

David Vincent
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ACLU of Georgia
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To Whom It May Concern:

Summary of Complaint Against Officer Tyler Daniel and the Gwinnett County Police Department

Avery Nowlin was murdered by Darius Bush at approximately 6:45pm on 2/5/22. Detectives visited Nowlin's home, approximately 50 yards away from the scene, to inform his mother later that evening. During that conversation, Officer Tyler ("T.E.") Daniel of the Gwinnett County Police Department (GCPD) told Nowlin's mother that it appeared to be an "attempted carjacking" of Bush. Nowlin's car was parked 50 yards away in his garage. A few hours before the incident, Nowlin purchased a ride home using the Lyft rideshare service. Nowlin's relatives were unable to view his body until it reached the funeral home 5 days later. However, an independent autopsy was performed, and the killer's account of the incident is highly questionable.

Daniel stated Bush is GCPD's sole witness. Bush faces eight counts in a separate matter that include *Possession of Firearm During Commission of a Felony*, *Entering an Automobile*, *Criminal Trespass*, *Obstruction of an Officer*, and *Loitering/Prowling*. Bush's knowledge of his own actions leading to the counts was apparently used to convince police that he was the victim. Bush waived his appearance for these counts in Superior Court on 2/15/22.

On 2/7/22, Officer Hideshi Valle released statements regarding the incident. Several of Valle's inaccurate statements were listed on several fringe websites, and fox5, to promote positions on self-defense and standing your ground. These inaccuracies lead to a belief that GCPD has mishandled or carelessly avoided evidence and facts surrounding the incident. Evidence obtained by the family following Nowlin's death reveal something other than self-defense or stand your ground.

The story that Bush gave to police appears to match many of the counts against him. Based on his alleged criminal behavior, Bush is uniquely positioned to craft a detailed account, using his experience within the court system, to portray Nowlin as the assailant. Meaning Bush could use his firsthand knowledge of carjacking or vehicular theft, obstruction of an officer, possession of a weapon, etc. to his advantage. Similar to the *Obstruction of an Officer* count, Bush left the scene immediately following the murder and travelled approximately one mile to his home. According to GCPD's press release, "neighbors near the scene contacted 911" after the incident. Similar to the *Entering an Automobile* count, Bush told police that Nowlin attempted to carjack him. Similar to the *Criminal Trespass* and *Loitering/Prowling* counts, Bush, according to police, was sitting in his car in a private parking lot directly across from Nowlin's home. Similar to the *Possession of Firearm During Commission of a Felony* count, Bush possessed a firearm likely in violation of his bond. GCPD has been unwilling or unable to verify Bush's account of the event.

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GCPD reported that Bush was sitting in his car in a “public parking lot.” There are no public parking lots in subject golfing community. Further, GCPD did not mention the lot was directly across the street from Nowlin’s home and behind the cover of bushes. GCPD apparently changed its allegation of “carjacking” to “assault” when it was determined that Nowlin’s home and car were approximately 50 yards away from where he was killed, and about a mile away from Bush’s residence. GCPD reported that Nowlin had a “weapon” but did not provide any details. It is unlikely that Nowlin had a weapon. GCPD did not mention that Bush left the scene and traveled home immediately after the murder. Instead, GCPD reported that Bush’s car “stalled,” which is inconsistent with video evidence captured during the incident. Nowlin’s parents viewed a small portion of the video.

Officer Valle of GCPD stated “a physical altercation was initiated by Avery.” It is unclear how GCPD confirmed that a physical altercation between the two men involved occurred or that Nowlin was the initiator. Officer Valle of GCPD stated “Bush, fearing for his life, discharged his firearm, striking Nowlin.” Valle further stated that GCPD is treating the shooting as a case of self-defense. GCPD’s “case of self-defense” was decided in less than 48 hours based on statements solely provided by Bush, a non-credible “witness”.

GCPD claimed that Nowlin and Bush did not know each other. Therefore, there was little reason for Bush to sit in his vehicle across the street from Nowlin’s home. The position of the streets, location of, and path to Bush’s home makes sitting in that location a curious choice unless he was there to harass or attack Nowlin. Bush was born within 48 hours of Nowlin and both lived in the same neighborhood, at opposite ends of the golf course. They would have attended school at the same time, possibly the same high school. GCPD did not report that Bush had sizeable advantage in height and weight over Nowlin. In addition, Bush had a gun, a car, and potentially a motive to attack Nowlin. GCPD did not mention threats received by Nowlin and the engine revving that occurred outside of his home as recent as two days prior to his killing.

According to a video that captured the event, Nowlin was on the outside of Bush’s car holding on the hood as the vehicle proceeded into the intersection of Golfe Links Drive from Clubside Court. GCPD stated “Bush was sitting in his car, which was in the parking lot of a residential area, when Nowlin approached the vehicle with a weapon”. Officer T.E. Daniel told the family that Bush was at the tennis court, a private lot. Bush would have had to make at least two sharp, 90 degree, turns to exit the lot with Nowlin on the hood while driving down Clubside Court with Nowlin on the hood to get to the intersection where Nowlin fell off the car onto the ground. Bush, with all the advantages, a car, gun, and size “[feared] for his life” according to police.

GCPD has made clear that it will not pursue charges against Bush given his uncorroborated and discredited story. The family requests immediate assistance from the ACLU to compel GCPD to properly conduct a full investigation and charge Darius Bush with murder in the first degree.

