

# INCIDENT/INVESTIGATION REPORT

Page 2

OCA  
2018-0062

Status Codes: L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

DRUGS	DCI	Status	Quantity	Type Measure	Suspected Type	Check up to 3 types of activity for each						
						Possess	Buy	Sale	Mfg	Importing	Operating	

OFFENDER	Offender Used Alcohol/Drugs: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk <input type="checkbox"/> N/A Computer: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk <input type="checkbox"/> N/A	Offender 1 Age: 36 Race: W Sex: F	Offender 2 Age: 31 Race: B Sex: M	Age:      Race:      Sex:	Primary Offender Resident Status: <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown
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SUSPECT	Name (Last, First, Middle) ESTERILLA, MYRA		Alias or Nickname		Home Address: 11 VIRGINIA AVENUE, BENSON, NC 27504-1								
Occupation				Business Address									
DOB / Age		Race	Sex	Height	Weight	Build	Hair Color	Hair Style	Hair Length	Eye Color	Glasses		
04/15/1981   36		W	F										
Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)													
Hat		Jacket		Shirt/Blouse		Tie/Scarf		Coat/Suit		Pants/Dress/Skirt		Socks	Shoes
Was Suspect Armed?		Type of Weapon				Direction of Travel			Mode of Travel				
VYR	Make	Model	Style	Color	Lic/Lis	Vin							

WITNESS	Name (last, first, middle)		DOB / Age		Race	Sex	OCA				
Home Address			Home Phone		Employer			Phone			

Suspect Hate / Bias Motivated: Yes  No

**Narrative**  
 ON 01/16/2018, AT APPROXIMATELY 8:41, I, OFFICER J. JORDAN, ALONG WITH OFFICER VELAZQUEZ, AND SGT. LUCAS RESPONDED TO A ANIMAL COMPLAINT, LOCATED AT 19 BOARDWALK AVENUE, IN BENSON, NC. PRIOR TO ARRIVAL, CENTRAL DISPATCH ADVISED THAT A SUBJECT HAD JUST SHOT A DOG.

UPON ARRIVAL, I MADE CONTACT WITH THE HOMEOWNER, MR. JAMES HERRING. MR. HERRING STATED A LARGE BREED, BROWN AND BLACK, CAUCASIAN SHEPPARD DOG, CAME FROM THE YARD OF 11 VIRGINIA AVENUE, THE DOG THEN RAN TRAVELING EAST, WHILE BARKING AND SNARLING AT MR. HERRING AND HIS CHILDREN, WHO WERE POSITIONED BEHIND MR. HERRING. MR. HERRING AT THIS POINT WAS FACING WEST, LOOKING AT THE CAUCASIAN SHEPPARD DOG. THE CAUCASIAN SHEPPARD THEN CHARGED AT THE FENCE, AND KNOCKED THE FENCE DOWN ONTO THE GROUND, THE FENCE FELL EASTBOUND INTO MR. HERRINGS YARD. AT THIS POINT, THE CAUCASIAN SHEPPARD DOG WAS STILL SNARLING, BARKING AND ACTING AGGRESSIVE.

AFTER KNOCKING THE PORTION OF FENCE DOWN, AND IN DEFENSE OF HIMSELF, AND HIS CHILDREN, WHO WERE STANDING BEHIND MR. HERRING, MR. HERRING PRODUCED A 9MM SMITH & WESSON M&P SHIELD HANDGUN, AND DISCHARGED APPROXIMATELY 4 ROUNDS OF AMMUNITION, STRIKING THE CAUCASIAN SHEPPARD DOG IN WHAT APPEARED TO BE THE LEFT SIDE OF THE CAUCASIAN SHEPPARD DOGS CHEST AREA. IMMEDIATELY AFTER THIS INCIDENT, MR. HERRING CALLED 911 TO REPORT THE INCIDENT, AND ATTEMPTING TO MAKE CONTACT WITH THE OWNERS OF THE DOG, MS. MYRA ESTERILLA, AND MR. ZEBULON MOORE, WHO RESIDE AT 11 VIRGINIA

