



Paul D. Connick Jr.
24th Judicial District Attorney
Parish of Jefferson

IN RE: Chris Joseph and Daviri Robertson

This is the final report of the circumstances, the investigation, and the determination of criminal responsibility for the officer-involved death of *Chris Joseph and Daviri Robertson*.

ISSUED May 13, 2024

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I. INTRODUCTION

A. Role of the District Attorney

The role of the District Attorney in this investigation and review is limited to determining whether potential violations of Louisiana criminal laws occurred, whether any person may be held criminally responsible, and whether any such criminal responsibility can be proven beyond a reasonable doubt in a court of law.

The District Attorney's foremost obligation in any criminal case is to seek justice. This is done by pursuing the evidence and the law without political consideration and according to the highest standards of ethics and integrity. Prosecutors are well-situated to conduct independent inquiries, reviews, and assessments of use of force cases but must maintain their independent stature when doing so.

The District Attorney does not establish policy, practices, or procedures for any law enforcement agency and is not their legal representative. The District Attorney has no legal responsibility for determining whether disciplinary actions are appropriate for law enforcement personnel and does not represent law enforcement agencies in civil legal actions.

There are, however, established practices between the Jefferson Parish Sheriff's office (JPSO) and the District Attorney's office requiring consultation with the District Attorney for a determination of criminal responsibility on the part of an officer involved in the death of a suspect or arrestee.

Under Article 5, Section 26 of the Louisiana Constitution, the District Attorney "...shall have charge of every criminal prosecution by the State in his district." He has the power to bring or dismiss any state criminal charge. The same provision also designates the District Attorney as the legal representative of the Grand Jury and its legal advisor.

When presenting cases to a Grand Jury, the District Attorney is bound by certain legal and ethical standards. First, he must determine that the evidence warrants a conviction. (La.C.Cr.P. art.

443) Additionally, under the Rules of Professional Conduct, prosecutors are required to “refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause”(Rule 3.8).

The standard of proof for any state criminal charge is proof beyond a reasonable doubt. This is the highest standard of proof in the law, and every element of any charge must be proven beyond a reasonable doubt to obtain and support a guilty verdict.

As District Attorney, my oath requires that my office determine the facts from an objective and neutral perspective without regard for the parties involved. Once the facts are established, my office must determine which laws govern a specific set of facts and circumstances.

B. Case Summary

This matter arises out of a narcotics investigation conducted by the Jefferson Parish Sheriff’s Office (“JPSO”) resulting in the deaths of Chris Joseph and Daviri Robertson. On March 27, 2019, members of the JPSO Special Investigations Bureau received information from a confidential source relative to the distribution of heroin and tramadol. This led to the arrest of an individual who confirmed the information. Through collaboration with law enforcement, the cooperating individual arranged a drug transaction with Chris Joseph, the suspected distributor, at the IHOP Restaurant located on the Westbank Expressway in Gretna, Louisiana. Once the meeting was set, members of the narcotics unit established surveillance at the restaurant and awaited Joseph’s arrival, intending to effectuate an investigatory stop for distribution of illegal narcotics.

Joseph arrived as expected and parked his vehicle in the public parking lot adjacent to the restaurant. Daviri Robertson occupied the front passenger seat and was the only passenger in the car. Law enforcement officers converged on the vehicle and positioned one vehicle directly behind Joseph’s vehicle and one vehicle on the driver’s side to prevent Joseph from escaping. The officer’s exited their cars and approached with weapons drawn issuing verbal commands, at which time Joseph quickly shifted his vehicle into reverse and accelerated backwards in the direction of Detective Ben Jones who was positioned at the rear of the suspect vehicle. Detectives Wibble and Carmouche opened fire on the vehicle in order to stop the vehicle from striking Detective Jones. Both the driver and the passenger suffered fatal gunshot wounds.

