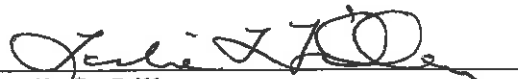


VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH
IN RE: SPECIAL GRAND JURY IMPANELLED AUGUST 2, 2021

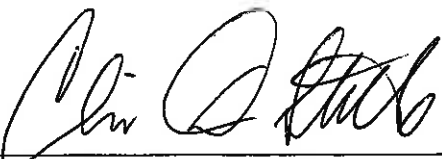
ORDER MAKING SPECIAL GRAND JURY REPORT PUBLIC

IT APPEARING that the Special Grand Jury impanelled by order of this court on August 2, 2021 has filed its Report with the Court, upon the request of the Special Grand Jury and the Commonwealth's Attorney and it appearing proper to the Court, it is ADJUDGED, ORDERED and DECREED that said report shall be unsealed and shall be open for public inspection. All other documents, writings, notes, and evidence presented to the Special Grand Jury or involved in its proceedings, and transcripts of the proceedings before the Special Grand Jury, are secret and shall be filed with the Court under seal and shall not be open to public inspection, other than by further order of this Court.

ENTER this 30th day of November, 2021



Leslie L. Lilley
Chief Judge of the Circuit Court



Colin Stolle, Commonwealth's Attorney

CERTIFIED TO BE A TRUE COPY
OF RECORD IN MY CUSTODY
TINA E. SINNEN, CLERK
CIRCUIT COURT, VIRGINIA BEACH, VA
BY V.B. Maresca, D.C.
DEPUTY CLERK

SPECIAL GRAND JURY REPORT

November 16, 2021

We the members of the special grand jury respectfully submit this report upon finalization of deliberations of the events stemming from March 26, 2021, at the Virginia Beach oceanfront. This report is being prepared after the jury convened on various dates from August, 2021, through November, 2021. Our decision was based on careful consideration of the evidence, testimony, and the law, including, but not limited to, footage from over 100 hours of body cameras, surveillance videos, photographs, witnesses and forensic experts. We find there is no probable cause to believe that Officer Simmons unlawfully shot and killed Mr. Lynch as he acted in justifiable self-defense of himself and others.

The following includes, but is not limited to, the areas of testimony and evidence that were considered and deliberated upon in order to arrive at our decision:

On the evening of March 26, 2021, at the Virginia Beach oceanfront, gun fire erupted in multiple locations, resulting in numerous victims, and police were dispatched from surrounding precincts.

The initial shooting created chaos at the oceanfront. Police were trying to contain the scene while also trying to locate and apprehend suspects and identify victims.

The testimony and evidence detailed that Officer Simmons rendered aid to a victim of the initial shooting. The officer's body camera was on throughout this time, and turned off once he entered his vehicle. He radioed in and confirmed the deactivation of his camera with the dispatcher, as he was in route to the hospital with his victim.

Approximately 26 minutes after the initial shooting, the eruption of gunfire transformed the 19th Street parking lot into a war zone. Officer Simmons left his vehicle in the middle of 20th Street and Pacific Avenue to run to the 19th Street parking lot to assist after hearing a barrage of gun fire; he did

not re-activate his body camera.

The officer was exiting the 19th Street parking lot using the pedestrian pathway on his way back to his vehicle when he heard the racking of a gun and saw a man at the hedge line. Officer Simmons said he saw an individual with a gun, and witness testimony corroborated that they heard someone shout, “gun, gun, gun.” Based on the evidence and witness testimony, Officer Simmons perceived a threat to himself and others, and shot Mr. Lynch.

After reviewing footage from multiple police body cameras, our findings are that medical attention was rendered to Mr. Lynch by a citizen and responding police officers at the scene of the shooting. It was determined that it was not safe for EMS personnel to approach Mr. Lynch's body given the proximity to the 19th Street lot. Police and EMS moved Mr. Lynch away from the 19th Street lot, thereby requiring manual transport of his body to the safe zone in the 200 block of 20th Street, where they continued to administer aid until he was pronounced deceased.

We did not find any evidence that anyone other than Mr. Lynch was shot by a police officer.

The forensic, ballistic and medical examiner's analysis of evidence was found to be consistent with testimony from witnesses.

There was an allegation that the officer involved in the shooting had been drinking alcohol while on duty, and we requested additional investigation of these allegations, which was then presented and considered. The allegations were not substantiated by any facts, findings, credible testimony, or evidence.

Based on a full examination and consideration of the events and actions of all who were involved, we recommend the following:

Investigation of Jeff Reichart, including, but not limited to, perjury.

Continue investigating the shootings of March 26, 2021, at the oceanfront, including the death of Ms. Harris.

That police officers be tested for alcohol and drugs immediately following an officer involved shooting or incident.

That protocols and measures be put in place that ensure all body cameras are automatically activated when officers are on duty.

The special grand jury is requesting that this report be made available to the public.

- END OF REPORT -

FILED
VA. BEACH CIRCUIT COURT

2021 NOV 30 AM 9:36

TINA E. SINNEN, CLERK

V.B. Mauro
DEPUTY CLERK

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CIRCUIT COURT, VIRGINIA BEACH, VA
BY *V.B. Mauro*
DEPUTY CLERK