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INVESTIGATIONS CLOSING REPORT

CASE NUMBER: 23-SI-000080
INVESTIGATOR: Robert Lawrence
DATE: 5/15/2024
AGENCY: Fort Myers Police Department
SUBJECT: OIS/Decedent Christopher Jordan

On December 01, 2023, at approximately 10:25 pm, the State Attorney's Office was contacted by the Fort Myers Police Department (FMPD) Captain M. Walsh regarding an officer involved shooting. The incident occurred on December 01, 2023, at approximately 9:06 pm, at 3222 Stella Street, Fort Myers, Florida. FMPD elected to have the Florida Department of Law Enforcement (FDLE) conduct an independent investigation of the shooting incident. The shooting involved Detective James Moschella of the Fort Myers Police Department and the deceased subject was identified as Christopher Jordan. FDLE case number FM-27-0040, FMPD case number 23-0123911.

Investigator Lawrence reviewed the investigative summary of the incident that was prepared by FDLE Special Agent Michael Ortiz. The following summary is based on FDLE's review, the 911 call to FMPD, Computer-Aided Dispatch (CAD) notes, radio logs, body worn camera (BWC) footage, officer interviews, civilian witness interviews, and crime scene photographs and reports. The directly involved law enforcement officer elected not to provide a sworn statement to FDLE investigators concerning this investigation. The last report was received from FDLE on March 29, 2024.

On March 11, 2024, The SAO sent a letter to Detective Moschella's Attorney, Tim Culhane inviting Detective Moschella to supply a sworn statement related to the incident. On March 11, 2024, Attorney Culhane responded advising, Detective Moschella would respond in writing to specific questions but would not give a verbal statement. On March 19, 2024, Inv. Lawrence received Detective Moschella's statement via his attorney.

An FMPD records check indicated no previous contact between Detective Moschella and Cynthia Jordan or Christopher Jordan. There were previous complaints for the address of 3222 Stella St. regarding disturbances between Cynthia and Christopher Jordan. Some of the prior complaints

indicated that Cynthia Jordan reported Christopher Jordan threatened her with a firearm. There was no documentation of any arrests on the prior complainants.

Synopsis:

On Friday, December 1, 2023, at approximately 8:18 pm, FMPD received a 911 call from Cynthia Jordan. She advised her brother, Christopher Jordan, threatened her with his gun inside her residence. She additionally stated that she was sick of him and that he would try to get rid of the gun before the police arrived. At 8:19 pm, FMPD dispatched a call for service to 3222 Stella Street for a Breach of Peace with an initial narrative of the complainant advising her brother just threatened her with a firearm. He was reported as still having the firearm but kept saying he was going to get rid of it before the police arrived.

Multiple FMPD officers responded to the single-family residence on Stella Street. Detective Reddington and Detective Amador were the first officers to arrive on scene at approximately 8:27 pm. Cynthia Jordan and two unidentified witnesses who were in front of the residence confirmed that Christopher Jordan was in a bedroom and had a firearm. These statements were captured on Detective Reddington's BWC as well as his radio broadcast informing other officers that multiple people confirmed Christopher Jordan was armed. He also relayed via his radio that Christopher Jordan was inside with a gun, and the situation was an aggravated assault with a weapon.

During an interview with FDLE, Cynthia Jordan stated that her cousin Christopher came out of the house, saying her brother, Christopher Jordan was going to kill him. Cynthia Jordan advised FDLE that she did not know her cousin Christopher's last name or an address of where he lived. Investigator Lawrence made an inquiry to FDLE asking if they had made any attempts to ascertain the identity of this cousin named Christopher. No response to the inquiry was received from FDLE. The FDLE case file also had no additional notations regarding the cousin named Christopher.

On May 07, 2024, Investigators Robert Lawrence and Mark Shoaff contacted Cynthia Jordan at her residence to obtain additional information regarding the identity of the person she referred to in her statement as Christopher her cousin. Cynthia Jordan stated she did not remember anything from that day, and she never said anything about a Christopher her cousin being threatened. Cynthia Jordan additionally stated, she did not have a cousin named Christopher.