II. THE INVESTIGATION

A. The Narcotics Investigation

On Wednesday, March 27, 2019, at 7:30PM, members of Jefferson Parish Sheriff's Office Special Investigations Bureau Narcotics (JPSO Narcotics) Section initiated an investigation documented under JPSO Item #C-22152-19, within the unincorporated City of Gretna. During the course of the investigation, detectives met with a Confidential Informant (CI), who provided information relative to deliveries of street level amounts of Tramadol and heroin. The CI informed investigators that a black male 30 years old with a short/bald hairstyle and some facial hair driving a small four (4) door vehicle (possibly a Chevrolet) would be delivering a quantity of heroin to "Jimmy's Discount Meat Market" (1055 Whitney Blvd., Gretna, LA) between 8:00-8:30PM on Wednesday, March 27, 2019.

As a result of that investigation, an arrest for Possession with Intent to Distribute (PWITD) heroin four (4) grams and of Possession of seven (7) dosage units of Tramadol was made at "Jimmy's Discount Meat Market". The arrestee offered to cooperate with investigators and order an ounce of heroin from a 31-year-old black male known to him as "Head" (later identified as Chris Joseph B/M 11/8/80). The arrestee advised that "Head" was a drug trafficker from New Orleans known for distributing large quantities of heroin in Orleans and Jefferson Parishes. He further advised that "Head" conducted narcotics transactions while driving a grey Dodge Charger with an aftermarket exhaust system.

While detectives were present, the arrestee used his cellular phone to contact "Head" and attempt to purchase an ounce of heroin. As a result of their phone conversation, "Head" agreed to meet the arrestee in the IHOP parking lot (151 Westbank Expressway, Gretna, LA) between 10:00 and 10:30 p.m. that evening to conduct the transaction. [View Jefferson Parish Sheriff's Office Narcotics Report](#)

Members of the JPSO narcotics section travelled to that location and set up surveillance, utilizing unmarked "non-traditional" police vehicles equipped with hidden lights and sirens. The detectives were clad in plain clothes but were wearing fully exposed JPSO badges and

firearms. As the investigators maintained their surveillance of the IHOP parking lot, they utilized their departmental radios to maintain constant contact with each other. They also received “real time” updates as to "Head's" position and estimated time of arrival from detectives who were with the arrestee as he continued speaking to "Head" via his cellular phone.

JPSO Narcotics surveillance teams tactically positioned themselves in and around the immediate vicinity of the IHOP. At 10:20 p.m. they observed a grey Dodge Charger with loud exhaust, occupied by two (2) black males, pull into the parking lot and park in a space behind the IHOP restaurant. Detectives were notified that the arrestee had spoken with "Head" who confirmed that he was now parked at the pre-arranged location (IHOP).

After detectives verified the driver of the Charger was "Head" (Chris Joseph), they converged on the suspect vehicle, using two unmarked JPSO vehicles, in order to effectuate an investigatory stop. The first unmarked vehicle was a black Ford F-150 pickup truck driven by Detective Allen Doubleday with Detective Ben Jones riding as his front seat passenger. Detective Doubleday positioned his vehicle directly behind the Dodge Charger in an attempt to block it from backing up and fleeing the scene, while the second unmarked vehicle, a blue Dodge Ram pickup driven by Detective Mike Wibble and occupied by front seat passenger Detective Paul Carmouche flanked the driver's side of the Dodge Charger. All detectives on the scene clearly displayed badges identifying themselves as law enforcement.

