

CASE SUMMARY

On November 23, 2016, Director Angie Holt of the Department of Public Safety (DPS) Office of Professional Standards (OPS) assigned case number IA-0335-2016 to TFC3 C.A. Morgan (OPS) for further investigation. This case involved a reported armed robbery with the victim being Motor Carrier Compliance Division (MCCD) MCO1 Marcus Hill. Hill reported three suspects that included two unknown black males and one black female - Diamond Peterman. MCO1 Hill reported his DPS issued Glock model 43 was stolen during the armed robbery.

On November 21, 2016, MCO1 Hill was logged into the internet dating website named "Plenty of Fish" with the intention of socializing and finding a date. MCO1 Hill typed messages to a female who identified herself as "Diamond Peterman". During his interview with OPS, MCO1 Hill said he messaged conversations with Peterman which was typical "small talk" (where are you from? etc.). MCO1 Hill described Peterman's age to be in her early 20's, but could not recall Peterman's internet profile name and never knew her real name until after he was robbed (Exhibits 3, 12, 14 & 16). Peterman telephoned MCO1 Hill after he messaged her on the website and wanted to meet. MCO1 was hesitant to meet Peterman due to the late hour (approximately midnight), but ultimately agreed to meet her and did so on November 22, 2016, at approximately 1:50 a.m. Peterman said the meeting location was the intersection of Eleanor Terrace and Vanetta Place, a neighborhood in the city of Atlanta. MCO1 Hill drove to the intersection of Eleanor Terrace and Vanetta Place and parked. MCO1 Hill was armed with his DPS issued Glock model 43 which was

holstered and concealed on his right hip. MCO1 Hill had qualified through DPS with the issued Glock model 43 (Exhibit 9). Peterman approached MCO1 Hill's vehicle from the rear on foot. The two began talking and MCO1 Hill recognized Peterman from her Plenty of Fish profile picture. MCO1 Hill described Peterman as a dark skinned black female attired in blue jeans and having a hood on her head from a large jacket (Exhibits 2, 3, 5, 12 & 16).

After talking a few minutes, Peterman told MCO1 Hill she forgot something at her house and needed to walk to her house to retrieve the unknown item. MCO1 Hill asked Peterman where her house was located and if he could park in her driveway because he assumed the house he parked in front of was Peterman's house (intersection of Eleanor Terrace & Vanetta Place). Peterman did not answer and they both walked east on Eleanor Terrace on the left edge of the westbound lane. They walked for approximately one minute and MCO1 Hill asked Peterman again, "Why can't I park in your driveway and which house is it?" Peterman once again did not answer MCO1 Hill. MCO1 Hill described the environment in the area as quiet, cool, dark with street lights in the distance and with no other people in sight (Exhibit 16).

A newer model 4-door silver sedan approached MCO1 Hill and Peterman from the rear and passed them as it traveled east on Eleanor Terrace. The vehicle stopped approximately 25 yards ahead of MCO1 Hill and Peterman. Because MCO1 Hill thought it was odd the vehicle stopped in front of them, MCO1 Hill stopped walking and watched the vehicle. A young black male exited the vehicle from the front passenger seat and MCO1 Hill heard the passenger state to the driver, "Yeah, I got my key." The passenger walked west on Eleanor Terrace and walked

passed MCO1 Hill and Peterman on the opposite side of the road. The vehicle did not move and MCO1 Hill continued to stand and watch the vehicle. MCO1 Hill said Peterman stood nearby without speaking. MCO1 Hill was uncertain if the silver sedan had vehicle registration due to it not having a tag light and did not recall any other distinguishing characteristics (no bumper stickers, excessive smoke from exhaust, etc.). MCO1 Hill described the passenger as being attired in dark clothing (Exhibits 3, 5, 12 & 16).