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AGENCY <b>WILSON POLICE DEPARTMENT</b>	2. ORI NC0510200	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> ARREST <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. 2018-0062
Narrative IT WAS FOUND THAT THE RED IN COLOR FENCE, WAS STILL LYING ON THE GROUND, ON MR. HERRINGS PROPERTY. ON THE FENCE, IT WAS OBSERVED THAT THERE WERE AREAS WHERE BLOOD HAD CAME FROM THE CAUCASIAN SHEPPARD DOG, IT WAS ALSO FOUND THAT THERE WAS BLOOD ON THE GROUND, IN MR. HERRINGS YARD. AFTER OBSERVING THIS, MYSELF AND OFFICER VELAZQUEZ WENT TO ATTEMPT TO MAKE CONTACT WITH ANY TENANTS IN THE RESIDENCE OF 1 VIRGINIA AVENUE, AFTER CONTINUOUSLY KNOCKED ON THE FRONT DOOR, RINGING THE DOOR BELL, AND KNOCKING ON THE WINDOW IN THE FRONT OF THE HOUSE, NO ONE CAME TO THE DOOR. AT THIS TIME, I MADE MY WAY BACK TO THE SCENE OF THE INCIDENT.			
UPON ARRIVING BACK TO THE SCENE OF THE INCIDENT, SGT. LUCAS AND OFFICER VELAZQUEZ WERE SHOWN A VIDEO OF THE INCIDENT. MR. HERRING USED HIS CELLULAR TELEPHONE TO RECORD THE INCIDENT WHEN HE FIRST OBSERVED THE DOG WAS BECOMING AGGRESSIVE. IT WAS REPORTED TO ME THAT THE VIDEO WAS HARD TO SEE, DUE TO IT BEING NIGHTTIME, BUT YOU COULD HEAR, CLEARLY ON THE VIDEO, THAT THE CAUCASIAN SHEPPARD DOG WAS BARKING AND SNARLING AT MR. HERRING. AT THIS TIME, YOU CAN HEAR THE BARKING AND SNARLING GETTING LOUDER, AS THE DOG IS GETTING CLOSER TO MR. HERRING, AND AT THIS TIME, YOU HEAR THE RED IN COLOR WOODEN FENCE CRACK AND COME DOWN FROM THE WOODEN BOARDS IT WAS ATTACHED TO, AND AT THIS POINT, YOU HEAR THE FIREARM DISCHARGE. MR. HERRING STATED THAT HE HAS TALKED TO ONE OF THE OWNERS OF THE CAUCASIAN SHEPPARD, MR. MOORE, ABOUT THE DOG BEING AGGRESSIVE APPROXIMATELY 2 TIMES. MR. HERRING ALSO STATED THAT HE HAD TALKED TO THE HOMEOWNERS, WHO RENT THE RESIDENCE TO MR. MOORE AND MS. ESTERILLA ABOUT THE DOG.			
AT THIS TIME, MYSELF AND SGT. LUCAS OBSERVED A WHITE FEMALE IN THE BACK OF THE RESIDENCE, LOOKING OUT OF THE BACK DOOR WINDOW, I THEN WENT TO THE FRONT DOOR AND MADE CONTACT WITH SAID FEMALE, MS. MYRA ESTERILLA. I ADVISED MS. ESTERILLA THAT HER CAUCASIAN SHEPPARD DOG HAD JUST KNOCKED DOWN THE FENCE, AND HAD BEEN SHOT. MS. ESTERILLA APPEARED TO BE EMOTIONALLY DISTRAUGHT AFTER TELLING HER THIS INFORMATION. MS. ESTERILLA THEN GOT ON THE PHONE WITH THE OTHER OWNER OF THE DOG, MR. ZEBULON MOORE. WHILE MS. ESTERILLA WAS SPEAKING WITH MR. MOORE AND ADVISING HIM OF THE INCIDENT AT HAND, I ALSO TOLD BOTH PARTIES ABOUT 2 24 HOUR VETERINARIAN HOSPITALS THAT I KNEW ABOUT OFF HAND. ONE LOCATED IN WILSON, NC AND ANOTHER LOCATED IN CARY, NC.			
AT THIS TIME, MR. ZEBULON ARRIVED ON SCENE AND MR. ZEBULON WENT TO LOOK AT HIS CAUCASIAN SHEPPARD DOG, WHICH WAS STILL LYING IN THE SAME SPOT IN THE YARD. AFTER MR. ZEBULON LOOKED AT HIS DOG, HE MADE A UTTERANCE STATING "YALL GONNA HAVE TO BACK AND LOCK ME UP TONIGHT." AT THIS TIME, MR. ZEBULON AND MS. ESTERILLA RETRIEVED A PLASTIC, GREY IN COLOR DOG KENNEL, FROM INSIDE OF THEIR RESIDENCE, PLACED THE THEIR CAUCASIAN SHEPPARD DOG INSIDE OF THE KENNEL AND REPORTED TRANSPORTED THE DOG TO VETERINARIAN SPECIALTY HOSPITAL, ALSO KNOWN AS "VSH", LOCATED IN CARY, NC. THE WIFE OF MR. HERRING, ASSISTED IN HELPING THE DOG BY CALLING VSH AND INFORMING THEM OF THE INCIDENT AND THAT MR. ZEBULON AND MS. ESTERILLA WERE ENROUTE TO THEM WITH THE INJURED DOG. AT THIS TIME, ALL UNITS CLEARED THE SCENE.			
ON 01/17/2018, AT APPROXIMATELY 12:30 AM, MYSELF, OFFICER VELAZQUEZ AND SGT. LUCAS RESPONDED BACK TO 19 BOARDWALK AVENUE FOR A FOLLOW UP. UPON ARRIVAL, IT WAS FOUND THAT MR. ZEBULON AND MR. HERRING WERE ARGUING ABOUT THE INCIDENT. ONCE WE WALKED UP TO THE SUBJECTS, MR. ZEBULON WAS QUESTIONING WHY HE SHOT THE DOG AND WAS QUESTIONING THE POLICE INVESTIGATION DUE TO HIM THINKING			
Officer Name / ID	Officer Signature	Date / Time Submitted	