Detective Doubleday immediately exited the driver seat of his vehicle and moved directly to the front passenger side of the suspect vehicle while clearly identifying himself using the words "police, show me your hands" and ordering the occupants out of the vehicle. While Detective Doubleday was shouting verbal commands at the occupants of the suspect vehicle, Detective Jones exited the passenger seat of Doubleday's vehicle and took up a tactical position behind the suspect vehicle at the rear driver's side. [View Diagram](#)

Contemporaneous to Detective Doubleday and Jones's actions, Detectives Wibble and Carmouche exited their vehicle and approached the driver's side of the suspect vehicle, issuing

loud verbal commands; "police show me your hands, police show me your hands". At this time, the driver (Joseph), disregarded the detective's commands and immediately shifted the Dodge Charger into reverse and accelerated at a high rate of speed, in the direction of Detective Jones' crashing his vehicle into the driver side of Detective Doubleday's vehicle. Detective Jones was struck in the leg before narrowly escaping being pinned between the two vehicles. Upon witnessing the suspect vehicle accelerating in reverse towards Detective Jones, Detectives Wibble and Carmouche began firing their weapons into Joseph's vehicle to prevent the vehicle from causing death or great bodily harm to Detective Jones. Detective Jones sustained a minor injury to his right foot and leg.

Detectives gained entry into the suspect vehicle and observed the driver (Joseph) appeared unresponsive due to multiple gunshot wounds to his head and torso. Lifesaving efforts by West Jefferson General Hospital Emergency Medical Technicians (EMTs) on the scene were unsuccessful, and he was pronounced dead. Simultaneously, detectives were able to breach the passenger side front door and remove the passenger (later identified as Daviri Robertson B/M 12/28/79) from the vehicle. It was at that time it became apparent that Robertson had sustained a single gunshot wound to the neck. Robertson was treated by Gretna Police Department EMT's and transported to University Medical Center (UMC) for emergency treatment where he was pronounced dead upon arrival. Detective Doubleday sustained a single gunshot wound to the right lower abdomen and was transported to UMC in critical condition where he underwent surgery, ultimately surviving his injury.

B. Jefferson Parish Sheriff's Office Findings and Referrals:

Upon the arrival of JPSO Homicide investigators, the suspect vehicle's engine was still running and engaged in gear (reverse). The vehicle was impaled into the driver's side of Detective Doubleday's vehicle which was positioned directly behind the suspect vehicle. It should be noted that the force with which the Dodge Charger struck the unmarked unit caused an "inelastic collision" such that post-collision, the suspect vehicle and Detective Doubleday's unit were "stuck together" and had to be separated from each other. [View Photos of Vehicles](#)

A video recording was obtained from an exterior surveillance camera affixed to the IHOP restaurant. A review of the surveillance video showed the suspect vehicle arrive in the parking lot and park in a space behind the restaurant. Shortly thereafter a black Ford F-150, driven by Detective Doubleday, arrived in the parking lot and positioned itself behind the Dodge Charger/suspect.

A second un-marked police vehicle, a blue Dodge Ram (driven by Detective Wibble) arrived in the parking lot and took up position on the driver side of the suspect vehicle in a flanking maneuver. Detective Doubleday is observed exiting his vehicle and approaching the passenger side of the Dodge Charger. The suspect vehicle then accelerated in reverse with great force, crashing into Detective Doubleday's vehicle.

As the suspect (Joseph) reversed his vehicle crashing into Detective Doubleday's vehicle, several things commenced contemporaneously. Detective Ben Jones, who upon exiting the passenger side of the Detective Doubleday's vehicle, tactically positioned himself between the driver's side of Detective Doubleday's vehicle and the rear of the suspect vehicle in order to provide himself with a line of sight to cover Detective Doubleday who was engaging the occupants of the vehicle. The suspect in the vehicle disregarded the commands of Detective Doubleday and suddenly accelerated in reverse, in the direction of Detective Jones, striking him prior to striking Detective Doubleday's vehicle.

