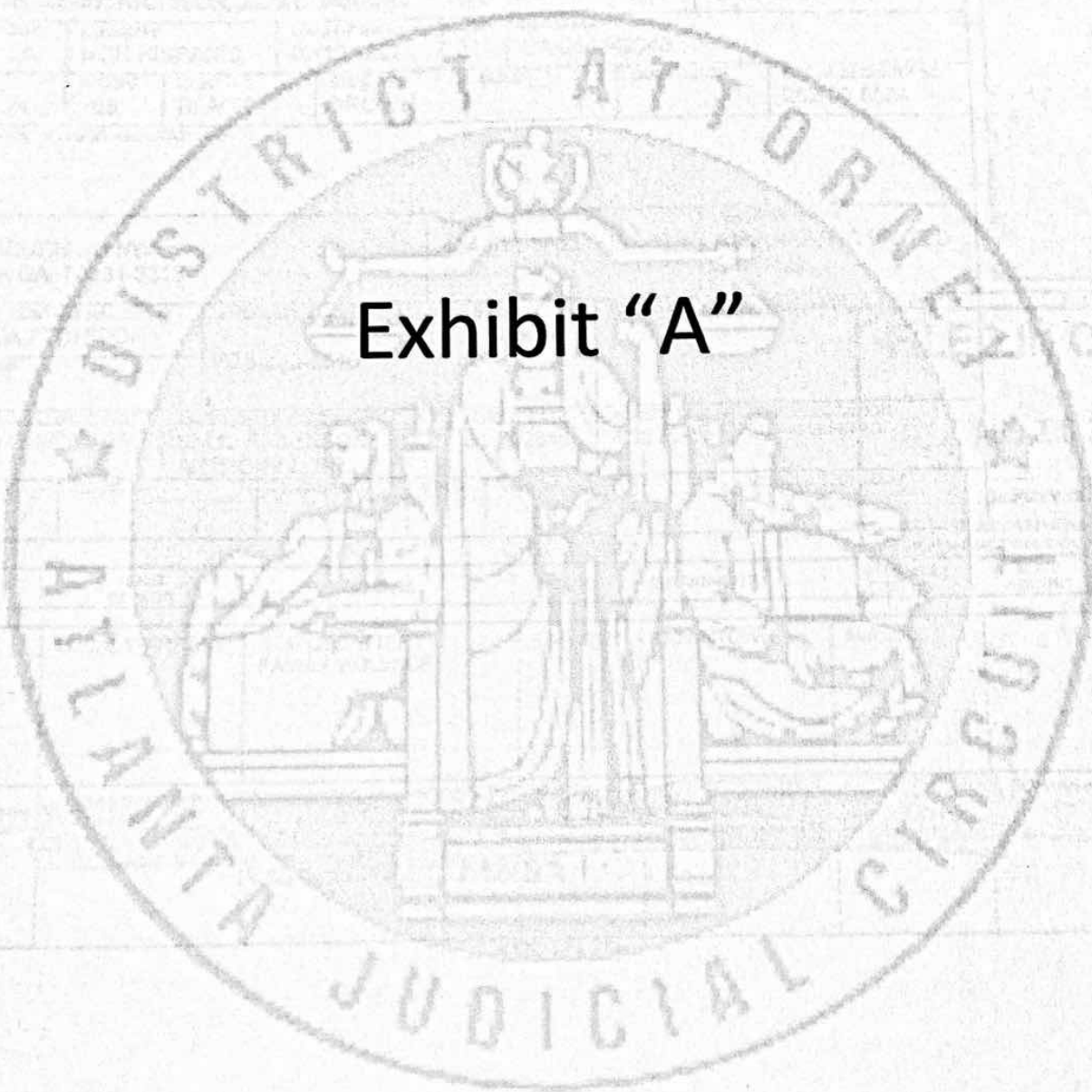


Exhibit "A"



BOOKING REPORT

Fulton County Jail

901 Rice Street Atlanta, GA. 30318

SO NUMBER	DATE BOOKED	JAIL ID /BOOKING NUMBER	PAGE
P01054622	08/18/2018	1816704	1
CURRENT CELL	CUSTODY STATUS		OF
INTAKE	MISDEMEANOR UNSENTENCED 3:01 AM		2

05125

IDENTIFICATION	NAME ATCHISON, JIMMY		PID 3096151	SID 4385931E	CURRENT CLASS	
	ALIAS NAME(S) ATCHISON, JIMMY; ATCHISON, JIMMY DASHUN		FBI 424249AE9		IMAGE	
	RACE B	SEX M	ETHNICITY NON HISPANIC	DATE OF BIRTH 02/19/1997	AGE 21	DL / ID NO. GA-058542945
	HEIGHT 5 FT. 11 IN.	WEIGHT 185	HAIR BLACK	EYES BROWN	BUILD	COMPLEXION
SCARS, MARKS, TATTOOS, AMPUTATIONS						
ADDRESS 941 FAIRBURN RD NW ATLANTA GA 30331-3313			PHONE 404-914-3802	PLACE OF BIRTH ATLANTA, GA UNITED STATES		
EMER	EMERGENCY CONTACT NAME NAKESHIA ATCHISON		EMERGENCY CONTACT ADDRESS & PHONE 678-830-5510		PHONE NUMBER(S) CALLED AT BOOKING	
	RELATIONSHIP SISTER					
ARREST	ARRESTING AGENCY/ INC. NO. ATLANTA POLICE DEPARTMENT/ 182291616		ARRESTING OFFICER 6741, ANDERSON, ANTHONY L. SR.		ARREST DATE 08/17/2018	ARREST TIME 4:38 PM
	ARREST LOCATION 941 FAIRBURN RD					
VEHICLE MAKE		MODEL	LICENSE NO.	STATE	VEHICLE TOWED BY	VEHICLE STORED AT
CHARGES						
WARRANT / REFERENCE NO.	HOLD REASON	OFFENSE	CODE	ISSUING AUTH.	BONDING STATUS	BOND AMOUNT
EW-0237739	LOCAL WARRANT	SIMPLE BATTERY - FAMILY VIOLENCE	16-5-23F	DOWNTOWN	Not Set	
EW-0241223	LOCAL WARRANT	VIOLATION OF INSTRUCTIONS OF LAW ENFORCEMENT OFFICERS MISDEMEANOR	16-5-23F	DOWNTOWN	Not Set	\$1,000.00 SUR

◀ END OF LIST ▶

8/18/2018



BOOKING REPORT

Fulton County Jail

901 Rice Street Atlanta, GA. 30318

SO NUMBER	DATE BOOKED	JAIL ID /BOOKING NUMBER	PAGE
P01054622	08/18/2018	1816704	2
CURRENT CELL	CUSTODY STATUS		OF
INTAKE	MISDEMEANOR UNSENTENCED 3:01 AM		2



FULTON COUNTY SHERIFF, GA.

B
M

02/19/1997
P01054622

1816704

ATCHISON, JIMMY

8/18/2018

CRIMINAL WARRANT

Warrant No: EW-0241223

MAGISTRATE COURT OF FULTON COUNTY
GEORGIA, Fulton County

AFFIDAVIT FOR ARREST (Ga. Code Ann. 17-4-45)

Personally came A Anderson, who on oath says that to the best of his/her knowledge and belief JIMMY ATCHISON (hereinafter called the accused) between 08/17/2018 at 04:30 PM and 08/17/2018 at 04:30 PM, at 941 Fairburn RD, ATLANTA in FULTON county aforesaid, did commit the offense of Willful Obstruction Of Law Enforcement Officers - Misdemeanor - Misdemeanor, 16-10-24(a) in that said accused did knowingly and willfully obstruct or hinder Officer Anderson of Atlanta Police Department a law enforcement officer in the lawful discharge of the officers official duties by attempting to elude police by jumping out of a window. Accused did not offer and did not do violence to the person of said officer said and this deponent makes this affidavit that a warrant may issue for his/her arrest.

Sworn to and subscribed before me,



Prosecutor/Affiant: A Anderson
Title:
Agency: Atlanta PD
Badge No.: 6741
Phone No.: 404-546-7775 (w)
8/17/2018 6:31:13 PM

Deputy Clerk/Judge Ashley Osby
Title Judge
MAGISTRATE COURT OF FULTON COUNTY
8/17/2018 6:31:20 PM

STATE WARRANT FOR ARREST (Ga. Code Ann. 17-4-46)

To any Sheriff, Deputy Sheriff, Coroner, Constable, Police Officer, Law Enforcement Officer or Marshal of said State

GREETING:

For sufficient causes made known to the Deputy Clerk of this Court (as authorized by Acts 1922, p. 207), you are therefore commanded to arrest the body of the said accused named in the foregoing affidavit, charged with the offense of Willful Obstruction Of Law Enforcement Officers - Misdemeanor - Misdemeanor, 16-10-24(a): and bring him/her before me or some other judicial officer of this State, to be dealt with as the law directs, **HEREIN FAIL NOT.**



JUDGE Ashley Osby
Title Judge
MAGISTRATE COURT OF FULTON COUNTY
8/17/2018 6:31:20 PM

WITNESSES FOR THE STATE

Name:

Address:

Phone:

Name:

Address:

Phone:

Name:

Address:

Phone:

NOTES:

GEORGIA, Fulton County:

After hearing evidence the accused is

Discharged

This

,20

JUDGE, MAGISTRATE COURT, FULTON

DISMISSED

This

,20

JUDGE, MAGISTRATE COURT, FULTON

GEORGIA, FULTON COUNTY:

After hearing evidence it is ordered that the accused give bond of \$1,000.00, One Thousand dollars \$ dollars for his/her appearance at the STATE COURT /SUPERIOR COURT of said County now in session, to answer to the Charge of: Wilful Obstruction Of Law Enforcement Officers - Misdemeanor - 16-10-24(a) or in default that they be committed to jail. This is _____ day of _____, 20____

JUDGE, MAGISTRATE COURT, FULTON

GEORGIA, FULTON COUNTY:

Executed the within warrant by arresting the defendant,

ARRESTING OFFICER(S)

COURT OF FULTON COUNTY

No. EW-0241223

CRIMINAL WARRANT

THE STATE

versus

JIMMY ATCHISON

RACE	D.O.B	SEX	HGT	WGT
B	02/19/1997	MALE	5'8"	158

ADDRESS: 841 Fairburn Rd SW,
Atlanta, GA, 30331

BUS ADDRESS:

PHONE NUMBER:

IN CUSTODY: YES

BOND \$: \$1,000.00, One Thousand Dollars

CHARGE: 16-10-24(a),

Wilful Obstruction Of Law Enforcement Officers -
Misdemeanor - Misdemeanor

PROSECUTOR NAME & ADDRESS:

A. Anderson

Agency: Atlanta PD

226 Peachtree Street SW,

Atlanta, GA, 30303

PHONE NUMBER: 404-546-7775 (w)

ATTY/PROSECUTOR:

NAME/ADDRESS/PHONE

PROSECUTOR NOTIFIED BY:

DATE: ____/____/____

TIME: ____ AM/PM

CALENDAR DATE AND NUMBER

CASE NO. 182281618



Exhibit "B"



Fulton County

Fulton County Medical Examiner

430 Pryor Street SW

Atlanta, GA 30312

404-613-4400

Medical Examiners

Jan Gorniak, DO

Karen Sullivan, MD

Michael Henninger, MD

Ryan McCormick, MD



Case Number 19-0166

Name (First) Jimmy
(Last) Atchison

Age, Race, Sex 021 B M

Cause of Death Gunshot wound of the head

Other Conditions

Manner of Death HOMICIDE

Shot by another individual.

Medical Examiner(s) Ryan McCormick, MD

Procedure Autopsy
Ryan McCormick, MD

Wednesday, January 23, 2019 9:15 AM

Signatures:

Print date:

2/11/2019

Referrals:



**REPORT OF
THE MEDICAL EXAMINER**

19-0166
JIMMY DASHUN ATCHISON
Page 1 of 7
Examiner: Ryan D. McCormick, MD

HISTORICAL SUMMARY: Upon full inquiry based on all known facts, I find that the said Jimmy Dashun Atchison came to his death officially on the 22nd day of January 2019 at 3049 Middleton Road Northwest, Apartment #343, Atlanta, Fulton County, Georgia and was officially pronounced dead at 1300 hours by Investigator Bertram Ennett. There is information that on the morning of January 22, 2019, Mr. Atchison was shot during an altercation with law enforcement. 911 was called. Grady Emergency Medical Services Unit 370 arrived on scene and confirmed the death. The Fulton County Medical Examiner's Office was notified of the death, and Investigator Ennett responded to the scene. Examination revealed a gunshot wound of the face. First Call Removal was dispatched. This man was then transported to the Medical Examiner's office where an autopsy was performed.

