



OFFICE OF THE STATE ATTORNEY
SIXTH JUDICIAL CIRCUIT OF FLORIDA
PASCO AND PINELLAS COUNTIES

BERNIE MCCABE

State Attorney

April 13, 2018

Chief Jeffrey Undestad
Largo Police Department
201 Highland Avenue
Largo, FL 33770

RE: Shooting Incident Resulting in the Death of Linus Phillip Jr. at approximately 5:58PM on March 23, 2018, at the WAWA Station located at 1215 Missouri Ave, Largo, Florida.

Dear Chief Undestad:

Pursuant to notification by your Department to this office at approximately 7:26 p.m. on March 23, 2018, that a police shooting, resulting in the death of Linus Phillip, Jr. (hereinafter Phillip) at the Wawa located at 1215 Missouri Avenue in Largo, Pinellas County, Florida, we have conducted the following investigation.

We arrived at the scene at approximately 8:54 p.m. and were briefed on the events while inspecting the entire scene. We proceeded to the Largo Police Department. While at the police department, we took sworn statements from the following individuals:

Officer Prentice Ables, III
Officer Matt Steiner

Representatives of our office took sworn statements from the following individuals on March 29, 2018 and April 2, 2018 at the State Attorney's Office:

David Byrd
Michael Harshbarger
Jason Rauch
Jerry Dilley
Kyle Bradley

In addition, we reviewed Largo Police Report #LA18-003002, Pinellas County Sheriff's Office Crime Scene Reports, photographs and video taken by PCSO, Wawa video, witness statements, radio transmissions, CAD notes, and the autopsy report by Dr. Wayne Kurz, Associate Medical Examiner.

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Based upon our investigation, we have determined the facts to be as follows:

On Friday, March 23, 2018, during the late afternoon hours, Largo Police Officer Matt Steiner, a member of the Problem Oriented Policing Unit, was on duty in an unmarked patrol vehicle and was parked on the northwest side of Clearwater-Largo Road and Wyatt Street in a car lot, watching for possible narcotics activity at a nearby gas station. Officer Steiner observed a black Nissan Altima driving southbound on Clearwater-Largo Road. Officer Steiner's attention was brought to the vehicle because of the dark tint on the windows. Officer Steiner suspected that the tint on the vehicle was illegal (subsequently metered at 14%, a violation of Florida Statute Section 316.2953).

Officer Steiner decided to follow the Altima and learned that it was a rental vehicle from checking its tag. Officer Steiner suspected possible drug activity because, in his training and experience, rental vehicles do not have tinted windows. Officer Steiner notified Officer Prentice Ables, III that he was following the Altima, but he was not sure if he had Probable Cause to stop the vehicle for a tint violation. Officer Steiner observed the vehicle switching lanes and slowing down, which caused additional suspicion.

The Altima pulled into the Wawa Gas Station at approximately 5:56 p.m. Officer Steiner observed the vehicle stop at gas pump #9, facing west. Gas pump #9 is located on the most northern aisle and the most eastern gas pump. Officer Steiner parked his black Dodge Charger on the north side of the Altima, also facing west, and parallel approximately 1-1/2 to 2 car lengths away without blocking the Altima's path.

The driver of the Altima, subsequently identified as Linus Phillip, Jr., got out of his vehicle and stood next to the gas pump leaving the driver's door open. Officer Steiner walked around the rear of the Altima and made a citizen contact with Phillip. Officer Ables parked his vehicle at gas pump #10, facing west. Gas pump #10 is on the opposite side of gas pump #9.

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As Officer Steiner approached the rear of the Altima, Phillip asked "What are you stopping me for?" Officer Steiner replied, "I am not stopping you for anything. I am just talking to you." Officer Steiner asked if the car was his, and Phillip said the car was not his and that it was a rental. Officer Steiner asked to see the rental agreement and Phillip said that he had it and then he reached inside the vehicle, retrieved the document and handed it to the officer. Officer Steiner could smell a strong odor of marijuana coming from Phillip and the car when he first approached.

Officer Steiner believed he had probable cause to search Phillip and the vehicle. The officer asked "Why does the car smell like marijuana?" to which Phillip responded that it didn't smell like marijuana and that the officer could search the vehicle. Officer Steiner then informed Phillip that he was going to search him first and then the car. At that point, Officer Steiner saw Phillip grab two large bulges located in the front pockets of his gym short. Officer Steiner was face to face and only a few feet away from Phillip, who had his back to the open driver's door in a very tight space between the gas pump and the side of the vehicle.

Officer Ables, who stayed in his vehicle approximately 20 seconds, approached the Altima from the rear. As Officer Ables approached, he overheard Officer Steiner inform Phillip that he (Officer Steiner) was going to search him. Officer Ables also smelled the odor of marijuana as he stood behind Officer Steiner. Officer Ables observed Phillip take a step towards the officers and then quickly turn and get into the driver's seat. Officer Ables was aware that the vehicle's engine was still running.