Seconds later, MCO1 Hill heard footsteps from behind and before he could turn to look, he heard the sound of a gun "cocking" and felt a gun pressed against the right side of his head. MCO1 Hill described the "cocking" sound to TFC3 Morgan (OPS) similar to the slide being pulled to the rear and released on a semi-automatic handgun as opposed to someone using their thumb to pull the hammer back on a handgun such as a revolver. MCO1 Hill believed the gun could have been fake or possibly a BB gun because the "cocking" sound sounded weaker than that of a center fire handgun. MCO1 Hill concluded the male who exited the silver sedan was the same individual who pressed the handgun against MCO1 Hill's head because there were no other people present (Exhibit 16).

The suspect (passenger of the suspect vehicle) stated to MCO1 Hill, "Don't move cuz." MCO1 Hill moved his right elbow to shield his concealed Glock model 43 on his right hip. The suspect told MCO1 Hill, "Don't do it." With the handgun in his right hand, the suspect wrapped both of his arms around MCO1 Hill's waist area. MCO1 Hill remembered Peterman stepped a few steps away and watched. This would be the last time MCO1 Hill saw Peterman because during

the following events Peterman fled on foot. MCO1 Hill placed his right hand on his DPS issued Glock model 43 and the driver of the silver sedan exited the vehicle and also approached MCO1 Hill. MCO1 Hill described the suspect vehicle's driver as a "young black male". MCO1 Hill described the driver as having his right hand behind his back and said, "I'm gonna shoot you cuz." MCO1 Hill did not see the driver with a gun. MCO1 Hill drew his DPS issued Glock model 43 and MCO1 Hill heard Peterman scream (Exhibit 16).

The driver of the silver sedan was in close proximity of MCO1 Hill and all three (MCO1 Hill, the passenger suspect and the driver suspect) were wrestling for control of MCO1 Hill's Glock model 43. MCO1 Hill said he decided he was going to shoot both black male suspects because he was in fear of his life. MCO1 Hill attempted to aim to the rear of his body to shoot the suspect behind him who was still armed with a handgun in his right hand. MCO1 Hill described there were three hands on his Glock model 43, his own hand and one hand from both suspects. During the struggle there were no words spoken by anyone (suspects never demanded anything) and one round discharged from MCO1 Hill's Glock model 43 in an unknown direction. MCO1 Hill felt the recoil and saw a muzzle flash from his Glock model 43. No one was struck by the discharge. MCO1 Hill said he did not intend to fire at that moment because his weapon was not pointed in the desired direction (toward the suspect to the rear of MCO1 Hill) (Exhibit 3 & 16).

MCOI Hill said he did not know which suspect, but one of them gained control of his Glock model 43 as the suspect wrestled it away. MCO1 Hill fled the scene on foot toward a residence with cars parked outside because at that moment he knew the suspect(s) had a real gun, which was

his DPS issued Glock model 43. MCO1 Hill fell down as he ran due to a drop off area in the yard. MCO1 Hill said he injured the heel of his left foot and sustained some minor scratches. MCO1 Hill regained his footing and heard one suspect chasing him. MCO1 Hill arrived at some vehicles parked in a driveway and lights illuminated the area from motion sensors at that home. MCO1 Hill fled the illuminated area in an effort to conceal himself in the darkness behind a large tree. MCO1 Hill heard one of the suspects yell, "Let's go cuz." The suspect who chased MCO1 Hill did not pursue him any further. MCO1 Hill did not see either suspect again (Exhibit 16).

While hiding behind the tree, MCO1 Hill could see his parked vehicle in the distance and waited to learn the whereabouts of the suspects, but never saw or heard them. MCO1 Hill used his key fob to set the alarm off on his vehicle in an on/off fashion in an effort to alert any neighbors for assistance, but no one responded. After waiting some time and seeing no one, MCO1 Hill ran to and entered his vehicle and armed himself with his personal handgun which was stored in his vehicle. MCO1 Hill realized his cell phone was not on his body which he believed he lost during the struggle with the suspects or as he fled on foot and was unable to call 911 (Exhibit 16 & 21).