FINDINGS AND DIAGNOSES

- I. Perforating gunshot wound of the head.
 - a. Entrance wound: left cheek.
 - b. Injuries: Fractures of the maxilla, mandible, and cervical vertebrae 1 and 2. Disruption of vasculature of the face and neck.
 - i. Associated subarachnoid and subdural hemorrhages.
 - A. Projectile recovered: Medium-caliber, jacketed, hollow-point bullet recovered from cervical vertebra #1.
 - B. Direction: Front-to-back with no vertical or lateral deviation.
- II. No evidence of significant active natural disease processes.
- III. Toxicology is non-contributory; see Georgia Bureau of Investigation toxicology report.

CAUSE OF DEATH: Gunshot wound of the head.

MANNER OF DEATH: Homicide.



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THE MEDICAL EXAMINER

19-0166

JIMMY DASHUN ATCHISON

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Examiner: Ryan D. McCormick, MD

Under the provisions of the Georgia Death Investigation Act, an autopsy is performed upon the deceased body, later identified by fingerprint comparison as Jimmy Dashun Atchison, at the Fulton County Medical Examiner's Center on January 23, 2019. The autopsy is performed by Ryan D. McCormick, M.D., and begins at approximately 0915 hours. Agents from the Georgia Bureau of Investigation, Federal Bureau of Investigation, and Fulton County District Attorney's office are present for the examination.

EXTERNAL EXAMINATION: The body is that of a well-developed, well-nourished adult black man, compatible with the reported age of 21 years. The body measures 69-1/2 inches in length and weighs 185 pounds. The body is in fully developed rigor mortis. Lividity is faintly posteriorly distributed and is fixed. The skin temperature is cold.

The scalp is covered with coarse, short, tightly curled black hair in a normal distribution. A black mustache and chin hair are on the face. The conjunctivae are pale, the corneas are clear, and the irides appear brown. There is no icterus. The pupils are round, equal, and symmetrical. There are piercing defects of the earlobes. The ears are otherwise unremarkable. The nares are patent and the lips are atraumatic. The nose and maxillae are palpably stable. The teeth are natural and in average state of repair.

The neck is straight and the trachea is midline. The chest is symmetrical. The abdomen is flat. The distribution of the pubic hair is normal. The external genitalia are not remarkable, and there are no external lesions. The testes are descended. The back, buttocks, and anus are unremarkable.

The upper and lower extremities appear normal, and the joints are not deformed. All digits are present. The skin is of normal texture and presents no significant lesions. The hands are covered with white, drawstring bags. Upon their removal, the upper and lower extremities are normally formed and have no joint abnormalities.

CLOTHING: The body is clad in gray and red tennis shoes, white ankle socks, black and gray boxer briefs, black jeans, blue sweatpants with white stripes, a cut hooded sweatshirt, and a cut, long-sleeved, white thermal top.

IDENTIFYING MARKS:

Scars:

1. 1/8 inch linear scar, right eyebrow.
2. 1/4 inch linear scar, left eyebrow.
3. 1/2 inch linear scar, anterior right leg.
4. 1-1/4 inch irregular scar, anterior left leg.

Tattoos:

1. 6 x 2-1/2 inch text, anterior neck.
2. Partial sleeve depicting a hummingbird, eight ball, cross, the date "2-19-97", the letters "MOB", and stars, right upper extremity.



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3. 5-1/2 x 2-1/2 inch "2500" tattoo left upper arm.
4. Partial sleeve depicting the words "Skylar", clouds, stars, the word "Loyalty", a gun, and "Chastity", left forearm.

EXTERNAL AND INTERNAL EVIDENCE OF RECENT THERAPY:

1. Nasopharyngeal airway.
2. Two defibrillator pads, upper chest.

EXTERNAL AND INTERNAL EVIDENCE OF RECENT INJURY:

Perforating Gunshot Wound of the Head:

A 1/8 x 1/8 inch gunshot entrance wound is on the left side of the face, located 6 inches below the top of the head, 1-3/4 inches to the left of the anterior midline and 3-1/2 inches from the left tragus at the 8 o'clock position. A 1/16 inch rim of dried abrasion circumscribes the wound. Neither soot nor stippling is seen.

The bullet perforates the skin and soft tissues of the left cheek; fractures the left side of the mandible and posterior maxilla; passes through branches of the external carotid and maxillary arteries, internal carotid artery, and jugular vein; and fractures cervical vertebra #1 and #2. No fractures to the base of the skull are identified. Diffuse, intracranial, subarachnoid hemorrhage, with subdural hemorrhage over the brainstem, is present. Subdural hemorrhage is around the upper cervical spinal cord. The spinal cord and dura appear intact.

A medium-caliber, jacketed, hollow-point bullet is recovered from the anterior ramus of cervical vertebra #1. The bullet is placed in a bullet box with identification tag labeled "Left neck." The box is sealed with red plastic evidence tape and released to the Georgia Bureau of Investigation.

Direction: Front-to-back with no vertical or lateral deviation.

Other Injuries:

1. 1/2 inch to 1-5/8 inch dried abrasions, right knee and distal thigh.
2. 1/8 inch to 2 inch dried abrasions, left knee and leg.

These injuries, having been described once, will not be repeated.

INTERNAL EXAMINATION: The body is opened by means of the usual "Y" and biparietal incisions. The normal relationships among trachea, lungs and mediastinum are preserved. The lungs are normally expanded; the parietal pleural surfaces are smooth, glistening, transparent, and without adhesions. The diaphragm is within normal limits. The peritoneum is smooth, glistening, transparent, and without adhesions. All viscera are in their proper relationship and no abnormal masses are seen or palpated.



BODY CAVITIES: The ribs and sternum are visibly and palpably intact. No excess fluid is in the pleural, pericardial, or peritoneal cavities.

Heart - 360 grams
Right lung - 660 grams
Left lung - 550 grams
Spleen - 150 grams
Liver - 1470 grams
Right kidney - 130 grams
Left kidney - 170 grams
Brain - 1410 grams

NECK: The neck organs are excised en bloc and examined separately. The anterior strap muscles of the neck are homogenous and red-brown, without hemorrhage. The thyroid cartilage and hyoid are intact. The larynx is lined with intact white mucosa. The thyroid is symmetric and red-brown, without cystic or nodular change. The tongue is free of bite marks, hemorrhage, or other injuries.

HEAD AND CENTRAL NERVOUS SYSTEM: The scalp shows no evidence of contusions or galeal hemorrhages. The dura is smooth and glistening. The convexities of the cerebral hemispheres are symmetrical. The leptomeninges are thin and transparent. The cerebrum presents with normal convolutions, with no flattening of the gyri or deepening or widening of the sulci. There is no evidence of subfalcial, uncal, or cerebellar tonsillar herniation present. The major cerebral arteries show no significant atherosclerosis or congenital anomalies. The roots of the cranial nerves are unremarkable. Serial coronal sections through the cerebral hemispheres show a grossly normal cortical ribbon and underlying white matter. The basal ganglia and diencephalon show no gross abnormalities. Serial cross sections through the brainstem and sagittal sections through the cerebellum fail to show any gross lesions or abnormalities. The ventricular system is symmetrical and of normal size and configuration. After removal of the brain, the base of the skull does not demonstrate any fractures.

Serial cross sections through a small portion of the cervical spinal cord show no gross abnormalities.

CARDIOVASCULAR SYSTEM: The heart is contained in an unremarkable pericardial sac. The epicardium is smooth and glistening. There is a normal amount of epicardial fat and its distribution is normal. The coronary arteries have a normal anatomic distribution, and multiple cross sections show no significant narrowing of lumina and no evidence of thrombosis. The great vessels enter and leave the heart in a normal manner. The cardiac chambers have a normal configuration. The septa are intact, and there are no congenital abnormalities. The myocardium is of normal consistency and appearance. The left and right ventricles are 0.9 centimeters and 0.2 centimeters thick, respectively. The endocardium is smooth and glistening. The heart valves are thin, pliable, and delicate, and are free of deformity. Valve dimensions are as follows: tricuspid



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valve, 12.6 centimeters; pulmonic valve, 5.4 centimeters; mitral valve, 10.2 centimeters; and aortic valve, 5.6 centimeters.

The aorta gives rise to three intact and patent arch vessels. Its principal branches are patent throughout. There are no thrombi, areas of erosion, or zones of significant narrowing present. The renal and mesenteric vessels are unremarkable.

The superior and inferior venae cavae and their major tributaries are patent throughout. No significant areas of extrinsic or intrinsic stenosis are present.

RESPIRATORY SYSTEM: The major bronchi have a normal caliber and are free of obstruction. The visceral pleurae are smooth, glistening, and transparent. Both lungs have normal lobations; they are gray-pink and mottled with black pigment. On palpation, they are uniformly subcrepitant with no areas of consolidation. The pulmonary parenchyma is unremarkable. The pulmonary vascular tree is free of thromboemboli.

HEPATOBIILIARY SYSTEM:

Liver: The liver has an intact, smooth capsule and a sharp anterior border. The parenchyma is tan-brown and congested with the usual lobular architecture. No mass lesions or other abnormalities are seen.

Gallbladder: The gallbladder is of normal size and configuration. The wall is thin and the mucosal surface is green and velvety. The gallbladder contains approximately 10 milliliters of green-black bile. No calculi are present. The extrahepatic biliary tree is patent.

RETICULOENDOTHELIAL SYSTEM: The spleen has a smooth, intact, red-purple capsule. The parenchyma is maroon and is of normal consistency and appearance. No abnormal lymph nodes are encountered. Bone marrow, where exposed by the autopsy procedure, is unremarkable.

ENDOCRINE SYSTEM:

Pancreas: The pancreas is firm and yellow-tan, with the usual lobular architecture. No mass lesions or other abnormalities are seen.

Adrenals: The right and left adrenal glands are symmetric, with bright yellow cortices and gray medullae. No masses or areas of hemorrhage are identified.

GENITOURINARY SYSTEM:

Kidneys: The renal capsules strip with ease revealing smooth, glistening, pink-red surfaces. The cut surfaces are red-tan and congested, with uniformly thick cortices and sharp cortico-medullary junctions. The medullae are unremarkable. The pelvo-calyceal systems are normal in appearance. The ureters are normal in course and caliber.

Bladder: The bladder is of normal configuration. The mucosa is intact and free of ulcerations or other lesions. The muscular layer of the bladder wall is of normal thickness. It contains approximately 90 milliliters of urine.



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Prostate and seminal vesicles: The prostate is normal in size, with spongy, yellow-tan parenchyma. The seminal vesicles are unremarkable.

Testes: The testes are free of mass lesions, contusions, or other abnormalities.

DIGESTIVE SYSTEM: The esophagus is patent and lined with smooth, gray-white mucosa. The stomach has a normal configuration. The serosa is smooth and glistening. The wall is of normal thickness and the mucosa is thrown into rugal folds. There are no areas of ulceration. The stomach contains approximately 40 milliliters of partially digested food that is gray-tan and unidentifiable. The duodenum, loops of small bowel, and colon are unremarkable. The appendix is present and is unremarkable.

MUSCULOSKELETAL SYSTEM: The axial and appendicular skeleton shows no abnormalities. The exposed musculature is unremarkable.

ADDITIONAL PROCEDURES:

- Documentary digital photographs are taken at the time of postmortem examination.
- Postmortem X-rays are performed.
- Peripheral blood is sent to the Georgia Bureau of Investigation for toxicology.
- Vitreous fluid and serum are retained in this facility for future studies, if indicated.
- A blood spot card is submitted to the Georgia Bureau of Investigation.
- Fingernail clippings and head hair are collected for the investigating agency.
- Representative tissue sections are processed into paraffin blocks only.
- The projectile box is released to the Georgia Bureau of Investigation, at the time of autopsy.
- A stock jar is maintained in this facility for future studies, if indicated.