Detectives Wibble and Carmouche were flanking the suspect vehicle on the driver's side and had an unobstructed and clear view of Detective Jones positioned behind the suspect vehicle. When the driver (Joseph) accelerated in reverse in the direction of Detective Jones, Detectives Wibble and Carmouche discharged their weapons with the intention of stopping the vehicle from causing death or serious bodily upon Detective Jones. The passenger of the vehicle (Daviri Robertson) as well as Detective Doubleday, who was positioned on the passenger side of the suspect vehicle, were also struck by the gunfire. [IHOP Surveillance Video](#)

The Jefferson Parish Coroner's office death investigator was also present on the scene. Upon conducting an inventory of Chris "Head" Joseph's remains, the investigator located \$1,155.00 (8-\$100; 4-\$50; 7-\$20; 1-\$10; 1-\$5) and a Bic lighter in his front right pants pocket. [View Photo of Money](#)

On 3/28/19 at 1:18AM, Lt. Don Meunier, JPSO Homicide Commander, obtained a statement from the arrestee who set up the deal with "Head" and learned that upon his arrest for PWITD heroin and Possession of Tramadol, he fully cooperated with narcotics investigators offering to order an ounce of heroin from an associate known only to him as "Head". The arrestee stated he had known "Head" since 2017 when they were introduced while serving time together at Allen Correctional Center. He stated he used his cellular phone to contact "Head" in order to facilitate a narcotic deal. The arrestee agreed to pay "Head" \$3000.00 for an ounce of heroin. The arrestee set the location of the delivery for the IHOP restaurant at 151 Westbank Expressway. Subsequent to the initial call, he stated he received additional calls from "Head" who explained he was having difficulty obtaining a full ounce of heroin and thus if the arrestee wanted to continue with the deal, he would have to accept a half ounce of heroin for \$2200.00. He advised "Head" called back and explained he now had an ounce of heroin and would contact the arrestee when he arrived at the IHOP parking lot.

The arrestee verified he had previously purchased large quantities of heroin from "Head", while "Head" was operating a grey Dodge Charger with an aftermarket exhaust system. He consented to a review of his cellular phone which had "Head's" number listed within his contacts. Prior to being transported to JPCC on his narcotics charges, the arrestee was presented with a photograph of Chris Joseph at which time he confirmed that the person in the photograph was the subject he knew as "Head".

At 2:20 AM on 3/28/19 a search of the suspect vehicle took place at the JPSO crime lab evidence garage. During the search a 1.1 gram bag of heroin was located in the center console while a large 29.3 gram (1.03 ounces) bag of heroin was located within the cupholder in the center console along with a Louisiana identification card in the name Chris A.

Joseph. A copper jacketed projectile was additionally collected from the front passenger side floorboard. [View Jefferson Parish Sheriff's Office Crime Lab Report](#)

Upon concluding their investigation, JPSO determined that, based on the totality of evidence, the detectives acted in accordance with Louisiana law and the Sheriff's office policy pursuant to the use of force. JPSO further determined that the use of force employed by the officers and the manner in which it was employed was both reasonable and necessary. [Read the JPSO Homicide Section report.](#)

The matter was then referred to the Jefferson Parish District Attorney's office for review. Members of the District Attorney's office who review homicide and police use-of force cases were assigned to review the facts and circumstances surrounding the deaths of Chris Joseph and Daviri Robertson. [View Crime Scene Diagram](#)

III. OTHER MATTERS CONSIDERED

A. Autopsy Findings

The autopsy of Daviri Robertson (passenger) occurred at 8:30AM on 3/29/19. [Daviri Robertson](#) sustained one fatal penetrating GSW to the base of his neck. A projectile was recovered. The manner of death was ruled as a homicide. [View Daviri Robertson's Forensic Report](#)

[Chris Joseph's](#) autopsy commenced at 9:30AM. Joseph was deemed to have sustained five (5) GSW's. One (1) GSW to his right upper chest (projectile recovered); Two (2) GSW's to the upper left chest (Two (2) projectiles recovered); One (1) GSW to the left neck which exited the right posterior neck; and one (1) GSW to the right occipital scalp lodging in the left temporal brain (projectile recovered). The manner of death was ruled a homicide. [View Chris Joseph's Forensic Report](#)