Request for Legal Assistance from the American Civil Liberties Union (ACLU) of Georgia

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We request the American Civil Liberties Union (ACLU) of Georgia to call for and formally request an independent and thorough investigation of the incident that occurred on February 5, 2022. In addition, we would like the ACLU to assist Avery Nowlin's family by crafting and executing legal strategies to compel the Gwinnett County Police Department (GCPD) to perform a full and proper investigation. The family has spoken with the Assistant District Attorney (ADA), Mr. Craig Pake. His office has agreed to monitor GCPD's investigation, however, no charges have been filed against Darius Bush. Similar to other families in this position, Avery's family has been unable to gain cooperation from GCPD. In fact, GCPD is constantly releasing unverified accounts, disparaging Avery, to news outlets. We request that the ACLU of Georgia formally monitor this case.

In addition, we request the ACLU of Georgia release a statement regarding the reckless actions of GCPD following Avery's murder. Officer Tyler ("T.E.") Daniel and GCPD have demonstrated an unwillingness to properly and fully investigate by leaking unverified statements to the media. Further, GCPD officers have shown disrespect and disregard for Avery Nowlin and his family. Officer Tyler ("T.E.") Daniel told India Vincent, Avery's mother, that Darius Bush has a 2nd amendment right to bear arms after guns (two) were confiscated in separate incidents. Bush may have a 2nd amendment right, however, he also has a pattern of extremely violent behavior that GCPD fails to fully investigate. Within 3 hours of the murder, Officer Daniel told Ms. Vincent that it appeared that Avery attempted to carjack Darius Bush. Officer Daniel largely relied on statements provided by Bush, the sole witness facing unrelated weapons and obstruction charges, to reach this conclusion. Within 48 hours of the murder, Officer Daniel approved the release of information to the media, without notifying the Avery's family. Statements released to media outlets and GCPD's interactions with Avery's family demonstrate GCPD and the officer's (T.E. Daniel) disinterest and unwillingness to conduct a full and proper investigation.

We request that the ACLU of Georgia file a data request for information on Avery Nowlin's killing. The Atlanta Journal Constitution published the following uncorroborated statement on its website: "The investigation later revealed the incident began when Nowlin, armed with a weapon, approached another 22-year-old man who was sitting in a car in the parking lot of a neighborhood, according to the release". The 22-year old man (Bush) trespassed in a private lot across from Avery's home. The "investigation" relies completely on Avery having a "weapon." GCPD needs to be forced to reveal the "weapon." According to Avery's parents, they did not see anything in Avery's hands in video captured by a neighbor's security camera. Further, Avery did not own/possess weapons of any type (e.g., guns, knives, bats). Officer Daniel has reviewed the video, this makes his claim of a "weapon" deeply troubling. We are concerned that only GCPD and Officer Daniel have possession of the video and Avery's phone. It is only reasonable to conclude that GCPD and Officer Daniel cannot be trusted with any evidence given the reckless statements they have provided to the press and the disrespect they have shown to Avery and his family. We would like the ACLU to intervene and directly contact GCPD and Officer Daniel to express our concern regarding their handling of the investigation and evidence. GCPD and Officer Daniel appear to have a method for dealing with matters involving young Black men: quickly conclude guilt; release statements to the media with key words that include "initiate," "assault," "weapon," and "self-defense." To add, GCPD and Officer Daniel appear to operate without

accountability. They provide little to no useful information to the family's requests. It is our hope that the ALCU's involvement can lead to full and proper investigation, and answers.

ACLU's website states "the fabric of American society has been woven with deeply racist policies, practices, and attitudes that harm Black and Indigenous people of color. These policies have led to an unequal system where white people have both implicit and explicit advantages because of the color of their skin, leading to better opportunities in jobs, education, and housing." In this case, the explicit advantage is justice – a willingness to investigate to discover the truth. The website further states "Systemic Equality is a racial justice agenda that seeks to address America's legacy of racism and systemic discrimination through... advocacy efforts, legal strategies to strike down laws and practices that exclude and harm..."

We request the ACLU of Georgia to formally request the video footage that captured the incident and any available body camera footage from attending police officers. We would like the ACLU to make statements in support of accountability and a full investigation to the District Attorney for Gwinnett County, GCPD, U.S. Senators, and the Governor. The attitude of police officers led by Tyler ("T.E.") Daniel and practices of GCPD must be swiftly and firmly addressed to eradicate the system of unequal justice – fully investigating some cases and quickly concluding the guilt of Black people in others. We are requesting that ACLU support our demand for justice for Avery, and for all. In addition to the demand for justice, we want the ACLU to support social media (e.g., Twitter, Instagram, Facebook) campaigns to expose GCPD's mistreatment of Avery and his family. We would like the ACLU to establish a campaign on its social media platforms to help bring justice for Avery Nowlin and restore his good name that has been tarnished due to GCPD's reckless statements, which were carried on news sites that include ajc.com and fox5.

We request the ACLU to hear the family's side of the story and review evidence. The errors and flaws in GCPD's press release are clear. The family seeks to share information with ACLU. The ADA and an independent medical examiner question the "self-defense" narrative provided by GCPD and reported by several news outlets. The family is willing to contribute in any way to help the ACLU pursue justice for Avery Nowlin.

Respectfully,

David Vincent
Uncle of Avery Nowlin

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