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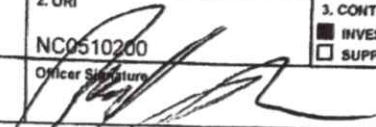
*Narrative*  
 THE SHOOTING OF HIS DOG WAS UNJUSTIFIED. SGT LUCAS ADVISED MR. ZEBULON THAT IT WAS JUSTIFIED DUE TO THE DOG CHAPGING TOWARDS MR. HERRING AND HIS CHILDREN IN A VICIOUS MANNER AND THE DOG DEMONSTRATING A VICIOUS MANNER BY KNOCKING DOWN THE FENCE, BARKING AND SNARLING AT MR. HERRING AND HIS CHILDREN. AT THIS TIME, MR. ZEBULON STATED THAT HE BELIEVED THAT THE BENSON POLICE DEPARTMENT RULED THE SHOOTING OF THE DOG JUSTIFIED BECAUSE MR. HERRING IS A POLICE OFFICER. SGT LUCAS ADVISED THAT IT WAS NOT BECAUSE MR. HERRING WAS A POLICE OFFICER AND THAT IT WAS JUSTIFIED DUE TO MR. HERRING BEING IN FEAR OF HIS SAFETY AND HIS CHILDRENS SAFETY. AT THIS TIME, MR. HERRING SPOKE TO MR. MOORE AND STATED THAT HIS CAUCASIAN SHEPPARD WAS GOING TO ATTACK HIM AND MR. MOORE STATED "SHUT UP IM NOT TALKING TO YOU, IM TALKING TO THEM" IN REFERENCE TO TALKING TO SGT LUCAS. AND NOT WANTING TO HEAR MR. HERRING SPEAKING. SGT LUCAS THEN ADVISED MR. MOORE THAT HE COULD HAVE BEEN CHARGED, WITH A TOWN ORDINANCE VIOLATION OF ALLOWING HIS CAUCASIAN SHEPPARD TO RUN AT LARGE. BUT DUE TO THE CIRCUMSTANCES, HE WAS NOT CHARGED WITH THE ORDINANCE VIOLATION.

MR. HERRING THEN STATED TO MR. MOORE THAT HE DID NOT WANT HIM ON HIS PROPERTY ANYMORE, IN THE PRESENCE OF MYSELF, SGT LUCAS, AND OFFICER VELAZQUEZ. MR. MOORE THEN STATED THAT HIS DOG HAS NEVER ATTACKED ANYONE BEFORE AND THAT HE NEVER KNEW THE DOG TO BE VICIOUS. ONCE AGAIN WE REFERRED BACK TO THE EVIDENCE OF THE FENCE BEING KNOCKED OVER BY THE DOG. MR. MOORE THEN STATED THAT THE DOG HAD NEVER ATTEMPTED TO BREAK THE FENCE, BUT THAT HE KNEW THE FENCE WAS DAMAGED, AND THAT THE FENCE WAS DAMAGED. AND THAT THE FENCE WAS NOT REPAIRED.

MR. MOORE THEN BEGAN TO WALK BACK TO HIS RESIDENCE, AND AS HE WAS WALKING BACK, MR. MOORE ASKED SGT LUCAS THAT IF MR. HERRING CAME ONTO HIS PROPERTY, HE COULD "TAKE CARE OF HIM" IN THE SENSE OF PHYSICALLY HARMING HIM. SGT LUCAS THEN STATED THAT MR. HERRING DOES NOT INTEND TO COME ON HIS PROPERTY AND THAT IF HE CAME ON HIS PROPERTY, HE CANNOT HARM HIM UNLESS HIS PHYSICAL SAFETY IS THREATENED. MR. MOORE THEN STATED " BUT HE'S ON MY PROPERTY?" AT THIS TIME, MR. HERRING STATED THAT HE HAS NO INTENTION OF BEING ON HIS PROPERTY FOR ANY REASON. MR. MOORE THEN WENT BACK INSIDE OF HIS RESIDENCE, AND MR. HERRING WAS ADVISED THAT IF HE NEEDED FURTHER ASSISTANCE FROM EMERGENCY SERVICES, TO CALL 911.

CASE CLOSED.

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Officer Name / ID PTL JARED R. JORDAN - 1068		Officer Signature 	Date / Time Submitted 01/16/2018 21:26	Page <u>5</u> of <u>5</u>

**Suspect(s)**

Name (Last, First, Middle) <b>MOORE, ZEBULON</b>		Alias or Nickname		Home Address 11 VIRGINIA AVENUE, BENSON, NC 27504-150						
Occupation		Business Address								
DOB / Age 01/15/1987   31	Race B	Sex M	Height	Weight	Build	Hair Color	Hair Style	Hair Length	Eye Color	Glasses
Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)										
Hat	Jacket	Shirt/Blouse	Tie/Scarf	Coat/Suit	Pants/Dress/Skirt	Socks	Shoes			
Was Suspect Armed?	Type of Weapon			Direction of Travel			Mode of Travel			