B. Use of Force Experts:

1) Use of Force Consultation with JPSO Lt. Benny Griffin

As part of our initial review this office consulted with Lt. Benny Griffin. Lt. Griffin has been a member of the JPSO since 1997, having served in the Fourth District as both a patrol deputy and Field Training Officer (1997-2003). A member of the Street Crimes Unit (1999-2003), Firearms instructor at the JPSO Training Academy (2003-present), member of the JPSO SWAT team (1999-present), Deputy Commander of the SWAT Team (2013-May 2023), Commander of the SWAT Team (May 2023-present) and JPSO Firearms Range Commander (2018-present). Lt. Griffin has been consulted by law enforcement and prosecutors as a use of force expert on multiple occasions.

[View Lt. Benny Griffin's CV](#)

Of particular importance in this use of force review, Lt Griffin is a Vehicle Close Quarters Battle (VCQB) instructor and possesses expertise in the specific areas of vehicle stops and use of force incidents involving a discharge of weapon(s). Lt. Griffin also instructs on the mechanics involved in shooting through and into vehicles relative to bullet deformity, deflection, and deviation.

In reviewing this case, members of my office met with Lt. Griffin and provided him with a copy of the following: JPSO Narcotics report under Item C-22152-18 (relative to the arrest of unnamed arrestee), JPSO reports under Item C-22223-19 relative to this use of force investigation, a copy of the crime scene photos, statements from Detectives Wibble, Jones, Carmouche and Doubleday, the surveillance video from the IHOP located at 151 Westbank Expressway as well as the in-service training records for Detectives Carmouche and Wibble.

Upon reviewing the materials provided by the Jefferson Parish District Attorney's Office, Lt. Griffin made the following observations:

The Narcotics detectives involved employed tactics that are utilized and relied upon and are currently being taught to police officers throughout police agencies in the United States. The

detectives involved were readily identifiable as being law enforcement officers, wearing clearly visible badges, departmental issued firearms equipped with rail mounted flashlights, and police radios.

Detectives Doubleday and Wibble position(ed) their vehicles in a "Tactical-L" formation which provided them with the best tactical advantage in this type of investigation. This formation afforded them the best positioning to see all occupants inside the vehicle. This formation also allows officers to have designated assignments as it pertains to dealing with individuals inside the vehicle. In addition, the "Tactical-L" formation allows detectives to use the cover that a suspect's vehicle provides, by using the vehicle's A, B and C pillars which assists in protecting officer(s) from the danger of a crossfire situation. [View Pillar Diagram](#)

Lt. Griffin concluded that Detectives Wibble and Carmouche were left with no choice but to respond with deadly force due to the driver (Joseph) ignoring the officer's commands and endangering all parties involved. It is the opinion of Lt. Griffin that the decision by Detectives Wibble and Carmouche to use deadly force to defend Detective Jones was reasonable and justified.

2) Independent Use of Force Expert Sheriff Ken Katsaris (Retired)

Following our consultation with JPSO Lt. Benny Griffin, the Jefferson Parish District Attorney's Office retained Retired Sheriff Ken Katsaris, an independent police use of force expert [Read Katsaris CV](#)

Katsaris was provided the entire case file as indicated in Attachment A of his report and was retained to render an expert opinion regarding the conduct of the officers in accordance with use of force training, procedures, and tactics. [Read Katsaris' Report](#)

Katsaris opined that the operational procedures employed involving the use of the Confidential Informant, as well as the surveillance procedures utilized met recognized, accepted, and trained law enforcement procedures. The JPSO detectives travelled to the IHOP parking lot and properly established surveillance awaiting the controlled delivery. They

utilized non-traditional and unmarked vehicles, while dressed in street clothing but wore gold badges, which were prominently displayed for proper law enforcement identification.

Upon the arrival of the suspect vehicle, the detectives used their experience and training to implement proper tactics and vehicle placement for intervention. According to Katsaris, the presence of an (unexpected) passenger (Robertson) in the vehicle would not be a reason to call off the anticipated investigative detention considering all of the investigative information obtained.