Ryan D. McCormick, M.D.
Associate Medical Examiner

15 April 2019

Date

Reviewed by:

Jan M. Gorniak, D.O.
Chief Medical Examiner

16 April 19

Date

Examiner: Ryan D. McCormick, MD

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April 16, 2019

Date _____

Dictated: 01/23/19
Transcribed: 02/11/19
Finalized: 04/12/19

cc: District Attorney's Office

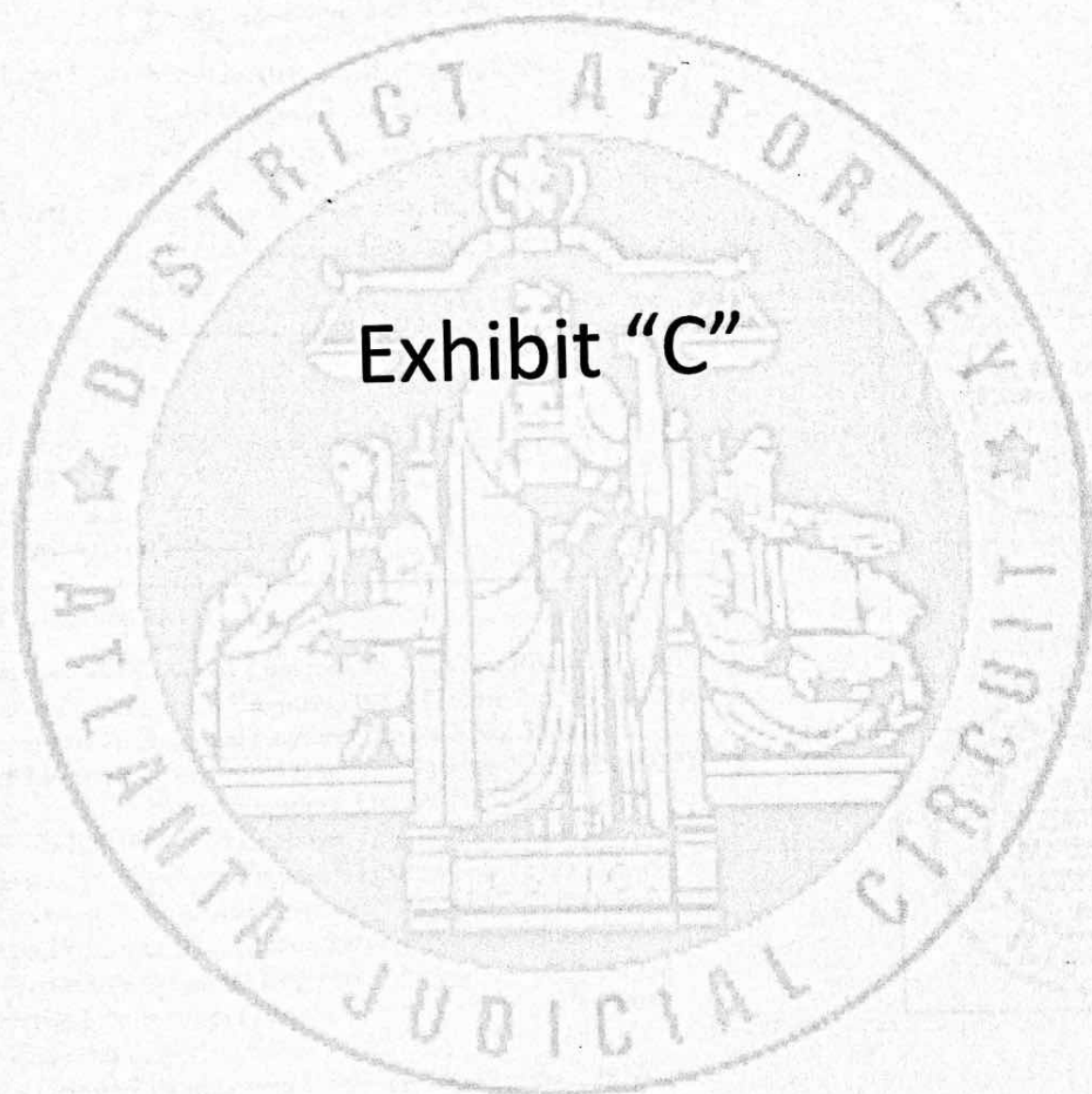


Exhibit "C"

Engineering Expert Report

Date: September 4, 2020

Case: *Jimmy Atchison Case: State of Georgia v. Sung Kim*

Prepared by: Mr. Thomas H. Burtness, P.E.
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Prepared for: Mr. Paul L. Howard, Jr., Esq.
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9/4/2020

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Louisiana Licensed Professional Engineer, License No. 40711
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Nevada Professional Engineer, License No. 025345
New Mexico Licensed Professional Engineer, License No. 25870
New York Licensed Professional Engineer, License No. 96955-1
North Carolina Professional Engineer, License No. 050313
Pennsylvania Licensed Professional Engineer, License No. PE090862
Tennessee Licensed Professional Engineer, License No. 119899
Texas Licensed Professional Engineer, License No. 122891
Washington State Professional Engineer, License No. 50766
West Virginia Licensed Professional Engineer, License No. 24010
Wisconsin Professional Engineer, License No. 40389-006

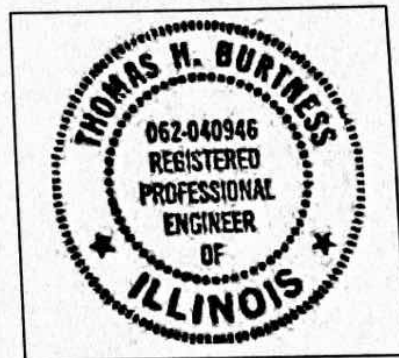
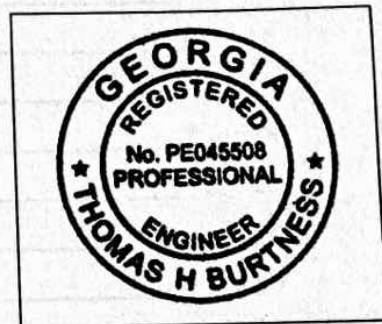


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Case Background and Timeline:

48. On January 22, 2019, LEO's with an FBI task force were attempting to serve an arrest warrant on Mr. Jimmy Atchison. They followed him to a bedroom closet in the apartment known as 3049 Middleton Rd., Apt. 343, Atlanta, GA 30311.
49. There were at least 6 officers in the apartment at the time that they had located Mr. Atchison in the closet: Officers Kim, Cooper, Winn, Turner, Mercure, and Costa.
50. Reports from the various officers who were present at the time indicate that the door to the closet was open, or became open just prior to the incident. Mr. Atchison was sitting on the floor inside the closet (see Photo #1) attempting to conceal himself under some articles of clothing and a red bed sheet with a University of Georgia logo on it.
51. Reportedly, three officers were inside the bedroom and three were just outside of the bedroom in the hallway and the adjacent bedroom.
52. A verbal confrontation ensued. Actions followed. At approximately 8:15 am on 1/22/19 one of the officers fired, striking Mr. Atchison.
53. Mr. Atchison was pronounced dead at the scene.



Subject closet after the shooting and after Mr. Atchison had passed away. See also Photos #5, #6, and #7.

Articles of clothing and the red UGA bed sheet that Mr. Atchison attempted to hide under.

Photo#1. Mr. Atchison's location (following medical attention).

54. On 2/14/20, I conducted a site investigation in the bedroom at the location of the shooting to analyze the lighting in the room.

Methodology and Photometric Test Procedures:

55. The primary methodology I used to investigate this matter applied the fundamental elements of the Scientific Method to the facts of the case. The Scientific Method as it applies to Forensic Investigations is defined for us in NFPA 921, Guide for Fire & Explosion Investigations, 2014, Paragraph 4.1 to 4.5. See Attachment #2.
56. The application of the scientific method in this case involved the following steps:
- The questions under consideration were defined (see "Introduction" above).
 - I reviewed photographs of the location of the Incident.
 - I performed an on-site investigation as described in this report.
 - I calculated the illumination levels based on the data I collected at the site of the Incident.
 - I reviewed the case documentation as listed under "Documents Reviewed."
 - I evaluated the photographs I received based on the information presented in the case documentation.
 - I reviewed pertinent laws, codes, national standards, and industry practices as listed under "Documents Reviewed."
 - Using cognitive experimentation as defined by NFPA 921-17, Section 19.6.4., I set up various premises and hypotheses and then tested them against the data to determine the circumstances surrounding the incident.
 - I then formulated my opinions and wrote this report.
57. For accurate photometric readings, it is critical that correct methodology and photometric testing procedures be used when conducting a forensic photometric investigation. Errors in methodology can result in errors in the measurements taken and therefore can result in erroneous conclusions.
58. The Standards published by the Illuminating Engineering Society, including IES' various "Guidelines (G-series)," "Recommended Practices (RP-series)," "Design Guides (DG-series)," "Technical Memoranda (TM-series)," and "Lighting Measurement (LM-series) Guides," are the National Standards recognized throughout the United States and around the world for lighting installations. Professional engineers, architects, lighting designers, manufacturers, utilities, DOT's, municipalities, government agencies, and all other relevant professionals have used the IES standards as their illumination criteria for more than a century.
59. The Illuminating Engineering Society, as the ANSI Standards making organization in the United States for lighting and illumination National Standards, has established the proper methodology for field site illumination evaluations.
60. The methodologies for this type of evaluation are found in various IES Standards publications. Here are some of the important concepts from IES Lighting Standards to be aware of while taking photometric readings (**bolding of text added by me**):
- LM-64-01, Paragraph 3.1 states, "The photometer should be selected for its portability and repeatability of measurements at any point on the scale that is used. It must be **cosine corrected** and should be **capable of being leveled for horizontal illuminance measurements** ... It must also be **color-corrected** according to the CIE Spectral Luminous Efficiency (V-Lambda) Curve. The photometer should be **capable of being positioned so that it will not be shadowed by the test observer...**"
 - The Konica-Minolta T-10A photometer that I use is the model of meter that is pictured in the IES Lighting Handbook as its example of an appropriate Illuminance Meter.
 - It is cosine corrected and also color corrected to V-Lambda.

- iii. As a levelling device, I use a machined aluminum mini-tripod with a lockable swivel head that has an industry standard 1/8" tripod mounting screw to attach to the mating socket on my photometer sensor. See Photo #2.
- b. LM-50-13, Paragraph 5.2 states, "All instruments should have good repeatability of indication, **recent calibration** and **digital readouts**. In general, it is recommended that meters be **calibrated** within an acceptable uncertainty on an annual basis unless their calibration stability is demonstrated to be better than a year."
 - i. My Konica-Minolta T-10A has a self-luminous digital readout.
 - ii. The T-10A has an electronic self-calibration feature that re-calibrates it every time it is powered up.
 - iii. My Konica-Minolta T-10A had most recently been factory calibrated on 2/7/2020. See Calibration Certificate attached as Attachment #3.
- c. LM-50-13, Paragraph 5.2 states, "**Fresh batteries** are recommended." I installed brand new batteries immediately prior to this site investigation.
- d. LM-64-01, Paragraph 2.4 states, "The operator or other test personnel **shall use great care during all tests not to cast shadows on, or block light to the photodetector** and thus exclude some light coming from the equipment under test. **Equal care must be exercised so that the readings are not increased by light reflected from any white or light-colored clothing** worn by the technicians. The avoidance of shadows and exclusion of extraneous light requires particular alertness by the test personnel."
- e. LM-50-13, Paragraph 4.4 states, "**Care should be taken that the operator** or other personnel involved in the measurement proceedings **do not cast shadows on, or block light from, the measuring instrument detector** and, thus, exclude some of the light from the equipment used. **Equal care should be taken that the readings are not supplemented on the detector by reflected light from white or light colored clothing**. The avoidance of shadows and exclusion of extraneous light requires alertness on the part of the measurement personnel."
 - i. IES calls for test personnel to "...use great care during all tests..." and calls for "...particular alertness..." The procedures I describe here are representative of the great care I take to assure accurate testing results.
 - ii. Please see Photo #2 to see the clothing worn by myself and Photo #9 for the other two men who stood in as the other two officers in those photometric tests.
 - iii. In Photo #2, you will see how my photometer is connected to the light sensor using remote meter adapters and a network cable. This allows me to stand back away from the sensor to assure that I am not shadowing it and I am not close enough for reflected light off of my body to skew the readings, avoiding any shadowing or reflection errors.
- f. LM-50-13, Paragraph 6.4 states, "Horizontal illuminance readings shall be taken at each of the grid points as required. These should be used to evaluate system characteristics ... such as average luminance and uniformity ratios."
- g. LM-64-01, Paragraph 4.0 states, "Depending on size, either the entire parking facility area or a section containing all typical facility components shall be surveyed ... One way to accomplish this is to rope off the section under evaluation and **layout a grid** of measuring points. If average illuminance values are wanted, it is advisable to **layout the grid beforehand and place temporary markers at the reading stations**."