Reddington and Amador approached the residence and gave verbal commands for Christopher Jordan to come out. The commands were ignored. At approximately 8:31 pm, Detective James Moschella and Detective Eric Salter arrived on scene. They retrieved patrol rifles and took cover behind Detective Amador's vehicle, which was parked on the north (front) side of the residence, just to the west of 3222 Stella Street. They gave commands for Christopher Jordan to come out of the house with his hands up. Through a window Christopher Jordan was seen in a bedroom on the northwest corner of the residence and ignored the commands to exit the residence.

At 8:35 pm, while positioned behind the front of Detective Amador's vehicle, Detective Moschella requested that someone give commands over a vehicle public address (PA) speaker. At 8:38 pm, officers began to give verbal commands for Christopher Jordan to exit the residence. He would not exit the home but repeatedly approached the front window. Jordan at one time waved to the

officers from inside the home. According to some officer interviews and recorded radio transmissions, Christopher Jordan was playing sounds of automatic rifle fire and making statements for officers to shoot him. Some officers also believed the sounds were coming from a computer tablet near the residence. The true nature of the sounds was not determined by the FDLE investigation.

While officers were establishing a perimeter around the house and attempting to talk Christopher Jordan out, Officer Michael Novak met with the complainant, Cynthia Jordan. He asked her: "Did he present a firearm and point it towards you?" Cynthia Jordan responded: "Yes". She further described the firearm as, "black and looked like a 45 magnum or something like that." She said he pointed it at her and said, "bitch I'll kill you." This was recorded on Officer Novak's BWC at approximately 8:34 pm.

At approximately 9:03 pm, Jordan was still non-compliant with commands to exit the residence. Detective Amador's BWC audio captured an officer saying there was movement in the bedroom and Jordan appeared to be changing his shirt.

At 9:06 pm, Detective Moschella's body worn camera recorded him aiming his patrol rifle, with a mounted optic (set at 1x power upon recovery at the scene), toward the bedroom of Christopher Jordan. Detective Moschella stated, "I've got one hand, gun, gun." Detective Moschella then fired one shot from his rifle, striking Jordan in the chest. FMPD officers subsequently made entry into the home at 9:10 pm. Once inside the home, Jordan's locked bedroom door was forced open by officers. A review of Sergeant Jari Sanders BWC confirmed that the light was on in the bedroom when entry was made. Once inside the bedroom, life-saving measures were initiated. Lee County EMS was staged nearby and responded. Upon arrival they continued rendering life-saving measures. Jordan was transported to Lee Memorial Hospital by EMS where he was pronounced deceased at 9:49 pm.

On May 10, 2024, Investigator Lawrence made telephone contact with James Muwakkil of the Lee County NAACP regarding his past statements to the news media. Muwakkil alleged that additional evidence was not collected and there were witnesses not interviewed. Muwakkil could not provide additional information pertinent to, or not already known to the investigation. Muwakkil made a comment during the conversation that Cynthia Jordan lied to FMPD and FDLE about Christopher Jordan having a gun. He advised on December 02, 2023, Cynthia Jordan told the news media that Christopher Jordan did not have a gun. During another phone conversation later the same day, Investigator Lawrence asked Muwakkil to clarify his earlier comment about Cynthia Jordan lying. He reiterated that she was lying when she reported that Christopher Jordan had a gun.

Agency witnesses statement summary:

Detective James Moschella: Detective Moschella declined to be interviewed or provide a statement to FDLE shortly after the incident. Accordingly, agents conducted a review of his body worn camera footage which is outlined in their case report summary.

On March 12, 2024, Investigator Lawrence sent a letter sent to Detective Moschella's attorney Timothy Culhane inviting Detective Moschella to supply a statement. On March 11, 2024,

Timothy Culhane responded via email advising Detective Moschella would respond in writing to specific question but would not provide a verbal statement. After conferring with ASA J. Dommerich Jr. it was decided to send the question of, "On your body worn camera you stated, "gun gun" and fired one shot from your patrol rifle. What action did Christopher Jordan take to prompt you to believe Jordan posed a threat?" The question was sent via email on March 19, 2024, on the same date a response was received from Timothy Culhane on behalf of Detective Moschella. The response was, "Christopher Jordan threatened to shoot, made movements consistent with loading a handgun and pointed a black handgun in the direction of officers who were not behind cover. This caused me to be in fear for my life, the lives of the other officers and bystanders."