Once the Dodge Charger (driven by Joseph) pulled into the parking spot, the vehicle approach tactics employed by the JPSO Detectives (Doubleday, Jones, Wibble and Carmouche) were properly applied and executed. This included the positioning and timing of both unmarked vehicles to contain the suspect/target vehicle as well as the tactical approach by the detectives which was designed to put them in the best position to exert immediate control, provide visibility for a show of force, display obvious and visible officer identification, and give verbal commands to the vehicle occupants. According to Katsaris the actions of the detectives comported with recognized, trained, and accepted police practices for intervention in similar circumstances.

The split second and totally unanticipated actions of Joseph, in placing the Dodge Charger in reverse and the sudden acceleration toward Detective Jones, could not have been reasonably anticipated by the detectives, since the suspect/target vehicle was blocked from both the front and rear. At the moment the driver (Joseph) accelerated rearward, Detectives Wibble and Carmouche each made a split-second decision to fire their weapons at the driver (Joseph) because Detective Jones was in the direct path of the rearward accelerating vehicle.

According to Katsaris, the decisions made by both Detective Wibble and Detective Carmouche to fire their weapons were based on the totality of the circumstances present and provided only a split second for processing the immediate threat to Detective Jones. Therefore, the deadly force decision made by Detectives Wibble and Carmouche in simultaneously discharging their weapons was necessary to stop the driver (Joseph's) actions.

Katsaris' independent assessment is consistent with that of JPSO Use of Force expert Lt. Benny

Griffin, in saying Joseph's decision to accelerate his vehicle in reverse, not only jeopardized the life and safety of Detective Jones, but also put his passenger (Robertson) in harm's way. Detectives Wibble and Carmouche were forced to use deadly force in an attempt to protect Detective Jones by shooting at the driver (Joseph) thereby stopping the vehicle. Joseph's actions in reversing his vehicle, put his passenger (Robertson) in the line of fire when Detectives Wibble and Carmouche made the split second necessary and reasonable decision to use deadly force. As such Robertson was a victim of Joseph's decision to accelerate toward Detective Jones as well as his (Robertson's) close proximity to Joseph (within the vehicle).

Katsaris also explains that Joseph's actions caused Detective Doubleday to suffer a gunshot wound as he too was positioned on the passenger side of the suspect/target vehicle and in the backdrop of the unanticipated and split-second decision to use deadly force made by Detectives Carmouche and Wibble.

Accordingly, it is Katsaris' expert opinion that the decisions made by Detective's Carmouche and Wibble to discharge their weapons were appropriate, justified, and necessary to stop Joseph's actions. Their split-second decision to apply deadly force made their assessment of the threats to Robertson and Detective Doubleday impossible. Katsaris further states the application of deadly force in this situation was a reasonable use of force and comports with recognized, accepted and trained law enforcement practices, given the totality of the circumstances and the potential of death or serious bodily injury to Detective Jones.

C. Prior Complaints Against Officers:

None

D. Criminal History

Daviri Robertson (Decedent-passenger) B/M 12/28/79

- Case #541-993 Section "C" Orleans 14:35 Simple Battery, 14:95.1Felon in Possession of a Firearm, 14:37.4 Aggravated Assault with a Firearm, 40:966C Possession of Marijuana (pending at the time of this incident/charges dismissed due to Robertson's death).

- Case #409-834 Section "H" Orleans 40:967C Possession of Crack Cocaine) PGAC 10/15/99.
- Case# 409-215 Section "H" Orleans 14:95 Possession of a Concealed Weapon PGAC 10/15/99.
- Case# 529-792 Section "F" Orleans 40:966C Possession of heroin, 40:967C Possession of Hydrocodone, pled guilty to misdemeanor charge of 40:1023 Possession of Drug Paraphernalia 3/29/17.
- Case# 406-743 Section "H" Orleans 40:967C Possession of Crack Cocaine PGAC 10/15/99.
- Case# 433-041 Section "J" Orleans 14:27/30.1 Attempted 2nd Degree Murder reduced to 14:34 Aggravated Battery PGAC 4/15/04.
- Aggravated Robbery (228th District Ct. Houston, TX, Harris County) PGAC 3/10/98.