- h. LM-64-01, Paragraph 4.2 states, "Horizontal illuminance readings are to be taken at the grid line intersections with the photodetector and the leveling device resting as close to the ... surface as possible." For accurate results, the measurement grid needs to be intentionally laid out and marked ahead of time, measuring from a baseline, not from the previous spot (which encourages additive errors).

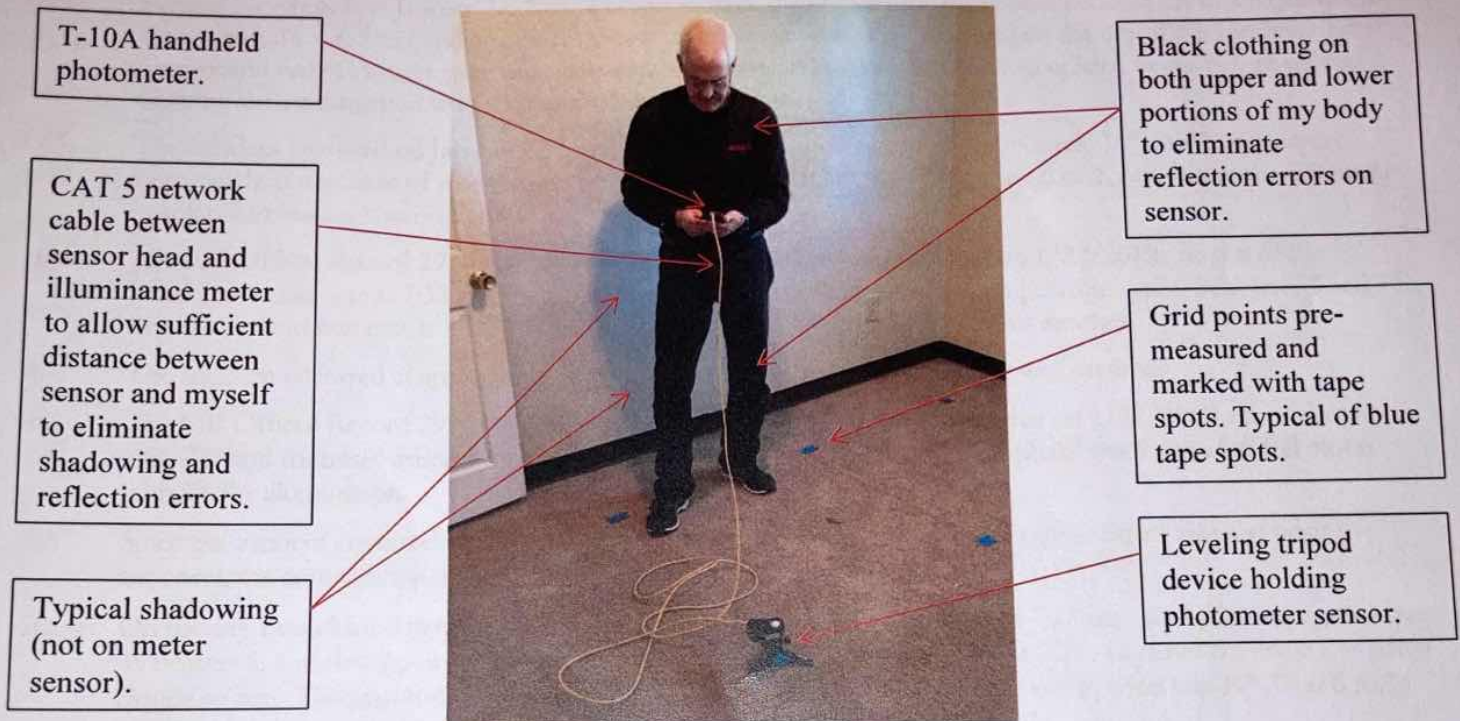


Photo #2. Photometer procedure to ensure non-shadowing and non-reflection.
(THB 2/26/20)

61. To prevent shadowing and reflections, during the entire time I was conducting my background readings, I required the other persons present in the apartment to exit the room. The exception was when I was taking the readings with three adult males in the room dressed in dark clothing to simulate the moment of the shooting as discussed regarding Photo #9.
62. **Conclusion: I performed my photometric evaluation in accordance with Illuminating Engineering Society US National Standards; thus the results are reliable.**

Site Investigation:

75. On 2/14/2020, I conducted my site investigation in the apartment known as 3049 Middleton Rd. NW, Apt. 343, Atlanta, GA 30311 where Mr. Jimmy Atchison was shot by an LEO at approximately 8:15 am on 1/22/19.
76. Present on site with me during my site investigation were three employees of the Fulton County District Attorney's office, including Mr. Robert Schollmeyer and Mr. Greg Thomas. For a portion of my investigation, Ms. Kara Roberts was also present.
77. To test the visibility in this circumstance, we are interested in both illuminance and luminance.
78. Illuminance is the light falling on a surface, in this case:
- The illuminance present in the room as measured across the entire floor, and
 - The illuminance specifically on the surface of the target, i.e. the cloths Mr. Atchison was hiding under.
 - These illuminances give us the amount of light in the room.
 - Illuminances are measured with an illuminance meter.
79. Luminance is the light reflecting off of a surface back into our eyeball, in this case:
- The luminance reflecting back to the eyes of the officer that fired the fatal shot(s).
 - Luminance measurements give us what we see.
 - Luminances are measured with a luminance meter.
80. The methodology I used to gather the necessary data is as follows:
- Recreate the illumination in the room as closely as possible.
 - Lay out a grid of measurement points in the room.
 - Measure the illuminance in the room at floor level. This is our baseline for comparison.
 - Since it is unknown whether the ceiling light fixture was turned on or not at the time of the Incident, I measured the illuminance both with the light on and the light off. See Photos #6 and #7.
 - Measure the illuminance falling on the target with the light both on and off.
 - Measure the luminance reflecting off the target with the light both on and off.
 - Police reports indicate that the closet door was open at the time of the incident, however, it is unknown just "how open" the door was. In order to test the effect of the illuminance on the target due to percentage of closure of the door, I measured the illuminance on the target with the door at every 10 degrees of closure. See Photo #8.
 - Police reports indicate that there were 3 officers in the bedroom at the time of the shooting; therefore I also measured the illuminance falling on the target and the luminance reflecting off the target with 3 adult males in dark clothing standing in the reported locations of the officers with the light both on and off. See Photo #9.
81. Upon arrival at the subject apartment, I familiarized myself with the geometry of the location by using the incident scene photos I had received from the DA's office.
82. In order to recreate the illumination in the room as closely as possible, prior to arriving at the site I had requested of Mr. Schollmeyer to retrieve from evidence storage the specific banner that had been over the window during the shooting.

83. I hung the exact banner (not an exemplar, but the actual subject banner) over the window as precisely as I could determine from the incident photos. Compare Photo #3 taken the day of the incident with Photo #4 taken during my site investigation.



Note wide open position that shades are in.

Banner in original position at the time of the shooting Incident.

Note space between banner and edge of window on both sides of window.

Television set.

Photo #3 (THB 2/14/20). Location of banner at the time of the shooting.



Banner position during my site investigation recreating original banner position.

Recreation of banner position, amount that shades were open, and space on either side of banner.

Photo #4 (THB 2/14/20). Location of banner during my site investigation.

84. In order for my luminance measurements to be as accurate as possible, I needed to choose a surface to measure the luminance off of. In reviewing Photo #1, we can see that most of the cloths in the relatively uncluttered closet that were large enough to attempt to hide under were either white, or red, or white with small black spots. I wanted to be conservative in my measurements and since white is the most reflective and would therefore produce the highest luminances, I chose the red color for my target, a "mid-range" choice.
85. I therefore requested that Mr. Schollmeyer retrieve the red sheet from evidence storage but he was unable to locate it. Fortunately, we know that the sheet was University of Georgia (UGA) logo merchandise, therefore the color is a patented color called "Bulldog Red." Mr. Schollmeyer acquired a Bulldog Red UGA logo merchandise shirt to use as an exemplar. See Photo #5.
86. I installed the Bulldog Red shirt over a small suitcase in order to mimic as closely as possible the color, size, and relative position of Mr. Atchison as he was hiding in the closet. I identified Mr. Atchison's location with Photo Tag #1. See Photo #5.
87. I laid out a 36 inch by 36 inch measurement grid in the room with blue tape spots. See Photo #5.
88. During the site investigation, I reviewed the various Incident scene sketches that Mr. Schollmeyer showed me that had been drawn by the law enforcement officers present at the Incident. Correlating the information shown in those sketches¹ and their accompanying reports, I ascertained the most likely locations of the officers at the moment of the shooting and then located them in the room as Photo Tags #2, #3, and #4. See Photo #5.
89. In the after-action reports, the location of Photo Tag #2 was identified as the most likely location of the officer that fired the fatal shot(s).² Photo #6 shows my luminance meter installed directly over Photo Tag #2 with the luminance sensor at eyeball height and aimed at the red shirt as its target.

Photo Tags #2, #3, and #4 show approximate locations of three officers in room. #2 is Officer Sung Kim.

Illuminance meter with cable to sensor for remote reading to prevent shadowing.



Bulldog Red shirt simulating Mr. Atchison's position in the subject closet at Photo Tag #1.

Illuminance meter light sensor on leveling device.

Illuminance grid points (blue), typical.

Photo #5 (THB 2/14/20). Floor grid illuminance test setup.

¹ Particularly those by Officers Mercure and Cooper.

² Officer Sung Kim, as I understand it from Mark Cooper's sworn statement, Page 4 of 5.

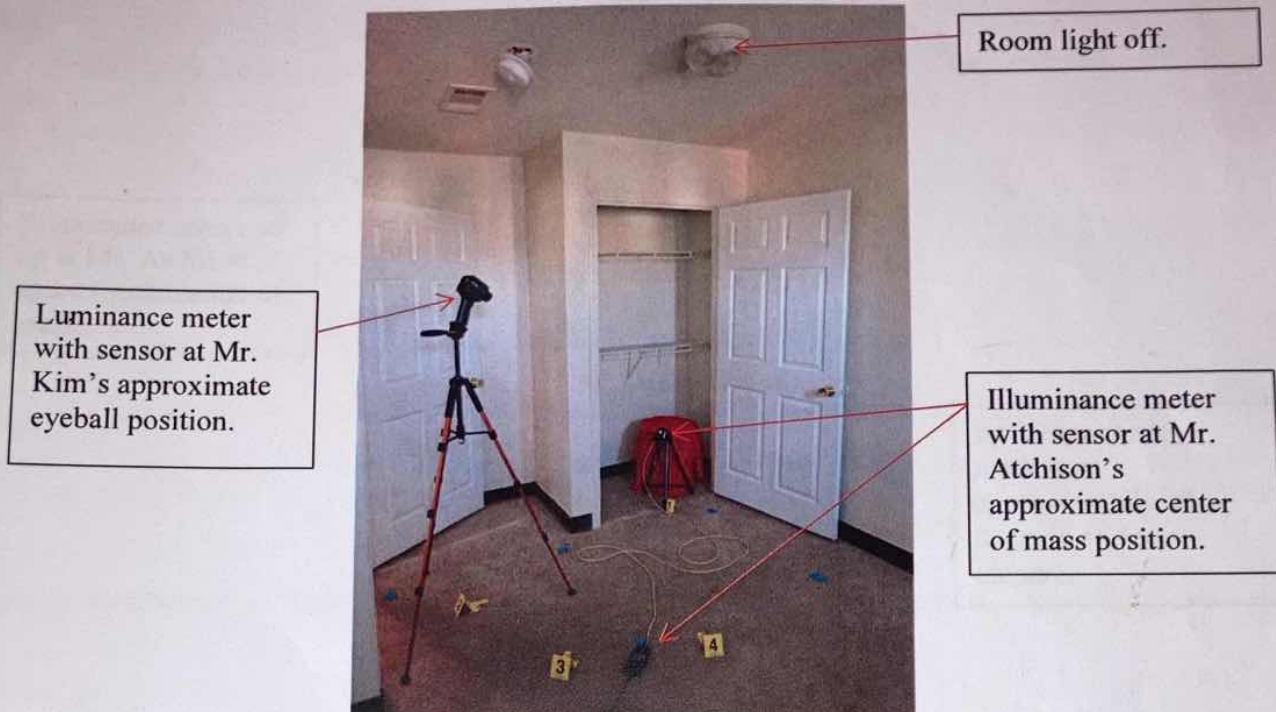


Photo #6 (THB 2/14/20). Target luminance and illuminance test setup, light off.