Detective Gregory Reddington: Detective Reddington and Detective Amador were together in a two man unit. They were the first officers on scene and spoke with a female, Cynthia Jordan outside her residence. She advised her brother, Christopher Jordan, was inside the residence with a gun. Detective Reddington approached the house and could hear a male (Jordan) shouting at them from inside, specifically the northwest corner of the house. There were three unknown male subjects in the yard, and they were asked if the man inside had a gun, and two of the three responded that he did. The third appeared to be intoxicated and did not answer. Detective Reddington heard Jordan yell out of the window that "he wanted us to kill him," specifically either "shoot me" or "kill me," which Jordan said numerous times. A perimeter was established by additional officers, Detective Reddington was positioned near the driver's side of the first FMPD vehicle and to the right of Detective Moschella. He heard Detective Moschella say he had "movement in the window," then said loudly "gun, gun, gun", and then he heard a single shot. Detective Reddington did not enter the residence after the shooting.

Detective Ryan Amador: Detective Amador located the complainant, Cynthia Jordan, she was yelling, "he's inside, he threatened me inside." There were 3 or 4 other individuals in the yard with her. The complainant advised that her brother threatened her with a firearm by pointing a black gun at her. While Detective Amador was in the proximity of Cynthia Jordan, she was also talking to someone on her cell phone and was heard saying that he, referring to Christopher Jordan, was "mollied out."

Detective Amador saw Christopher Jordan looking out of the window and gave verbal commands for Jordan to come out of the house. Jordan slammed the window shut and closed the curtain. Jordan was heard yelling, "Shoot me, shoot me."

When additional FMPD officers arrived on the scene, Detective James Moschella positioned himself with a patrol rifle on the hood of Detective Amador's vehicle. Detective Amador utilized that vehicle's PA system to give verbal commands for Jordan to come out of the house.

Detective Amador heard Detective Moschella say that Jordan opened the curtain and then say, "gun, gun, gun" and Detective Moschella fired one round. After Detective Moschella fired the round, officers approached the house. Detective Amador did not see Jordan with a firearm, nor did he see a firearm inside the bedroom when he made entry several minutes after the shooting.

Detective Eric Salter: Detective Salter along with his partner, Detective James Moschella, were together in a two man unit and responded to 3222 Stella Street. When they arrived, Detectives

Reddington and Amador were already on the scene. Detective Salter retrieved his patrol rifle and took cover behind the first FMPD vehicle. Christopher Jordan was in a bedroom at the northwest corner of the house. Detective Moschella was positioned at the left front section of the same vehicle.

Detective Salter maintained a visual on Jordan's window and occasionally saw Jordan in the window through the drapes. After a few minutes, Jordan rolled up the curtains, Detective Salter heard Detective Moschella say, "gun, gun," and then heard a gunshot. At the time of the gun shot, Salter held his position and could see Jordan fall to the ground. Detective Salter did not observe a gun being displayed by Christopher Jordan.

Officer Michael Novak: Officer Novak responded to the location and was instructed to contact the caller, Cynthia Jordan for the purpose of obtaining information for a report. Cynthia Jordan stated she was threatened by her brother, Christopher Jordan with a black .45 caliber handgun. Novak was instructed by a sergeant to return to his patrol vehicle to complete a report for an aggravated assault offense. While writing a report, Novak heard a loud bang then heard over the radio "Blue fire away" Novak never saw the suspect or got close to the scene. Officer Novak obtained a recorded sworn statement from Cynthia Jordan.

Detective Edgar Nieves: Detective Nieves responded to the call on Stella Street. Upon arrival, he took a position behind Detective Moschella. Detective Nieves heard Detective Moschella say, "I have movement," at which time he looked at the window and could see the curtain being pulled back. He heard Detective Moschella say he saw one hand and shortly thereafter said, "gun" and fired one round from his rifle.