Chris"Head"Joseph (Decedent-driver) B/M 11/8/80

- Case #09-2034 Div. "O" 14:70.4 Access Device Fraud PGAC 12/14/10.
- Case# 07-6668 Div. "N" 14:108.1 Flight from an Officer, 14:68.4 Unauthorized Use of a Motor Vehicle PGAC 12/12/10.
- Case #07-3487 "N" 14:67.10 Shoplifting PGAC 12/16/10.
- Case# 419-729 Section "H" Orleans 40:967C Possession of Crack Cocaine PGAC 3/30/01.

- Case# 418-791 Section "I" Orleans 40:967B Possession with Intent to Distribute Cocaine PGAC 2/5/01.
- Case # 531-750 Section "H" Orleans 14:62.2 Simple Burglary of an Inhabited Dwelling reduced to misdemeanor 14:63 Criminal Damage to Property PGAC sentenced 7/25/17.
- Case #416-751 Section "L" Orleans 40:967C Possession of Crack Cocaine PGAC 10/10/00.
- Case# 532-412 Section "H" Orleans 14:103 Disturbing the Peace, 14:38 Simple Assault, 14:35.3 Domestic Abuse Battery PGAC 7/25/17.

IV. STATEMENT OF LAW & DISCUSSION

A. Justification

Louisiana law provides each citizen with the right to defend themselves and to “meet force with force,” including deadly force to meet deadly force. This right to use deadly force, however, is limited only to circumstances in which human life is endangered. Deadly force may not be used to protect things such as property. Police officers, just like any other citizen, are entitled to use deadly force when their life or the life of another citizen is threatened. LSA-R.S. 14:20.

Under Louisiana law the person making a lawful arrest may use reasonable force to effect the arrest. The law provides that force is justified and constitutes a defense to prosecution for any crime based on that force when it is an authorized and reasonable fulfillment of any duties of public office or is a reasonable accomplishment of a lawful arrest. *See* LSA-R.S. 14:18(1), (2), (3), and (7). LSA-R.S. 14:19-14:22.

B. Issue

The issue presented here is whether any of the detectives involved in the shooting death of Chris “Head” Joseph and Daviri Robertson are criminally responsible for his death under the laws of the State of Louisiana.

C. Application of Law

The evidence establishes that Chris “Head” Joseph died while attempting to flee an investigatory stop made by members of the JPSO. While doing so Joseph attempted to run over Detective Ben Jones to facilitate his escape. Based on the facts of this case, the death is classified as a homicide which is defined as the killing of a human being by another. However, not every homicide is a criminal act. The District Attorney is tasked with determining whether this homicide resulted from criminal behavior.

La. R.S. 14:20 states that a homicide is justifiable when committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself from that danger.

La. R.S. 14:22 states that it is justifiable to use force or violence or to kill in the defense of another person when it is reasonably apparent that the person attacked could have justifiably used such means himself, and when it is reasonably believed that such intervention is necessary to protect the other person.

LSA-R.S. 14:2(A)(3) defines dangerous weapon, in pertinent part, as “any instrumentality which, in the manner used, is calculated or likely to produce death or great bodily harm.”. By this plain definition, a “dangerous weapon” includes a vehicle when that vehicle is being used in a manner calculated or likely to produce death or great bodily harm. In fact, the Louisiana Supreme Court has specifically held that an automobile can be considered a dangerous weapon in certain circumstances: “[t]here is no question that an automobile can constitute a dangerous weapon if used in a manner likely to cause death or great bodily harm.” *State v. Oliphant*, 2012-1176, pp. 12-13 (La. 3/19/13); 113 So.3d 165, 173, *citing*, *State v. Trahan*, 416 So.2d 65, 68 (La.1982).