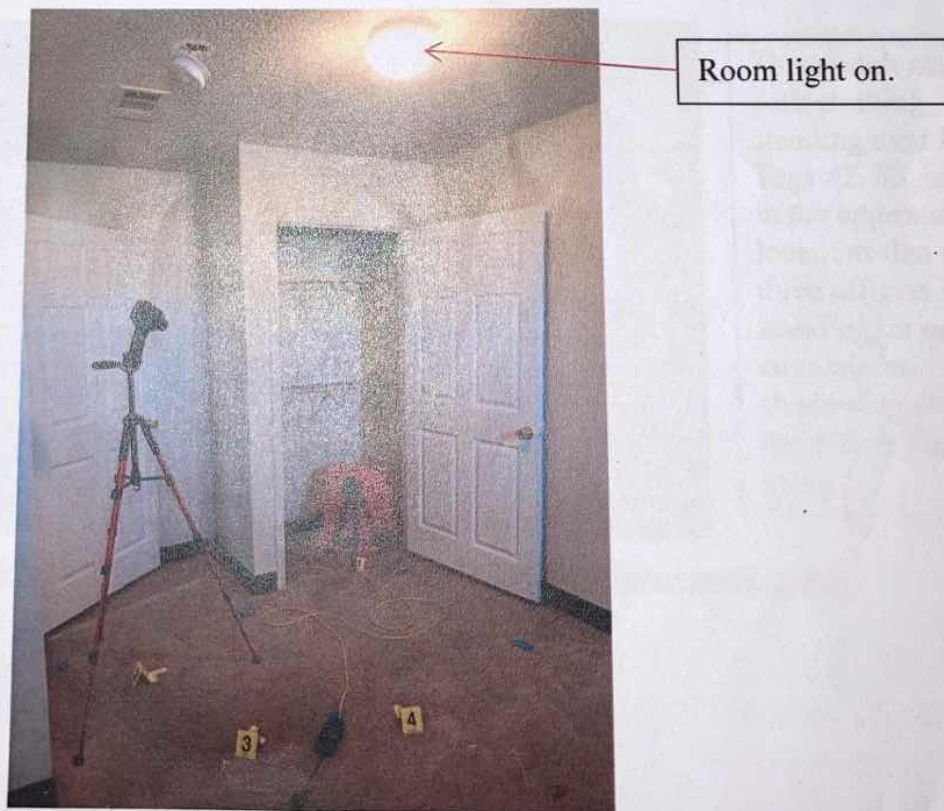


Photo #7 (THB 2/14/20). Target luminance and illuminance test setup, light on.

Illuminance sensor set
up at Mr. Atchison's
approximate center of
mass.



Each tape mark
represents
approximately 10
degrees of door
closure.

Photo #8 (THB 2/14/20). Door closure angle illuminance test setup.



Three adult males in
dark clothing
standing over Photo
Tags #2, #3, and #4
in the approximate
locations that the
three officers were
standing, in order to
simulate the
shadowing effect of
the officers in the
room.

Photo #9 (THB 2/14/20). Three men in bedroom during photometric tests.

Summary of Opinions:

97. Based upon my personal examination of the site, my personal review of the documents and photographs listed; my knowledge of pertinent laws, codes, and national standards; and based on my education, knowledge, skills, training, and hands-on real world experience in over 45 years of practice as a Licensed Professional Engineer, it is my opinion to a reasonable degree of engineering certainty, that:
98. The conditions at the time of my investigation with respect to solar illumination and weather were very close to the conditions at the time of the incident, therefore my results are reliable.
99. I performed my photometric evaluation in accordance with Illuminating Engineering Society National Standards; therefore my results are reliable.
100. The illumination in the subject bedroom met applicable codes, ordinances, and National Standards.
101. The illuminance and luminance levels in the subject room were sufficient.
102. Uniformities were excellent
103. Luminous contrast was excellent.
104. Adaptation time was negligible.
105. Contemporaneous eyewitness accounts verify that the room was well lit.
106. Therefore, based on a scientific analysis, the illumination at the location of the Incident was adequate and sufficient for good visibility.
107. Given the results of my scientific evaluation, the officers involved in the Incident would have easily been able to see everything they needed to see to "Detect, Define, and Decide."
108. In particular, they would have been able to easily see exposed hands, movement, and whether there was an exposed weapon in a hand.
109. As a subjective observation from one who has been involved in the engineering of light for over 40 years and has evaluated hundreds of low lighting situations as a Licensed Professional Engineer and as an expert in illumination engineering: It is my opinion to a reasonable degree of engineering certainty that the visibility in this room at the time of the shooting was excellent. This conclusion is supported by the dozens of photos taken by law enforcement on the day of the Incident.
110. **Summary Opinion: Based upon my scientific analysis and my experienced observation of the lighting in the subject bedroom and closet where Mr. Atchison was shot, the lighting was sufficient for the officers in the bedroom to have been able to adequately see whatever they would have needed to see.**

Closing Statements and Right to Amend:

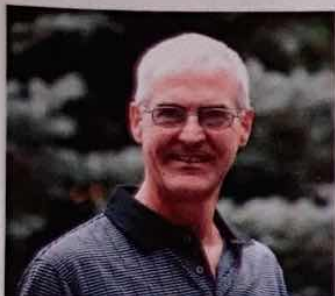
111. I personally drafted the opinions, conclusions, and statements contained in this Report and they are my own. The opinions expressed herein are based on my education, knowledge, skills, training, and hands-on real world experience in over 45 years of practice in the electrical and lighting industry as the owner of a consulting engineering firm, as a Licensed Professional Engineer, and as a former Licensed Electrician and Electrical Contractor. Attached hereto as Attachment #1 is my Curriculum Vitae.
112. All opinions given herein are my own and are true to my own knowledge and are based on my personal site investigation; my personal review of the documents and photographs listed; and on the information available, known, and declared to me at the time of its preparation. Unless otherwise noted, statements made by others that I have referenced in this Report, I believe to be true based upon the information provided in the documents, the photographs I reviewed, and my site investigation.
113. All opinions expressed are to a reasonable degree of engineering certainty.
114. It is my understanding that discovery is ongoing. I respectfully reserve the right to amend the analysis and opinions given herein if additional pertinent information arises, if additional documentation is reviewed, or if additional analysis is performed.

Attachments:

- ATTACHMENT #1: Curriculum Vitae of Thomas H. Burtness
- ATTACHMENT #2: NFPA 921-14, Guide for Fire & Explosion Investigations, Paragraph 4.1 to 4.5.
- ATTACHMENT #3: Certificate of Calibration for Burtness Konica-Minolta T-10A
- ATTACHMENT #4: Atlanta Weather data for 2/14/2020
- ATTACHMENT #5: National Electrical Code Article 210, Paragraph 210.70(A)(1) Excerpt
- ATTACHMENT #6: IES The Lighting Handbook 9th Edition Excerpt
- ATTACHMENT #7: IES RP-11-17, Lighting for Interior and Exterior Residential Environments
- ATTACHMENT #8: Fulton County Codes Citation
- ATTACHMENT #9: IBC – IEBC Existing Buildings Code Section 808 Excerpt
- ATTACHMENT #10: State of Georgia Codes
- ATTACHMENT #11: Result of Search for City of Atlanta Lighting Ordinance

CURRICULUM VITAE

THOMAS H. BURTNESS, PE, BSEE, CFEI



Tom Burtness

Contact Information:

Email: tom@burtnessengineering.com

Office Direct Desk Phone: 217-687-2000

Office: 2195 Wagon Trail Rd., White Heath, IL 61884

Web: www.electricalexpertwitness.com

Web: www.lightingexpertwitness.com

Web: www.scadaexpertwitness.com

AREAS OF EXPERTISE – ELECTRICAL AND LIGHTING ENGINEERING

- ✓ Lighting and Electrical Accidents and Injury – Commercial, Industrial, Roadway
- ✓ Illumination Engineering – Roadway, Street, Parking Lot, Area Lighting
- ✓ Photometric Site Assessments and Illumination Requirements
- ✓ Lighting Fixture Accidents, Injuries, and Design Issues
- ✓ Electrocution
- ✓ Electrical Power, Controls, and Instrumentation (SCADA)
- ✓ Electrical Equipment and Machinery Installations – Accidents, Injury, and Failures
- ✓ Fire and Explosion Origin & Cause Investigations
- ✓ Electrical Construction Defects and Contract Disputes

PROFESSIONAL QUALIFICATIONS

EDUCATION

University of Illinois at Urbana - Champaign,
Bachelor of Science in Electrical Engineering, 1976

ACTIVE PE REGISTRATIONS

Illinois Licensed Professional Engineer, 1983, License No. 062.040946
Alabama Licensed Professional Engineer, License No. 35831
Connecticut Licensed Professional Engineer, License No. 32153
Florida Licensed Professional Engineer, License No. 76442
Georgia Licensed Professional Engineer, License No. PE045508
Indiana Licensed Professional Engineer, License No. PE11600219
Kansas Licensed Professional Engineer, License No. 27393
Louisiana Licensed Professional Engineer, License No. 40711
Massachusetts Licensed Professional Engineer, License No. 48045
Michigan Licensed Professional Engineer, License No. 6201064956
Missouri Licensed Professional Engineer, License No. 2017007693
Nevada Licensed Professional Engineer, License No. 025345
New Mexico Licensed Professional Engineer, License No. 25870
New York Licensed Professional Engineer, License No. 96955
North Carolina Professional Engineer, License No. 050313
Pennsylvania Licensed Professional Engineer, License No. PE090862
Tennessee Licensed Professional Engineer, License No. 119899
Texas Licensed Professional Engineer, License No. 122891
Washington State Licensed Professional Engineer, License No. 50766
West Virginia Licensed Professional Engineer, License No. 24010
Wisconsin Licensed Professional Engineer, License No. 40389-006



Exhibit "D"

March 23, 2020

TO: Kara Roberts via email: Kara.Roberts@fultoncountygga.gov
Assistant District Attorney
Fulton County District Attorney's Office
136 Pryor Street, SW
Atlanta, Georgia 30303

FROM: Rod Englert

RE: **EXPERT'S RECONSTRUCTION REPORT**
Fulton County death of Jimmy Atchison

SUMMARY

This summary is provided for convenience and does not necessarily itemize every single fact relied upon by this expert in the formation of my opinions and conclusions in this matter. It is based on my review of the records and materials identified herein below. I do not contend to have direct personal knowledge of the incident facts.

On January 22, 2019, the FBI Violent Crime Task Force in Atlanta, GA was executing arrest warrants to locate and apprehend fugitives. An arrest warrant existed for Jimmy Atchison, related to an armed robbery offense. On the morning of January 22, 2019, the FBI Task Force arrived at Jimmy Atchison's residence located at 3047 Middleton Road where law enforcement knocked on the door and made entry. Task Force members observed Jimmy Atchison jump out of a three-story window of the apartment and pursued Mr. Atchison to building 3018. Law enforcement continued to pursue Jimmy Atchison toward building 3049 where they lost sight of him and believed him to be inside one of the apartments of that building.

The Task Force cleared each apartment of the building, minus that of apartment #343. The resident of apartment #343 then notified members of the Task Force that Jimmy Atchison was hiding in the back bedroom of her apartment. Upon receiving consent to

search, members of the FBI Crime Task Force made entry into the apartment and located Jimmy Atchison hiding under clothing items in the closet of the southwest bedroom.

Apartment #343 was part of building 3049, located on Middleton Road NW, in Atlanta, GA. The apartment building was part of a large complex of buildings, including 3018 and 3047. Apartment #343 was three-bedroom and one bathroom, with the front door of the residence facing east within a breezeway. Jimmy Atchison was in the southwest bedroom. The bedroom was relatively small, measuring 13-1/2 feet by 9-1/4 feet. The entry door to the bedroom was located along the northeast wall with a closet in the southeast corner, just inside the entry door.