After the shot was fired, Detective Nieves approached the window with other officers, but could not see inside. He then made entry inside the residence with other officers where he observed Jordan down on his back in the bedroom. Jordan had a gunshot wound to his chest and officers were rendering first aid to him. Detective Nieves did not see a firearm in Jordan's bedroom and did not hear Jordan make any statements.

Sergeant Jari Sanders: Sergeant Sanders responded to Stella Street after hearing dispatch mention that a person asked the police to shoot him. He directed some officers to take positions at the rear of the house. He confirmed with Sergeant Hernandez that probable cause existed for an aggravated assault charge.

When Sergeant Sanders arrived on the scene, he saw movement in a window at the front of the house. He saw a male (Christopher Jordan) moving around inside the room. Detective Moschella was heard saying, "gun," followed by one gunshot. Sergeant Sanders formed an entry team, and entered the house via the front door. Jordan's locked bedroom door was breeched. Upon entry Detective Amador and Detective Salter began rendering aid. Sergeant Sanders looked for a firearm for safety purposes; however, he did not observe one in the bedroom.

Detective Brandon Birch: Detective Birch was with Sergeant Jari Sanders when they responded to Stella Street. Upon their arrival, other officers were already on the scene. Detective Birch went to the first FMPD vehicle parked in front of the residence, which is where Detective Moschella

was positioned. Detective Birch positioned himself behind Detective Moschella. He periodically saw a glimpse of Jordan through the window. At one time he saw him remove the curtain, place it partially back in the window, and then pace back and forth. They were on the scene for approximately 30 to 45 minutes and citizens behind their location were being distracting. Detective Birch turned around to address the citizens when he heard Detective Moschella say, "gun, gun," and then Detective Moschella fired his rifle. After entering the residence Detective Birch entered Jordan's bedroom and observed him with a wound to the chest; at which time, Detective Birch backed out of the room until EMS arrived.

Detective Harrison Aaron Williams: Detective Williams took a position behind the first FMPD vehicle with other detectives. Detective Williams, saw Jordan peek out from the blinds, of the window located at the northwest side of the residence, 7 to 8 times. Detective Moschella said that he had movement and had a visual of the suspect at the window. Detective Moschella said, "gun, gun, gun," then he heard a "boom." Detective Williams initially thought the suspect had shot at the police, until he noticed a spent cartridge casing spinning at his feet and then realized it was the police who fired the round.

Detective Williams approached Jordan's window with Sergeant Sanders and could see a male on the floor not moving. The window air conditioner was removed for a better view. He did not see a firearm but did observe clutter in the room and the strong odor of marijuana.

Detective Carlos Ramos: Detective Ramos spoke with civilian Charles Eford, who spoke about Jordan having held a gun to a female. Detective Ramos could see a curtain being moved in a window where Jordan was located; eventually the curtain was raised and held in place. He heard one gunshot and afterward made entry into the house and observed Jordan on the floor with a wound to his chest. Detective Ramos did not observe a firearm in the room.

Matthew Schulze: While enroute to the address, he heard a radio broadcast from Detective Reddington that the subject was in the front bedroom and had yelled that he had a gun and was going to use it (the FMPD recording of Reddington's radio transmission advised multiple people at the residence said Christopher Jordan had a gun, Reddington never transmitted that he personally saw Christopher Jordan with a gun). When Officer Schulze arrived on the scene, he observed Detective Reddington and Detective Amador behind a large tree on the northwest side (front) of the residence looking at a window on the north side. He could hear Jordan inside the house yelling but could not make out what was being said.

Officer Schulze was staged on the east side, and he could see Christopher Jordan's bedroom window but could not see inside the room from his position. Officer Schulze heard Detective Moschella yell, "gun," and then he heard one single shot. After the shot was fired, Officer Schulze was one of the officers that made entry into the residence. He only went as far as the living room and hallway.