According to Officer Steiner, Phillip quickly jumped back into the vehicle. Officer Steiner realized that Phillip was going to flee and that he was trapped between the gas pump and the open door. Having nowhere to go, Officer Steiner jumped halfway into the vehicle and struggled with Phillip over the gear shifter. Phillip was able to put the gear shifter into reverse. During the struggle Officer Steiner repeatedly yelled at Phillip to stop and to put the gear shifter in park. Officer Steiner also tried to put his foot on the brake in an effort to prevent the car from leaving. Officer Ables also yelled commands to Phillip and pushed Officer Steiner into the vehicle as the vehicle started to move in reverse. Officer Ables had to quickly

disengage because he was in fear of being struck by the open door and also being run over by the vehicle.

As the vehicle was about to accelerate in reverse, Officer Steiner held onto the open door and pulled out his firearm, thinking that that would get Phillip's attention to stop the vehicle. Officer Steiner feared for his life as the vehicle rapidly accelerated in reverse. Consequently, Officer Steiner discharged his firearm four times: one bullet entered the upper portion of the left side back; one bullet entered the mid portion of the left side back; one bullet entered the upper portion of the left arm; and one bullet grazed the upper portion of the left leg. Doctor Wayne Kurz subsequently opined that the cause of death was multiple gunshot wounds and the manner of death was homicide.

Officer Ables was able to safely retreat to the east side of the pumps as the vehicle accelerated rapidly in reverse. Officer Ables observed Officer Steiner hanging onto the vehicle and was about to be pulled underneath. Officer Ables observed Officer Steiner discharge his weapon as the Altima continued to rapidly accelerate in reverse.

Officer Steiner fell out of the vehicle as it rounded gas pumps #9 and #10 in reverse, with the driver's door passing over his body. The vehicle continued in reverse in a wide arc and ultimately struck the guard at pump #2, which is on the opposite side of the island where the Altima was initially parked. After striking the pump guard, the Altima proceeded forward at idle speed. The vehicle proceeded in a southeastern direction traveling between the guards for pumps #3 and #4. The Altima struck a red Mercedes parked at the business and then proceeded forward. Officer Steiner was able to open the driver's door and put the vehicle into park.

Officer Steiner removed Philip from the vehicle and began CPR. Fire rescue responded and transported Phillip to Largo Medical Center where he was subsequently pronounced deceased. Officer Steiner was subsequently treated at Morton Plant for abrasions, a knee sprain, and other minor injuries that he received when he fell to the ground.

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We reviewed multiple Wawa video cameras which captured footage depicting the arrival of the Altima at gas pump #9 at approximately 5:56 p.m. and where Officer Steiner parked his vehicle. The camera footage is limited and does not show the encounter between Officer Steiner and Phillip. The footage does not depict Officer Steiner entering the Altima and the ensuing struggle as the vehicle initially proceeded in reverse. The videos capture the Altima as it rounded the pumps in reverse at a high rate of speed, with the driver's door open. The video corroborates the testimony of Officers Steiner and Ables and several civilian witnesses.

David Byrd parked his truck and lawn trailer facing west at pump #1. The Altima parked directly behind his lawn trailer. Mr. Byrd saw Officer Steiner approach Phillip. Mr. Byrd overheard the officer cordially greet Phillip and ask the man if the car belonged to him. Mr. Byrd also heard the officer ask for paperwork regarding the car. Mr. Byrd did not hear any conversation regarding marijuana or a search. Shortly thereafter, Mr. Byrd thought Phillip was going to flee. Mr. Byrd saw Phillip enter the vehicle first and then Officer Steiner entered. Mr. Byrd said that the man "threwed it in ... in reverse and floored it..." Mr. Byrd heard the sound of shots being fired after the car accelerated in reverse as it turned around the gas pump. Mr. Byrd described the event as "kind of scary."

Michael Harshbarger was at the Wawa and heard someone yelling "Stop!" three times before he heard three gunshots.

Jerry Dilley was pumping gas when he heard someone yelling "Stop. Hey you. Stop;" the sound of a car accelerating; then the sound of three gunshots.

The following drugs were located in Phillip's front shorts pocket: approximately 5.8 grams of marijuana, 6.6 grams of crack cocaine, 12.2 grams of powdered cocaine, and hydromorphone pills. Cash in the amount of \$1,632.00 was found in Phillip's other shorts pocket.

As a result of the investigation conducted by this office, we have determined that Officer Matt Steiner was in the lawful performance of his legal duty when he made the initial citizen contact with Linus Phillip, Jr. Officer Steiner developed probable cause to search Linus Phillip, Jr. and his vehicle upon smelling a strong odor of marijuana when he made the initial

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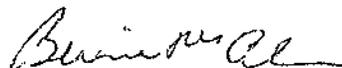
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citizen contact. When Linus Phillip, Jr. re-entered the Altima and attempted to flee, Officer Steiner and Officer Ables were placed in danger of great bodily harm from being struck by the open door. Officer Steiner's only option was to enter the vehicle to prevent Linus Phillip, Jr. from placing the car into reverse. After a brief struggle, Linus Phillip, Jr. was able to place the car into reverse. Despite repeated commands to stop, Linus Phillip, Jr. accelerated in reverse, thus placing Officer Steiner in imminent fear for his life. Therefore, it is the conclusion of the State Attorney's Office that the death of Linus Phillip, Jr. was the result of having been shot by Officer Matt Steiner in the legal performance of his duty and the shooting was Justifiable Homicide, pursuant to Florida Statute Section 776.012.

This letter may be released to the news media or utilized for any other purpose.

Sincerely,



BERNIE McCABE,
State Attorney