While clearing the residence, Agents recognized Jimmy Atchison covered with clothing in the closet of the southwest bedroom. Four Task Force members reportedly entered the bedroom, including Winn, Kim, Cooper, and Mercure. Multiple Task Force members reported hearing Sung Kim issue commands for Atchison to show his hands and come out of the closet. Task Force members further reported seeing Atchison move his hands in some way, followed by hearing the "pop" of a gunshot. Sung Kim discharged one 9mm round, which entered the left cheek of Jimmy Atchison and lodged in his spine. No associated exit wound was present.

Atchison was then reportedly pulled out of the closet onto his back in order for officers to administer aid. Atchison was pronounced deceased at the scene and an autopsy was performed the following day on January 23, 2019. His hands were covered in white fabric drawstring bags prior to removal from the scene. The Cause of Death was determined by Dr. Ryan McCormick, MD to be a gunshot wound of the head. The entrance wound to the left cheek exhibited front-to-back directionality with no vertical or lateral deviation. No soot or stippling surrounded the entrance wound. A 1/16-inch rim of abrasion was present around the wound.

On February 07, 2020 I was contacted by Assistant District Attorney Kara Roberts from the Fulton County District Attorney's Office to assist in determining how the shooting occurred through blood pattern analysis and reconstruction. On February 26 – 28, 2020 members of Englert Forensic Consultants traveled to Fulton County to analyze evidence, perform a site visit, and reconstruct the event.

This report is an opinion report outlining the steps taken reconstructing what occurred based upon the evidence from the scene.

CHRONOLOGY

- | | |
|----------|---|
| 02/07/20 | Received email from Assistant District Attorney Kara Roberts regarding being retained for bloodstain pattern interpretation and scene reconstruction. |
| 02/10/20 | Received initial reports and case file after being retained. |
| 02/26/20 | Departure of Englert Forensic Consultants to Atlanta, GA and meeting with members of the Fulton County District Attorney's Office regarding case facts and reconstruction protocol. |
| 02/27/20 | Cursory analysis of gun at Atlanta FBI Headquarters.
Analysis of decedent's clothing and carpet scrap at Fulton County District Attorney's Office. |
| 02/28/20 | Site visit with model, measurements, photographs and role playing of event.
Post analysis meeting with District Attorneys; provided preliminary opinion until thorough analysis of gun is completed. |

MATERIALS/RECORDS REVIEWED

- Fulton County Medical Examiner Autopsy Report dated 1/23/2019, produced by Ryan McCormick, MD (9 pages)
- Digital photographs of autopsy and scene dated 1/22/2019 (78 images)
- Digital photographs of scene dated 1/22/2019, produced by the FBI (212 images)
- Fulton County District Attorney's Office Coversheet dated 9/6/2019 (1 page)
- FBI File Part 1 Filtered, including but not limited to; handwritten notes, FBI reports and investigation documents, interview summaries, scans of photographs, warrant information, FBI Atlanta Operation Plan, criminal history

records, FBI Deadly Force Policy dated 7/1/2004, evidence logs, consent to search forms, diagram, FBI Operation Center Log, victim services document, Atlanta Police Department (APD) Call for Service, and laboratory examination requests (168 pages)

- FBI File Part 2 Filtered, including but not limited to; criminal history records, FBI reports and investigation documents, FBI Laboratory reports, diagram, handwritten notes, and evidence log (36 pages)
- FBI File Part 3 Filtered, including but not limited to; FBI reports and investigation documents, handwritten notes, signed sworn statements, diagrams, interview logs and summaries, FBI Atlanta Operation Plan, scanned photographs, evidence logs, events log, fingerprint images, criminal history records, media releases regarding incident, photographic log, FBI Ammo Violent Task Force MOU, training records, and email correspondences (204 pages)
- FBI File Part 4 Filtered, including but not limited to; scanned photographs, handwritten notes, FBI reports and investigation documents, interview logs and summaries, diagrams, signed sworn statements, photographic log, email correspondences, inventory logs, criminal history records, and Shooting Incident Review Group report (123 pages)
- Letter addressed to District Attorney Paul Howard dated 8/23/2019 (1 page)
- GBI Case File 10-0232-24-19, including but not limited to; forms, GBI exhibit list, GBI crime scene examination face sheet, GBI ID data form, GBI Investigative Summary dated 1/23/2019, digital images, GBI property receipts, GBI consent to search form, and TruView data and diagram (24 pages, 219 images, and TruView data)
- GBI Case File 10-0324-34-19, including but not limited to; forms, GBI exhibit list, GBI use of force face sheet, GBI ID data form, GBI Investigative Summary dated 5/29/2019, letters, email correspondences, training records, digital images, GBI property receipts, audio recordings, video recordings, APD Call for Service, and Ciox Health invoice (137 pages, 242 images, and video/audio recordings)

The foregoing list underscores those records to which I have devoted substantial consideration. In the event any items reviewed or inadvertently omitted from the foregoing list, this expert will gladly supplement this list upon questioning and under oath, and reserves the right to supplement this list in a supplemental report.

REVIEW OF SELECTED ITEMS OF EVIDENCE

Date: 02/27/2020
Time: 10:05 a.m.
Location: Federal Bureau of Investigation
3000 Flowers Road, S
Atlanta, GA 34301
Present: Marie Wolkerson (Evidence Custodian), FBI
Susan Richards, FBI
Elizabeth Barnett, FBI
Greg Thomas, Investigator, Fulton County DA
Donald Hannah, Investigator, Fulton County DA
Kara Roberts, Fulton County DA
Robert Schollmeyer, Fulton County DA
Rod Englert, Analyst, Englert Forensic Consultants
Nikki Wagar, Analyst, Englert Forensic Consultants
John Naccarato, Photographer, Englert Forensic Consultants

On February 27, 2020, at approximately 10:05 a.m., members of Englert Forensic Consultants examined selected items of evidence that had been collected by Georgia Bureau of Investigation during their scene investigation and then submitted into the custody of the FBI. This included the duty weapon of Kim. FBI officials instructed us that no use of cameras or equipment were permitted and that we were only authorized to perform a visual examination of selected items. Marie Wolkerson acted as evidence custodian and opened and closed each item of evidence.

NOTE: For purposes of this report, all substances that have the appearance, color, and physical characteristics of blood will be referred to as blood or blood-like.

EFC #1 (FBI 1B1)

Kim's duty weapon: One (1) Glock 17 Gen 4 9x19 pistol with serial number ABYY18. A flashlight was attached below the barrel and "Atlanta Police" was inscribed on the right side of the slide.

- One small stain, less than 1mm in size, was observed on the left side of the pistol, just under the lower right portion of the Glock symbol on the slide.

EFC #2 (FBI 1B7)

One (1) projectile reportedly collected during the autopsy of Atchison. The projectile was a copper jacketed lead core bullet with expanded and deformed petals.

- Possible biological material and/or apparent fibers were observed on the underside of the expanded petals.

EFC #3 (FBI 1B2)

One (1) Glock magazine with name "Kim" written on the side in black-colored ink and serial number 1587-01. The magazine had a 17 round capacity and appeared to be loaded to 16, one under capacity.

- Nothing of significance was noted on the magazine.
- One (1) cartridge was packaged with the magazine and not examined. The cartridge was reportedly the chambered live round removed from the Glock pistol (EFC #1) upon collection.

EFC #4 (FBI 1B4)

One (1) 9mm Luger WIN cartridge case with primer impacted.

- No noted deformity or ejection dent.
- Nothing of significance was noted on the cartridge case.

Examination of evidence at the FBI concluded at approximately 10:55 a.m.

Date: 02/27/2020

Time: 12:14 p.m.

Location: Fulton County District Attorney's Office
141 Pryor Street, SW
Atlanta, GA 30303

Present: Greg Thomas, Investigator, Fulton County DA
Rod Englert, Analyst, Englert Forensic Consultants
Nikki Wagar, Analyst, Englert Forensic Consultants
John Naccarato, Photographer, Englert Forensic Consultants

On February 27, 2020, at approximately 12:14 p.m., members of Englert Forensic Consultants examined selected items of evidence that had been collected by investigators at the scene and during the autopsy of Jimmy Atchison. This included the clothing worn by Atchison during the incident. Investigator Greg Thomas acted as evidence custodian and opened and closed each item of evidence.

EFC #5 (GBI 10-0232-24-19) (Case Number 19-0166)

One (1) brown paper bag containing multiple clothing items collected from the autopsy of Jimmy Atchison at the Fulton County Medical Examiner's Office. Contents of the bag were examined separately and labeled as EFC #5A through #5F.

EFC #5A

One (1) gray-colored Jennifer Lauren brand hooded sweatshirt with zippered front. Size large, made in Botswana, 85% poly and 15% cotton with ribbing on the cuffs and bottom. This sweatshirt was reported to have been worn as an exterior garment by Jimmy Atchison at the time of the shooting.

- The sweatshirt measured approximately 24 inches in overall length. The sweatshirt measured approximately 16 inches across the bottom. The sleeves measured approximately 21-1/2 inches in length, and the cuffs of the sleeves measured approximately 3-1/2 inches in width. The length of the zipper measured 21 inches long when zipped.
- Numerous medical intervention cuts were observed on the sweatshirt, including the front left of midline and right sleeve.
- Blood was primarily observed on the right front side of the sweatshirt, to right of midline on the front panel and right arm. The blood saturated through to the interior of the sweatshirt with less through saturation noted on the upper right sleeve than other areas. Additional smaller saturation stains were observed on the front and interior hood, and front panel with through saturation to interior of pockets and upper left shoulder. An apparent transfer pattern was observed on the left interior hood.

- Multiple green, yellow, and red-colored fibers were noted on the lower right and left sleeves, as well as the right front pocket. Possible biological material was noted on the lower left sleeve.
- Saturated blood was primarily observed on the right rear of the sweatshirt, on the hood, right sleeve, and back panel near the right sleeve.
- Multiple red-colored fibers were observed on the back right sleeve.

EFC #5B

One (1) pair of white-colored Fruit of the Loom ankle socks and black and green-colored Ralph Lauren boxer briefs.

- An area of saturated blood was observed on the right rear hip area of the boxer briefs.
- Nothing of significance was noted on the boxer briefs or socks.

EFC #5C

One (1) white-colored Fruit of the Loom long-sleeve thermal shirt, size medium. Made in El Salvador with 65% poly and 45% cotton. This shirt was reported to have been worn as an interior garment by Jimmy Atchison at the time of the shooting.

- Packaged inside out.
- The thermal measured approximately 23 inches in length. The bottom of the shirt measured approximately 16 inches across, and the sleeves measured approximately 19 inches in length. The cuff of the sleeves measured approximately 5 inches wide.
- One (1) medical intervention cut was observed to the front midline, from top to bottom.
- The predominance of blood was observed on the right front of the thermal, extending from the neck area onto the shoulder and bottom of the shirt, creating a somewhat "L" shape at the base.
- Smaller areas of blood were noted on the front lower left panel, left collar, and left sleeve.

- The predominance of blood on the back of the thermal was observed on the right side from the midline to the right arm, covering the majority of the shirt from top to bottom.
- Smaller areas of blood were noted on the back collar, right sleeve, and lower left torso area.
- Apparent serum separation was observed on the back lower right sleeve.

EFC #5D

One (1) black-colored Ralph Lauren Polo jeans, 100% cotton, made in the Dominican Republic. These pants were reported to have been worn as an exterior garment by Atchison during the incident.

- The jeans measured approximately 14-1/2 inches across the waist; approximately 40-1/2 inches in length; approximately 8-1/4 inches wide at the cuff, and the leg inseams measured approximately 28 inches in length.
- The predominance of blood was observed on the front right leg of the pants with the front left leg relatively void of staining.
- Areas of saturated blood were noted on the upper right thigh near the pocket and waist, the right knee area, right lower leg below the knee, and near the crotch region. The bloodstain near the knee exhibited flaking blood with possible dilution. Coagulated blood and a red-colored fiber were noted in the lower leg stain.
- An additional clustered bloodstain pattern was observed on the upper right thigh area of the pants, beginning near the upper right pocket approximately 1 inch in from the right edge seam. This pattern measured approximately 10 inches vertically and 3 inches laterally (wide). Individual staining was observed within this pattern. Possible mucous strands were present, in addition to apparent dilution. Additionally, the blood associated with this pattern projected into the peaks and furrows of the pant fabric and exhibited directionality of some stains.
- An additional bloodstain pattern was observed in the crotch area of the pants, with the predominance of the pattern to the right of the zipper and transitioning below the crotch line. This stain measured approximately 10 inches vertically and 8

inches laterally. The pattern extended approximately 5 inches from the zipper on the right leg and approximately 3 inches from the zipper on the left leg. This pattern consisted of a cluster of numerous small bloodstains measuring approximately 1 to 2 mm in size. Additionally, the blood associated with this pattern projected into the peaks and furrows of the pant fabric.

