

NATIONAL

‘It’s going to be like the OK Corral down here’

By Carlos Harrison and Wesley Lowery October 25 at 7:50 PM

Stranded on a highway off-ramp at 3 a.m., waiting for a tow truck, Corey Jones was armed with a brand-new pistol and a state-issued concealed-carry permit that entitled him to take the gun wherever he pleased.

Enter Palm Beach Gardens police officer Nouman Raja, wearing civilian clothes and driving an unmarked van. He pulled up to Jones’s vehicle, thinking it was abandoned.

Minutes later, Jones, 31, was dead.

Police say Raja opened fire after Jones confronted him with a gun. But under Florida’s expansive gun laws, Jones may have been entirely within his rights to brandish his weapon, legal experts say — especially if reports that Raja never displayed his badge are true.

The shooting has raised troubling questions about the rules of engagement when a legally armed motorist faces a police officer out of uniform late at night on a lonely road. And those rules could get even trickier, experts say, if Florida lawmakers approve a pending measure to permit people with concealed-carry permits to openly display their weapons.

“The police are nervous as it is,” said Roy Black, a prominent Florida attorney who has represented more than 100 police officers in use-of-force cases.

“Everyone walking around with guns? It’s going to be like the OK Corral down here.”

“The horror” of the Jones shooting, Black said, is that “both men could have been acting perfectly legally and it still ended up in tragedy.”

State officials are investigating the Oct. 18 shooting, as is the Palm Beach County sheriff. Few details have been released, and Jones’s family is demanding answers. They have hired a stable of attorneys, including Benjamin Crump, the Florida lawyer who represents the family of slain Ferguson, Mo., teen Michael Brown and slain Florida teen Trayvon Martin.

Last week, Jones’s family held a news conference on the steps of the Palm Beach County Courthouse. “I raised my children to be respectable and to respect the law. I always tell them to stay humble,” his father, Clinton Jones Sr., tearfully told reporters. “Today, I need some answers. I need to know why. Why my son is gone today.”

Though Corey Jones was black and the officer who shot him was not, his brother, Clinton Jones Jr., urged reporters not to view the shooting as “a black thing.”

“My brother did not see color. I don’t see color,” he said, noting that his wife is white. “So, no disrespect to Black Lives Matter: All lives matter.”

Jones, who had no criminal record, came from a large family in the Palm Beach area. Several relatives are members of the clergy, and Clinton Jr. briefly played pro football with the New England Patriots. Corey worked as an assistant manager at the Delray Beach Housing Authority, relatives said, but

his passion was drumming. He played at his church in Boynton Beach and with a local reggae band known as the Future Presidents.

Playing with the band, Crump said, meant Jones often drove around with cash and “thousands of dollars worth of equipment.” More than two years ago, he began carrying a gun for protection.

Crump said that Jones had obtained a concealed-weapons permit and that he bought a new pistol on Oct. 15. The box and the paperwork were still in Jones’s vehicle the next weekend when the band played at a Jupiter bar called Johnny Mangos.

Jones was headed home from that gig, driving south on Interstate 95, when his tan Hyundai Santa Fe broke down in Palm Beach Gardens, a wealthy, mostly white city best known as the home of the Professional Golfers’ Association of America.

About 1:45 a.m., Jones pulled off the highway and called the band’s bassist, Mathew Huntsberger, asking him to bring oil. When that didn’t help, the two men pushed the SUV to the side of the road, and Jones called for a tow truck.

“I asked him if he wanted me to stay, but he said no, I should go home,” Huntsberger recalled. “After all, the tow truck was supposedly on the way.”

Huntsberger said he last saw his friend about 2:30 a.m., sitting in the car with the door open, the radio on, clearly lit by a nearby streetlight. He did not see a gun.

Meanwhile, Raja, 38, was working a plainclothes burglary detail in a nearby hotel parking lot. He has been a police officer since at least 2008, when he

worked in nearby Atlantis, and had joined the Palm Beach Gardens force in April.

About 3:15 a.m., police said, Raja stopped his unmarked van near Jones's SUV "to investigate what he believed to be an abandoned vehicle." Raja then was "suddenly confronted by an armed subject" and opened fire, police said.

Raja fired six shots, Crump and other attorneys for the Jones family said after meeting with the state attorney handling the case. Jones was found dead 80 to 100 feet from his SUV. He had been hit three times, Crump said, once in each arm and, fatally, in the chest.

Police found his gun lying on the ground, unfired.

Crump said the family was also told that Raja never showed his badge.

"We believe Corey went to his grave not knowing if this was a real cop," Crump said. "Why didn't he identify himself? Why didn't he show the badge? He rode up on him in an unmarked white van with tinted windows. He doesn't know if he's about to be mugged, if he's about to be robbed, if he's about to be killed."

Law enforcement consultant Steve Ijames, a former assistant police chief in Springfield, Mo., said the issue of identification has long been problematic, particularly for plainclothes officers.

"I don't think it's unreasonable for a citizen at 3 a.m. on the side of the road to be skeptical of someone pulling up. I would be," Ijames said. Even if Raja did show a badge, "from 15 feet away, that could be something you bought in the dime store."

The problem could be compounded by Florida's permissive gun laws. The state not only permits concealed carry but also has a "stand your ground" law. That law has been successfully invoked in Palm Beach County by a man who shot and killed two young men outside a keg party. A judge determined that the shooter "used deadly force because he reasonably believed such force was necessary to protect himself from great bodily harm."

Tamara Rice Lave, a University of Miami law professor, said Jones may have been within his rights to pull out his gun, even without the stand-your-ground law.

"Anytime you have a plainclothes police officer, things get hard even under traditional self-defense," she said. "Because traditional self-defense says that if you have a reasonable belief that you're in danger of imminent peril of death or great bodily injury to yourself or another person, you have the right to use deadly force to defend yourself."

If that is what happened, Black said, Raja would be legally authorized to respond with force.

"Any police officer who is, as they say, 'suddenly confronted by an armed subject,' under Florida law, has the right to shoot him," he said. "All the police officer has to have is a good-faith fear that this subject will use his gun. He doesn't have to wait for him to shoot first."

Wrongful-death attorney Andrew Hall said the case appears to fall "within that terrible gap in the law which may be that two men confront each other, each feels threatened by the other, and one dies. And they're both within their rights."