Fire & Rescue Personnel Interviews:

Lee County EMS Paramedic/EMT Samantha Jones and Anthony Lopez: Jones and Lopez were on duty as Lee County Emergency Services (EMS) Paramedic/EMT when they responded to a gunshot wound complaint on Stella Street. Upon arrival, they contacted Christopher Jordan in a bedroom of the residence. Christopher Jordan was unresponsive with a penetrating chest wound. They were both focused on the care of the patient and did not recall observing any weapons in the area, other than those carried by law enforcement. They did not hear any statements made by officers on the scene. At one point during the incident Christopher Jordan was moved to the living room area floor to continue treatment. He did not regain consciousness during the transport to the hospital.

Civilian witnesses statement summary:

Cynthia Marie Jordan: Cynthia Jordan provided an audio-recorded sworn statement to FDLE approximately 2 hours after the officer-involved shooting. At the time of the interview, Cynthia Jordan was not aware that Christopher Jordan was deceased.

Cynthia Jordan acknowledged calling 911 to report that her younger brother, Christopher Jordan, had a gun and threatened to kill her earlier in the evening. Christopher Jordan had an "attitude" all evening and was under the influence of "Molly." She estimated that between 5:30 pm and 7:30 pm, her cousin, known only as Christopher (this is a second person named Christopher), unknown last name went inside the house on Stella Street to use the bathroom and was threatened by her brother, Christopher Jordan. Her cousin came out of the house, saying Christopher Jordan was going to kill him. Cynthia Jordan advised FDLE that she did not know her cousin Christopher's last name or an address of where he lived. Cynthia Jordan then went inside the house and Christopher Jordan said, 'I'll kill you too bitch.' Cynthia Jordan pointed to her head with her finger, as she described a gun being pointed at her. She further described the gun as having a black handle and being either a .38 or .45 caliber. She then, with her hands, simulated the racking the slide of a semi-automatic handgun.

Cynthia Jordan pointed out Christopher's room to the police when they arrived at her home that evening. She stated, Christopher cursed at the police and told the police he would not come out of the house and to come and get him. She did not see Christopher with the gun after the police arrived on scene and said that the police should have found the gun unless he had hidden it. She was moved to a safe location by police and didn't see Christopher Jordan but could hear police commands for him to come out of the house with his hands up. She later heard one shot and initially thought Christopher had shot himself. She confirmed to FDLE agents that Christopher Jordan threatened her life and that she wanted him out of the house.

It should be noted that Cynthia Jordan made numerous allegations that her brother, Christopher Jordan, threatened her with a firearm prior to the shooting. Specifically, she made the claim on the 911 call audio tape, and Detective Reddington's BWC. She also provided 2 separate audio recorded sworn statements to Officer Novak (FMPD) and FDLE Special Agent Michael Ortiz after the shooting. In all the statements Cynthia Jordan stated that her brother, Christopher Jordan, threatened her with a firearm.

Ethel Upshaw: Ethel Upshaw is a neighbor of Cynthia and Christopher Jordan. During the early evening hours Cynthia Jordan came to her house and stated, "my brother is trying to shoot us." Upshaw did not know Christopher Jordan, nor did she hear or witness the shooting.

Charles Eford and Major Smith: Charles Eford and Major Smith declined to give a sworn statement to FDLE. They did verbally provide the following information to FDLE Agent Maurer. They were at 3218 Stella Street when the incident occurred and believed that the police, "did their job." The police gave verbal commands for Christopher Jordan to come out of the house. The commands included: "nobody is trying to hurt you, we come in peace," and, "we want everyone to be safe, show your hands, come to the door, and we can work it out." Eford and Smith estimated that the police made 7 to 8 attempts to urge Jordan to leave his house for 20 to 30 minutes. They did not see Jordan with a gun that night, but knew he had a gun in the past (they never stated how they knew he had a gun and FDLE never made further inquiries to the issue).

