

NEWS RELEASE

On Wednesday, November 8, 2017, at 10:08 p.m. an armed subject call was aired for 2622 Fairfield Drive, NE, in the City of Roanoke, Virginia. Officer R.A. Howell of the Roanoke City Police Department (RCPD) was on foot in the immediate area on an unrelated call and heard the alert over his police radio. He immediately began to walk in the direction of 2622 Fairfield and, as he neared the residence, he heard loud voices as well as a female voice yelling, "You put a gun to my face." He then saw a male individual (later identified as Victor Bray) on the front porch of 2622 Fairfield with what appeared to be a pistol in his hand. In light of all the circumstances, Officer Howell drew his service weapon and shouted commands at the individual with the pistol. He then observed Mr. Bray shoot in the direction of a female (later identified as Adrienne Hardin) standing in the yard which is below the porch. Officer Howell immediately fired multiple shots at Mr. Bray, striking him four times which resulted in his death at the scene.

Following the shooting, additional officers of the RCPD arrived to secure the scene pending investigation. Per departmental policy, the Virginia State Police were immediately contacted to begin an independent investigation. Following the completion of their investigation, the Virginia State Police referred the matter to my office to determine what, if any, criminal charges are appropriate.

I have reviewed the written police reports, photographs of the scene, body camera recordings, witness statements and firearms ballistic report and visited the scene where the shooting occurred. I have reviewed the official autopsy report, to include the toxicology report of the deceased. Additionally, Special Agent Stephen T. Oliver (Virginia State Police), John McNeil (Senior Assistant Commonwealth's Attorney), and I met with the family to determine if there were any other factual issues that needed to be investigated or additional witnesses interviewed.

The facts developed through the investigation reveal that Victor Bray, age 31, lived at 2622 Fairfield Drive with his fiancé, Casey Dawn King, and their two year old daughter. They had lived at that residence for approximately 3½ years. On April 5, 2017, the RCPD was dispatched to a domestic call involving Bray and King at that address. King advised the responding Officer that Bray had just lost his job, he was intoxicated, destroying their house, and that he was "going off." No charges were placed as a result of that incident.

In the interview with Casey King following the shooting, Ms. King advised that she and Bray had an argument on Sunday, November 5, 2017, during which Bray began to hit the walls with his elbows and was throwing things inside the house. The next day, King filed for full custody of their daughter. She did not immediately share this news

with Bray out of fear of how he would react. On Tuesday, November 7, she did inform Bray that she had filed for full custody. According to King, this caused Bray to become “very angry,” and he remained that way until the night of November 8.

On the evening of November 8, Bray left the residence to go out with friends, including neighbors Drew Sizemore and Steve Mitchem. According to witnesses, Bray consumed alcohol during this time. When he returned to the house at approximately 10:00 p.m. he went to their daughter’s room and woke her up. King wanted the child to sleep, but Bray continued to interact with the child. Bray began yelling at the 2 year old, causing King to put the child in her (King’s) bed. King then confronted Bray to ask him what was wrong. They began to argue inside the house, at which point Bray “lost it” according to King. Bray punched a hole in the wall and kicked over a table on the porch. Bray told King that he was going to leave, and he began to physically push her while inside the house.

As a result of this argument between King and Bray, Adrienne Hardin, an adult who also was living in the house, became embroiled in an argument with Bray. While Hardin and Bray were arguing, King attempted to leave with the child but was prevented from doing so by Bray. At some point Drew Sizemore came into the house and also got into an argument with Bray. Sizemore stated that he had seen Bray mad before, but had never seen him angry like this. The argument turned physical, and Sizemore would ultimately leave the house.

According to King, she tried to leave again, and Bray told her that “he was going to do something she never thought he would do.” He produced a handgun and then fired a shot into the bathroom. At some point during the argument, Hardin called 911, initiating the response of Officer Howell. Once Bray realized that Hardin called the police, he smashed her phone and pointed the gun at her head. King grabbed her daughter and immediately went to her car. Before she and the child could get in the car, Bray reached the car and slammed the door to prevent her from entering the vehicle.

As the confrontation continued at the car, neighbors Steve Mitchem and Drew Sizemore came out of an adjacent house and tried to calm Bray. King began to walk away from the scene with the child. She encountered Officer Howell as she was walking away and he was walking to the scene. By this time Bray had returned to the porch and again pointed the gun at Hardin, who was standing beside the porch on the ground. Officer Howell yelled at Bray, “Hey! – Get (inaudible)! Get your hands down!” Bray then fires his gun in the direction of Hardin, which causes Officer Howell to fire his weapon at Bray. Officer Howell immediately notified dispatchers that shots had been fired and requested that an ambulance be dispatched. Upon arrival, paramedics determined that Bray was dead from gunshot wounds.