Police officers are “forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.” *Graham v. Connor*, 490 U.S. 386, 396-397; 109 S.Ct. 1865, 1872; 104 L.Ed.2d 443 (1989). Although alternative courses of action may have existed in retrospect, the courts are not to use “the 20-20 vision of hindsight” to judge the reasonableness of an officer’s use of force. *Id.*,

490 U.S. at 396; 109 S.Ct. at 1872. The Supreme Court has held that the use of deadly force is reasonable as a matter of law when an officer has grounds for believing that the suspect poses a threat of serious bodily harm to the officers or others while also taking into consideration the severity of the crime at issue and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. *Id.*, 490 U.S. at 396; 109 S.Ct. at 1872

There is no evidence to suggest that the actions of the Officers involved violated the law, used excessive force, or acted outside the parameters of JPSO Standard Operating Procedures (SOP). Both experts agree that Detectives Wibble and Carmouche employed all necessary and reasonable force, albeit lethal, when they shot Joseph to stop him from killing or inflicting great bodily harm upon Detective Jones with the vehicle he was operating. The decision by Detective Carmouche and Wibble to discharge their weapons was appropriate, justified and necessary to stop Joseph's actions. The split-second decision to use deadly force in order to prevent death or great bodily harm to Detective Jones made it impossible for these officers to assess the potential threats to Robertson (the passenger) or Detective Doubleday. Both experts agree that the application of deadly force in this situation was a reasonable use of force and comports with recognized, accepted, and trained law enforcement practices, given the totality of the circumstances and the potential of death or serious bodily injury to Detective Jones.

D. Conclusion

In accordance with my oath and duty to uphold the constitution and laws of both the United States and the State of Louisiana, my office conducted an independent and comprehensive review into the circumstances and death of Chris “Head” Joseph and Daviri Robertson.

As a result of this review, it is my belief that Detectives Wibble and Carmouche used necessary and appropriate force when they engaged lethal force upon Chris “Head” Joseph as he reversed his vehicle at a high rate of speed in the direction of Detective Ben Jones. Unfortunately, Joseph's actions not only led to his death, but to the death of his passenger, Daviri Robertson as well as the shooting of Detective Doubleday.

Additionally, the FBI reviewed the events surrounding the deaths of Chris “Head” Joseph and Daviri Robertson but found insufficient evidence to warrant forwarding the matter to the United States Department of Justice for a formal review.

The families of Daviri Robertson and Chris Joseph filed a 1983 civil action in The United States District Court alleging that the law enforcement officer’s acting under cover of law violated their Fourth Amendment constitutional rights by using excessive force 42 U.S.C. § 1983; U.S. Const. IV, XIV.

The United States District Court granted summary judgment in favor of the Jefferson Parish Sheriff’s Office and the officers involved. *Joseph, et.al v. Lopinto*, No. 2:19-cv-11268, Fed. Rec. Doc. 90 (Order), Doc. 91 (Judgment). In doing so, the Court stated that the officers were required to make an instantaneous decision concerning the best way to protect themselves and the public as a direct result of Joseph’s actions. *Id.*, Fed. Rec. Doc. 90, p. 8. Additionally, the officers reacted commensurately to the threat created by the driver. The actions of the officers could very well have saved the lives of law enforcement officers and members of the public who could have been injured or killed had Joseph been allowed to continue to flee the scene using his car as a deadly weapon to avoid arrest. *Id.*, Fed. Rec. Doc. 90, p. 8. The United States Fifth Circuit Court of Appeals affirmed the granting of Summary Judgment on June 27, 2023, and denied Rehearing on August 8, 2023. *Joseph v. Lopinto*, 21-30672 (5th Cir. 2023); 2023 WL 4198884 (Unpublished). [View Motion for Summary Judgment](#)