Crime scene, laboratory & Autopsy reports:

The search of the residence was conducted based on consent from Cynthia Jordan (a search warrant was not secured). The bedroom Christopher Jordan occupied had two windows, one window on the west side of the residence and a window at the (front) north side of the residence. A penetrating hole consistent with a gunshot was located in the north side closed window. A red material that was used as a curtain was rolled halfway up the window and a yellow plastic bag was hanging from the left side curtain rod. The bedroom contained a mattress atop of box springs which was against the wall under the window. Atop of the mattress were sheets and pillows. On top of the sheet was a black washcloth or hand towel, a padlock with a key inserted, and a plastic shelf. The bedroom floor had numerous objects scattered about including multiple cleaning spray bottles. There was also a refrigerator and microwave oven in the bedroom.

FDLE agents advised they searched the bedroom with the exception of the interior of the mattress, and did not locate any firearms, ammunition or related supplies. The scene was processed by the FDLE Crime Scene Unit. Agents also conducted a search of the yard after the incident. During the case review at FDLE, Agent Ortiz advised a second search was conducted of the yard at approximately 12:00 pm on December 2, 2023; the search of the exterior did not locate a firearm. FDLE requested consent from Cynthia Jordan to conduct a second search of the interior of the residence, Cynthia Jordan refused. FDLE did not attempt to secure a search warrant after Cynthia Jordan refused the request.

Multiple vehicles were utilized for cover by responding FMPD officers; the vehicle where Moschella fired the shot from was approximately 65-67 feet from Jordan's bedroom window. An FMPD Ford Interceptor SUV, was used as cover for Detective Moschella. After firing the shot, the spent cartridge casing from his rifle was ejected and landed on the roadway adjacent to the front door of the vehicle. Detective Moschella's rifle was left on the hood of the vehicle, where it was collected by the FDLE Crime Scene Unit.

Detective James Moschella's patrol rifle, a Daniel Defense 5.56 NATO caliber semiautomatic rifle, model DDM4 was collected and submitted to the FDLE Laboratory, along with the magazine.

The rifle was test fired with the magazine by FDLE and confirmed to be functional. Based on crime scene photographs the scope was set at 1X power which is a no magnification setting.

Physical Evidence

- (1) Spent cartridge casing (WMA 20 5.56 MM) collected from under the first black FMPD Ford Interceptor SUV
- (1) Daniel Defense DDM4 rifle, with 1 live round in the chamber
- (1) Rifle magazine containing 28 rounds of ammunition.
- (1) Leupold Patrol 6 optic scope affixed to the Daniel Defense DDM4 rifle left at 1x power setting

Autopsy Results: An autopsy was performed on December 2, 2023, by Rachel Lange, M.D. at the District 21 Medical Examiner’s Office. Her report outlined a penetrating gunshot wound of the torso, and injuries of the heart, aorta, and right lung. The bullet was recovered during the autopsy. The Manner of Death was deemed Homicide and the Cause of Death was determined to be from the gunshot wound to the torso.

Toxicology Results: The toxicology report, dated December 19, 2023, revealed Christopher Jordan had the presence of amphetamines, barbiturates, benzodiazepines, buprenorphine (metabolite), cannabinoids, Cocaine (metabolite), Fentanyl (Acetyl Fentanyl), Methadone (Metabolite), Methamphetamine (MDMA), Opiates, Oxycodone (Oxymorphone), and Phencyclidine.

Closing:

This review was based on the FDLE investigative report of the use of deadly force by FMPD Detective James Moschella. This report contained the audio recording of the 911 call from Cynthia Jordan, dispatch notes, witness interviews, body worn camera footage, YouTube/Facebook videos, crime scene analysis, and evidence gathered. All were consistent with the fact that officers on scene were informed that Christopher Jordan was armed with a firearm and had threatened to kill his sister, Cynthia Jordan. During a review of Detective Reddington’s BWC other unknown individuals could be heard confirming the Christopher Jordan had a gun.

Without further evidence to the contrary, it is my opinion that, Detective James Moschella fired his weapon in the belief that his life, and the lives of fellow law enforcement officers and citizens in the immediate area, were in immediate jeopardy and used deadly force to stop the threat. This case is closed pending a legal review.

/S/ Robert Lawrence

Investigator Signature

/s/ Sean Hoover

Supervisor Signature