MCO1 Hill drove to the location where the suspects had parked which was the same area of the struggle. MCO1 Hill said the suspects and the silver sedan were gone. He turned around at the next intersection which was Eleanor Terrace and Woodmere Drive and an Atlanta Police Department (APD) patrol vehicle appeared. MCO1 Hill flagged the APD officer down and reported the incident. Officer S. Hill (APD) told MCO1 Hill that he responded to the area due to a shots fired call. MCO1 Hill found his cell phone near the location where the struggle transpired.

The shell casing from the shot fired from MCO1 Hill's weapon was not located after a search completed by MCO1 Hill and APD. MCO1 Hill's DPS issued Glock model 43 was the only item stolen in the robbery (Exhibit 3 & 16).

After reporting the incident to APD, MCO1 Hill drove home at approximately 3:00 a.m., and reported for work at 6:00 a.m. MCO1 Hill did not report the incident to his supervisors until he reported for work and notified Sgt. Harold Smalley (MCCD) (Exhibit 16).

MCO1 Hill was contacted by Investigator R.C. McManis (APD) approximately two days after the robbery and a criminal case against the three suspects was initiated by APD. Investigator McManis (APD) showed a photograph of Peterman to MCO1 Hill who positively identified Peterman as the female he met online as well as in person on the morning of the robbery (Exhibit 14).

Investigator McManis (APD) said he knew of Peterman because she was suspected of other involvements in similar robbery cases. MCO1 Hill and Investigator McManis (APD) both traveled to the robbery scene and could not locate the spent shell casing ejected from MCO1 Hill's DPS issued Glock model 43. As a result of this robbery incident, a robbery warrant was issued for Diamond Peterman (Exhibits 14, 16 & 20). Peterman was also a runaway juvenile and at the time of this robbery incident she was 15 years old (Exhibits 14 & 15).

MCO1 Hill told OPS he had displayed a picture of himself on the "Plenty of Fish" internet website attired in his training uniform from Hiram Police Department. After the robbery, MCO1 Hill deleted his Plenty of Fish and Tinder internet website accounts and determined Peterman had

deleted her account as well. MCO1 Hill said he had no method to contact Peterman after the robbery.

FINDINGS

MCO1 Marcus Hill met Diamond Peterman on a dating website named "Plenty of Fish" and once in person. Initially, MCO1 Hill was hesitant to meet with Peterman due to the late hour and having to report to duty at 6:00 a.m., but was pressured by Peterman to do so. During their internet meeting and the in-person meeting, MCO1 Hill and Peterman never exchanged their names. When they met in person, they spoke for a moment and Peterman told MCO1 Hill she needed to walk to her house because she forgot something. MCO1 Hill and Peterman walked together in the neighborhood (meeting location) and he became suspicious when Peterman would not tell him which house was hers, would not allow him to park in her driveway and what item she forgot from her house. Although Peterman did not take any physical action in the armed robbery, it was highly suspected she led MCO1 Hill to the location in order for the two unknown suspects to commit the armed robbery.

During the armed robbery when MCO1 Hill drew his DPS issued Glock model 43, both of the unknown suspects had their hands on MCO1 Hill's weapon attempting to gain control of it. During that struggle, MCO1 Hill's weapon was discharged unintentionally and ultimately the DPS issued Glock model 43 was taken by one of the unknown suspects. TFC3 Morgan (OPS)

concluded the discharge was not negligent because MCO1 Hill was fighting for his life and he attempted to justifiably defend himself against a deadly threat.

After the armed robbery occurred, MCO1 Hill did notify an Atlanta Police officer of the incident, but he did not notify an MCCD supervisor until several hours later. TFC3 C.A. Morgan (OPS) concluded that MCO1 Hill violated no DPS policy violations pertaining to the socializing and meeting of Peterman. However, MCO1 Hill knew or should have known the atmosphere and setting of the meeting with Peterman should have caused some arousal of suspicion. Some situational awareness could have easily prevented this armed robbery.

TFC3 Morgan verified that MCO1 Hill has had no prior OPS investigations.