- Bloodstaining was observed on the inside front waistband near the zipper and to the lower left pant cuff.
- Apparent transfer stains, blood saturation, and artifact bloodstains were observed on the back of the pants, to both legs.

EFC #5E

One (1) pair of blue-colored KDNK sweats with white stripes on the inner and outer legs and zippers to the lower pant legs. The sweats were size 34L with a drawstring waist. These sweats were reported to have been worn as an inner garment by Jimmy Atchison at the time of the shooting.

- Trace blood was noted on the left back leg near the zipper and crotch area.
- An apparent transfer bloodstain was noted on the right thigh.
- Pooling/saturated blood was noted on the right knee, measuring approximately 4 inches by 3 inches.
- A small defect was observed on the left lower leg.

EFC #5F

One (1) pair of multi-colored Nike high-top tennis shoes with worn appearance.

- Blood transfers were noted on the right and left top toe areas, inner left sole, and bottoms of both shoes.

EFC #6

One (1) piece of brown-colored carpet cutting reportedly collected from the southwest bedroom closet. The carpet measured 12 inches by 19 inches, was medium length shag, and exhibited a dirty appearance.

- Pooling blood and serum separation were noted on the underside of the carpet cutting, measuring approximately 12 inches by 8 inches in overall size.

Examination was concluded at approximately 4:50 p.m.

RECONSTRUCTION OF ASSAULT AND SUBSEQUENT SHOOTING

Date: 02/28/2020
Time: 8:35 a.m.
Location: Apartment #343
3049 Middleton Road, NW
Atlanta, GA
Present: Kara Roberts, Fulton County DA
Greg Thomas, Investigator, Fulton County DA
Donald Hannah, Investigator, Fulton County DA
Quintin Lewis, Model for Jimmy Atchison, Fulton County DA
Rod Englert, Analyst, Englert Forensic Consultants
Nikki Wagar, Analyst, Englert Forensic Consultants
John Naccarato, Photographer, Englert Forensic Consultants

On February 28, 2020, at approximately 8:35 a.m., a reconstruction of the shooting of Jimmy Atchison was conducted at apartment #343, located at 3049 Middleton Road NW in Atlanta, GA. The reconstruction was based upon the physical evidence, statements, scene photographs, medical reports, and crime laboratory reports.

A model was used to represent Jimmy Atchison and was generally similar in physical stature. Approximate bullet entry wound, and locations of bloodstains were drawn on the hands and white Tyvex suit worn by the model. An additional bloodstain pattern was drawn onto a piece of paper and subsequently adhered to the back wall of the closet.

Along with the other forensic work described herein completed, but not limited to examination of the physical evidence, investigative documents and photographs, medical reports, and crime laboratory reports, this reconstruction was used as a basis for preparing digital photographs to illustrate pertinent relative positions during the incident based on the available evidence.

Reconstruction based upon scene facts as follows:

- Bullet entry defect to left cheek with front-to-back directionality and no vertical or lateral deviation, lodging at the spine in cervical vertebrae #1.
- High velocity impact spatter (HVIS) to inner and outer left hand.
- Bloodstains on backside of right outer wrist from blood escaping from right corner of mouth with associated projected stains exhibiting directionality.
- HVIS pattern of blood in front lap, both sides of midline near bottom of jean zipper flap.
- Projected pattern of blood measuring approximately 11 inches laterally by 9 inches vertically on rear closet wall. Estimated location of bottom of stain was approximately 6 inches up from the floor, and right portion of stain approximately 10 to 11 inches from the southeast corner of the rear closet wall, extending laterally slightly beyond the lower closet shelving center brace.

MEASUREMENTS

The following are some of the measurements collected from the southwest bedroom during the site visit:

Closet Door Jamb	5-1/2 inches wide	
Closet Baseboard	4 inches high	
Closet Door Opening	80 inches high	35-1/2 inches wide
Lower Shelf	41 inches from ground	12 inches deep
Lower Shelf	11 inches from top of shelf to bottom of center bracket	
Closet Interior	47-1/4 inches wide	23-1/2 inches deep
Closet West Wall	8 inches of wall south of door	4 inches of wall north of door
Overall Room Dimensions	162 inches east to west	111 inches north to south

OPINIONS/CONCLUSIONS

After a thorough forensic analysis of all items listed above (exception of the 9mm weapon in evidence at the Atlanta FBI Headquarters), the following opinion is rendered.

Jimmy Atchison was shot with one 9mm round in the left cheek as he was sitting relatively supine in a bedroom closet measuring 47-1/4 inches wide by 23-1/2 inches deep. Jimmy Atchison's upper back and shoulders were slightly raised in the southeast corner of the closet with his legs extending out into the bedroom when shot. Jimmy Atchison's right arm was tucked with his right elbow behind him and his right wrist raised toward his face, approximately midway between his waist and right shoulder.

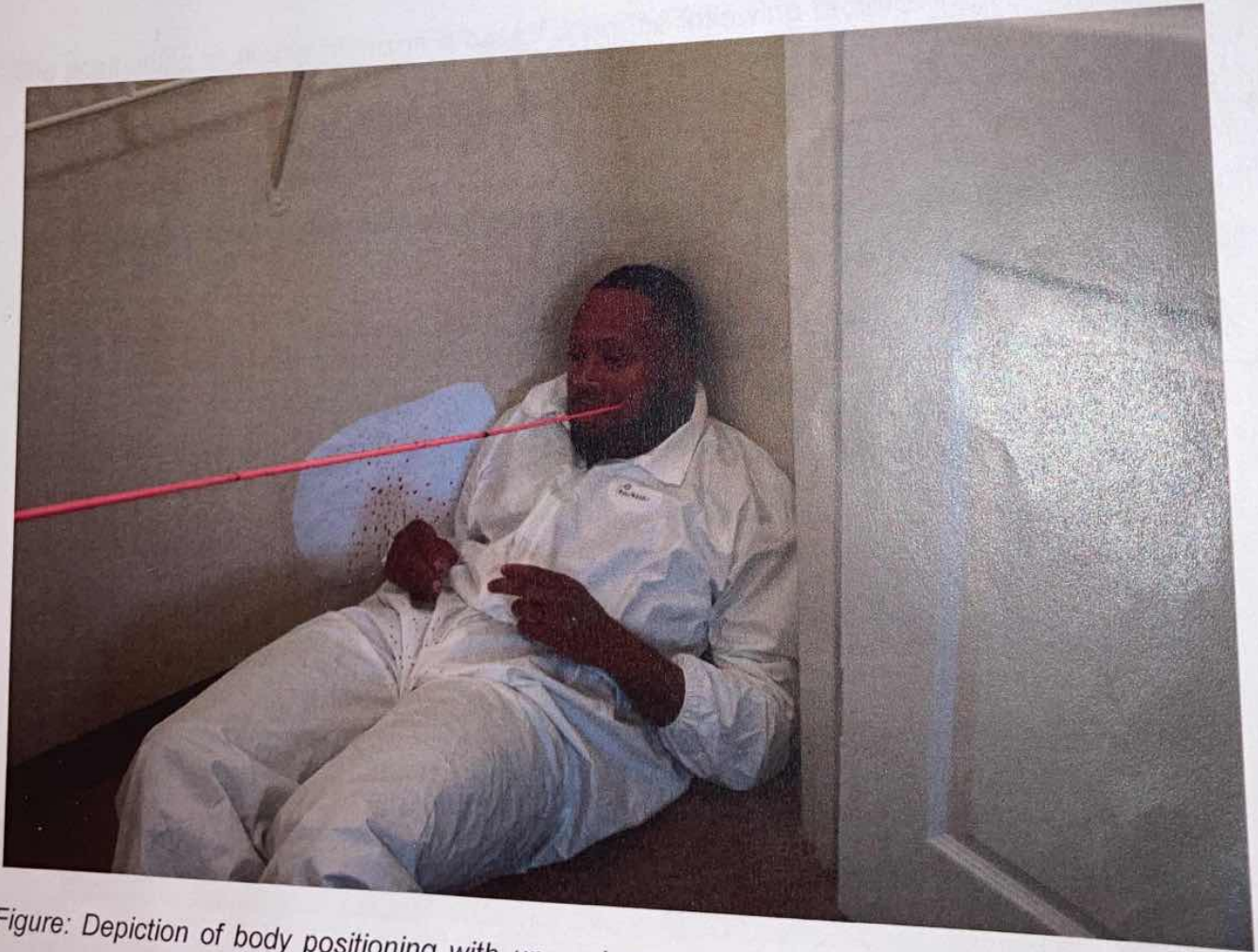
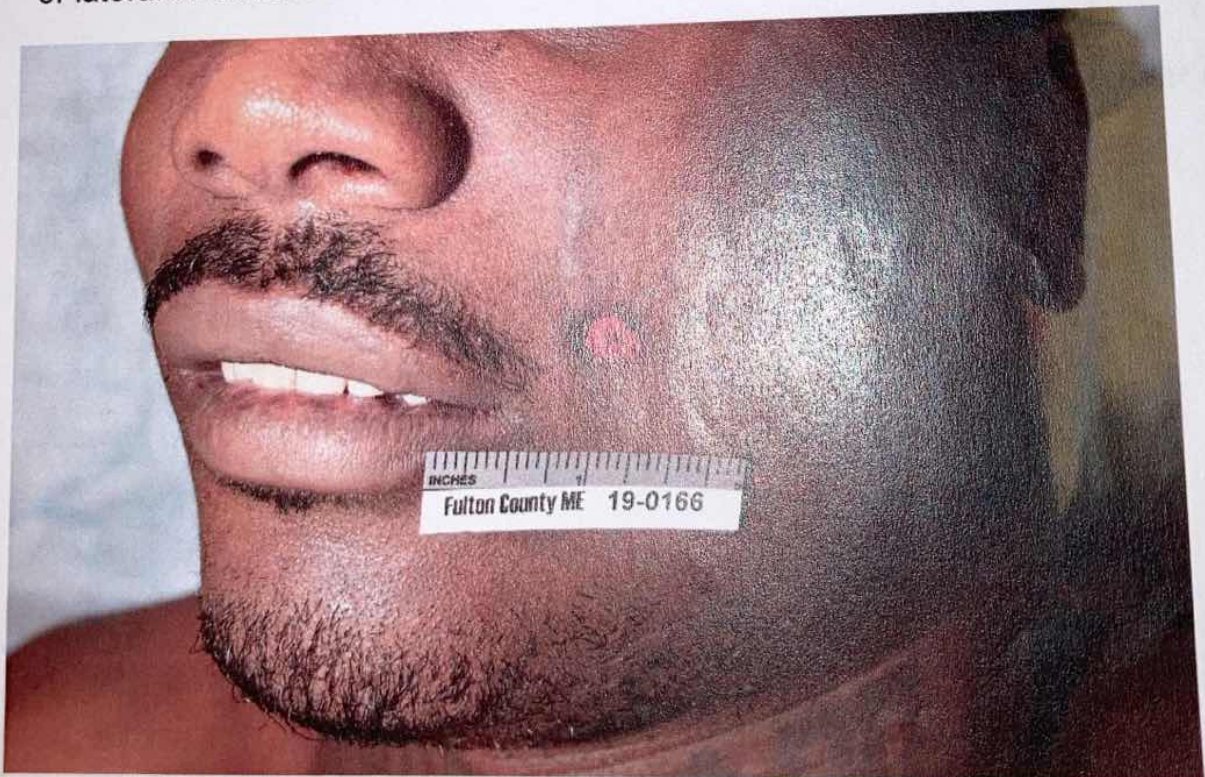


Figure: Depiction of body positioning with upper back and shoulders slightly raised, and legs extended into the bedroom. Hand positioning would be approximately midway between waist and shoulders.

Jimmy Atchison's hip was positioned slightly away from the east (back) wall of the closet, allowing for his legs to extend out of the closet. When the one round was fired, Jimmy Atchison's left hand was raised up approximately halfway between his waist and left shoulder. The entrance wound trajectory originates from outside the closet door at an unknown distance due to an inability to perform a thorough examination of the Glock pistol (EFC #1). Due to a lack of stippling or tattooing on Atchison's face as reported by the Medical Examiner, Dr. Ryan McCormick, M.D., the shot to the left cheek would have originated in excess of 3 feet from Atchison. Jimmy Atchison's head would have been turned toward the doorway of the closet and canted slightly upward for the trajectory to occur.