Officer Howell was wearing a department issued body camera during this incident. The body camera records him responding to his original, unrelated call of a suspicious person at 1110 Liberty Road. At 22:08:03 hours the recording captures the aired dispatch call of an armed subject at 2622 Fairfield Drive with an “active disorder in the background.” At 22:08:15 Howell notifies dispatch that he will be “walking up on that now.” The recording captures Howell walking to 2622 Fairfield and a disorder can be heard in the background, voices yelling and doors slamming. At 22:09:18 a female voice is heard saying, “You had a gun in your hand, and you shot it inside of the house.” At 22:09:27, the officer encounters King and directs her away from the scene and into a residence. At 22:09:30 a male voice is heard saying “Victor” in a pleading manner. A male voice is heard yelling, “Say it again!” At 22:09:31, Officer Howell yells at Bray, “Hey! – Get (inaudible)! Get your hands down!” At 22:09:34, the first shot is heard, followed by multiple other gunshots. At 22:09:43, Officer Howell notifies Dispatch “shots fired” and requests a medic.

Pursuant to protocol, crime scene investigators from the Virginia State Police responded to 2622 Fairfield to process the crime scene. Investigators recovered thirteen 40 caliber shell casings that were fired from Officer Howell’s service weapon. They recovered a black and white handgun on the porch that had been in the possession of Victor Bray. They recovered a 9mm shell casing on the porch that had been fired from Bray’s gun. A hole was found in the trash can just off the porch where Adrienne Hardin had been standing when Bray fired his weapon in her direction. A 9mm slug was recovered buried in the ground near where Ms. Hardin had been standing. Forensic analysis revealed that the 9mm slug and the 9mm shell casing were both fired from the black and white handgun that had been in Bray’s possession. A bullet hole was found inside the house in the bathroom as previously described by King. A single shell casing was also located in the hallway just outside of the bathroom inside the house.

The body of Victor Bray was transported to the medical examiner’s office for an autopsy. The autopsy performed by Dr. Gayle Suzuki was finalized on February 1, 2018. The autopsy revealed that all four of the shots fired by Officer Howell struck Mr. Bray, and the cause of death is listed as “Gunshot Wound of Head and Chest.” A sample of Mr. Bray’s blood was drawn and sent for analysis. The analysis revealed that Mr. Bray had a blood alcohol content of .13.

As stated earlier in this press release, my role is to review the facts and circumstances of a particular case and decide whether or not there is probable cause to believe that a crime has been committed. In order to support a criminal charge, the evidence must show either (1) the presence of malice on behalf of the person or persons involved or (2) gross, reckless disregard for the life or safety of others, which is criminal negligence.

Based upon the facts available to me at this time, I am of the opinion that Mr. Bray's actions placed Officer Howell in a position where he reasonably believed that he, Ms. Hardin, and others were in imminent danger of death or serious bodily injury. From the perspective of the Officer, he had been dispatched to an incident involving an armed subject. As he approaches the house he hears the words, "You put a gun in my face," he sees an individual with a gun in his hand on the porch, and sees this individual discharge the firearm in the direction of an individual standing in the yard. Mr. Bray ignored the Officer's commands and fired a shot in the direction of Adrienne Hardin in the presence of the Officer. All of these were signs of a violent and dangerous individual who was willing to use a weapon in a deadly manner.

Despite the dangerous circumstances that were presented to Officer Howell as he walked up to the scene on Fairfield Drive, he did his best to try to gain control of the situation. Officer Howell directed Casey King and her infant daughter to safety as he first walked up. He used verbal commands in an attempt to get the attention of Mr. Bray and to get him under control. These attempts by Officer Howell would ultimately prove to be futile, however, as Mr. Bray never responded to any of his directions. When Mr. Bray fired his weapon in Ms. Hardin's direction, Officer Howell was justified in the use of deadly force to address the threat that was presented. Therefore, I am of the opinion that, under the law of Virginia, Officer Howell was legally justified in the use of deadly force to protect his own life as well as the lives of others in this situation. Thus, criminal charges are not appropriate under these circumstances, and none will be pursued.

As in all cases, all parties involved may pursue any civil remedies that they feel are appropriate.

Donald S. Caldwell
Commonwealth's Attorney
Roanoke City