The positioning of Jimmy Atchison is based upon the following factors:

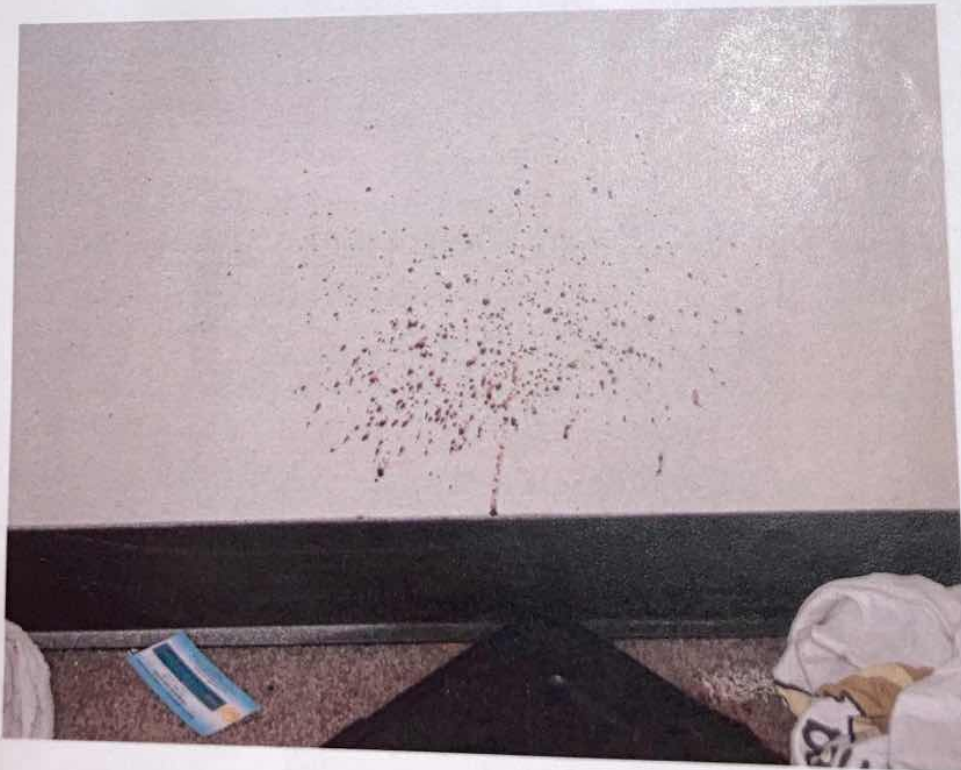
- Single entry wound to the left cheek with front-to-back directionality and no vertical or lateral deviations.



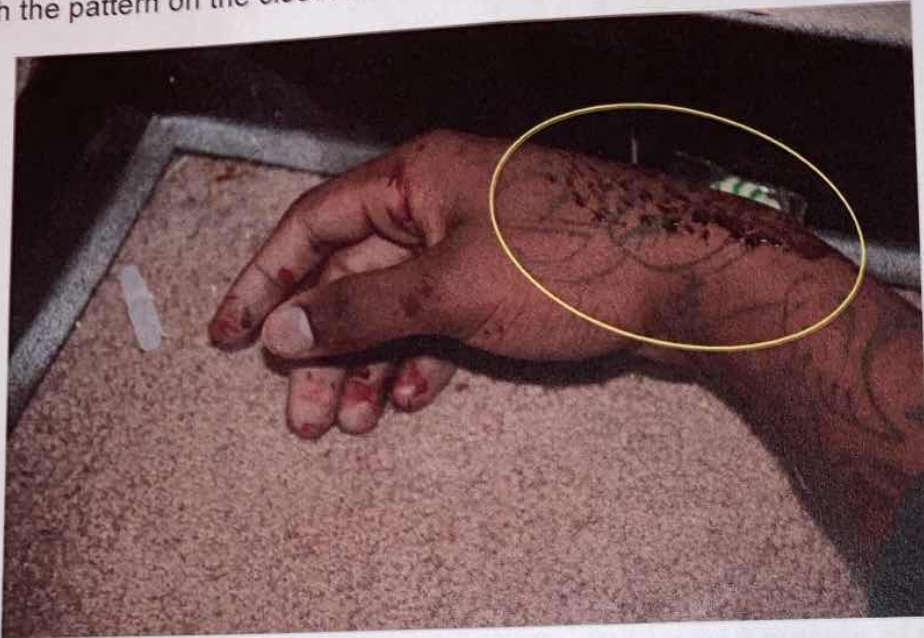
- Blood coating the interior of the mouth.
- Projected blood from the right corner of the mouth due to effects of the gunshot.



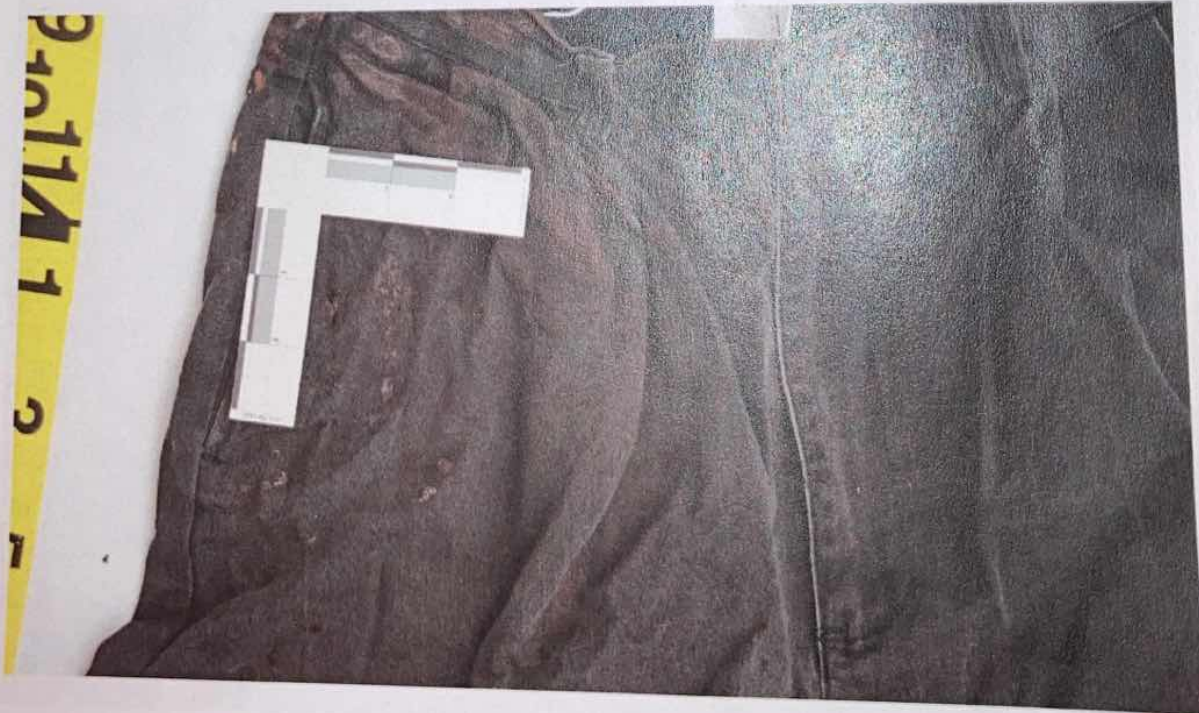
- Projection of blood onto the back (east) wall of the closet from the right corner of the mouth.

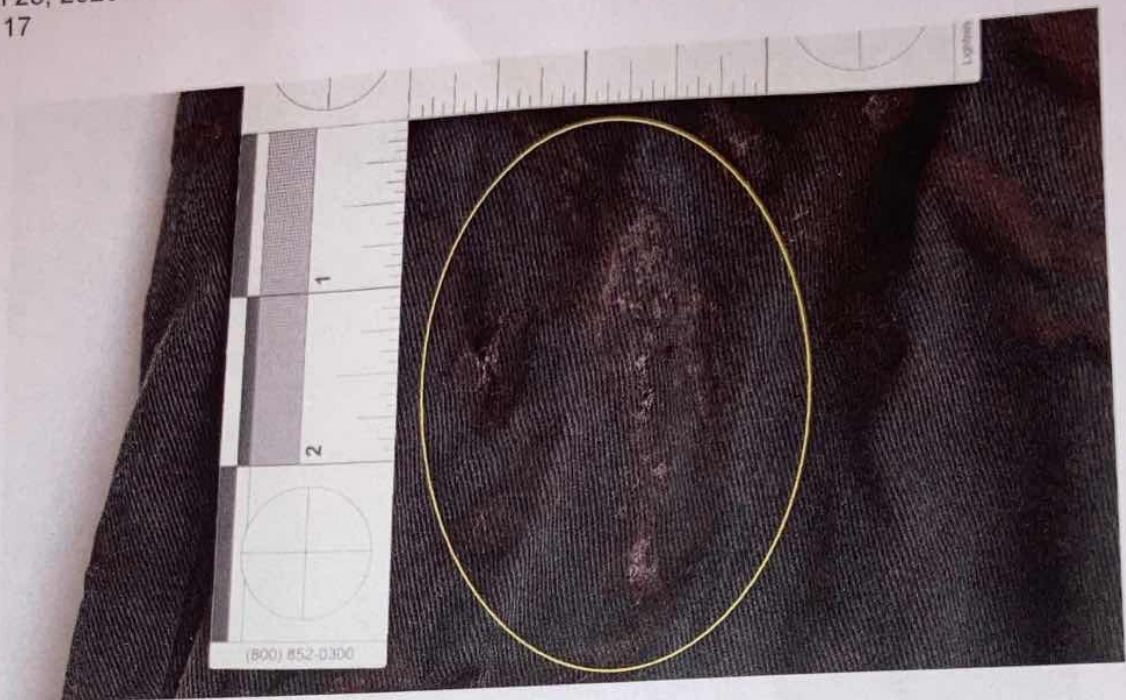


- Projection of blood from the mouth onto the backside of the right wrist, consistent with the pattern on the closet wall.



- Ricochet of blood from east closet wall onto the upper right pant leg.





- HVIS blowback from the entry wound onto the interior and outside of the left hand.





- HVIS blowback from the entry wound onto the supine lap.



In conclusion, at the time of the shot, Jimmy Atchison was lying in a slightly elevated supine position in the small closet with his legs extending out into the bedroom. His shoulders were cramped into the southeast corner of the closet with his head elevated approximately 15 inches above the floor. When shot, both his right and left hands were at approximately chest level and hands apart. Blowback of HVIS was present on the lap of the jeans in line with the backspatter due to being supine with legs outstretched. The left hand had several HVIS stains and would have been an intermediate target within the zone of backspatter from the entry wound.

The bullet entering the left cheek created pressure forcing a large volume of blood from the right corner of Jimmy Atchison's mouth onto the closet wall at a height lower than Atchison's head. The pattern had blood that ricocheted off the wall onto the upper front hip area of Atchison's pants. Atchison's right arm was up and was an intermediate target to this blood pattern, as his right outer wrist had a pattern of blood consistent with the pattern on the east closet wall.

NOTE: The pattern on the east closet wall had the appearance of having originated from the mouth due to:

- Multidirectional stains
- Mucous strands from the mouth
- Diluted stains
- Voids present in the center of stains due to oxygen in the mouth
- Turbulence of stains

During the role playing utilizing a person of the relative same size as Jimmy Atchison, many positions were posed and photographed. The most probable position which coincides with all blood evidence has Jimmy Atchison lying on his back with his shoulders cramped up in the southeast corner of the closet. Both his right and left hands were approximately chest level, with left hand open slightly toward Atchison's torso (chest area) and right hand with palmar surface toward his lap when the shot was fired.

The trajectory of the bullet upon entering the left cheek has Jimmy Atchison facing outside the closet looking up slightly for the bullet to lodge at cervical vertebrae #1.

Discovery is ongoing and all opinions stated herein are, therefore, preliminary. This expert reserves the right to amend or supplement his opinions as further pertinent evidence is discovered. All opinions stated by this expert are made to a reasonable degree of scientific probability or certainty based on this expert's review of the available known forensic evidence and on this expert's background, training, and experience.

I have reviewed this report and its exhibits and believe it accurately summarized my conclusions/opinions in this case, and the methodology and evidentiary and other basis underlying such conclusions.

Rod Englert
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RE/nw
Attachments