

For purposes of a motion to dismiss, courts view the allegations of the complaint as true, drawing all inferences in the plaintiff’s favor. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56 (2007); *Langford v. Joyner*, 62 F.4th 122, 124 (4th Cir. 2023). Courts may also consider documents outside the pleadings without converting a motion

to dismiss into one for summary judgment if those documents are “integral to the complaint and authentic.” *Anand v. Ocwen Loan Servicing, LLC*, 754 F.3d 195, 198 (4th Cir. 2014) (cleaned up); *see also Copeland v. Bieber*, 789 F.3d 484, 490 (4th Cir. 2015). That is the situation here with the videos taken from the dash-cam in Officer Sletten’s car and from his body-worn camera, on which all parties have relied. *See Street v. Santiago*, No. 21-CV-941, 2023 WL 2388761, at \*2 (M.D.N.C. Mar. 7, 2023).<sup>1</sup> The following recitation of the facts comes from the complaint and the videos, drawing all inferences in favor of the plaintiff.<sup>2</sup>

On the evening of August 21, 2022, Nasanto Crenshaw was driving a car that had been reported stolen. Doc. 6 at ¶ 8. Greensboro Police Officer Matthew Sletten observed

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<sup>1</sup> While the plaintiff does not explicitly mention the videos in the amended complaint, Doc. 6, the complaint tracks the video, and in the brief responding to Officer Sletten’s motion to dismiss, the plaintiff explicitly relies on video from Officer Sletten’s body-worn camera and dash-cam, directing the Court’s attention to a YouTube video posted by the City of Greensboro. *E.g.*, Doc. 17-1 at 4 n.1. The plaintiff raised no authenticity concerns about the videos and agrees that the plaintiff’s version of the facts in the complaint should be credited only “to the extent it is not contradicted by the videotape.” Doc. 17-1 at 4–5. The Court required the defendant to file a copy of the videos as part of the record, Text Order 07/11/2023, which counsel for the defendant has done. *See* Doc. 23. The videos were submitted in the format in which the City made them publicly available on YouTube; they also contain commentary and writings not from the body-worn camera or dash-cam. Doc. 23. The Court has only considered the video footage of the incident on the BWC and dash-cam, roughly 21:07:40 through 21:09:37 using the time stamps on the officer’s body-worn camera footage, and has not considered the oral and written commentary, summary, and characterization elsewhere in the material filed at Doc. 23.

<sup>2</sup> The Court has disregarded some of the characterization of events by Officer Sletten in his brief, which appear to apply excessive spin to the allegations and the videos. The Court has also disregarded the few allegations in the complaint that are contradicted by the videos, as the plaintiff agrees is appropriate. Doc. 17-1 at 4–5; *see Scott v. Harris*, 550 U.S. 372, 380 (2007); *Iko v. Shreve*, 535 F.3d 225, 230 (4th Cir. 2008); *Thompson v. Badgujar*, No. 20-CV-1272, 2021 WL 3472130, at \*3 (D. Md. Aug. 6, 2021) (noting that when a “video is referenced as integral to the complaint, disputes between the allegations of the complaint and what is plain from the video are resolved in favor of the video”).

the car and attempted to stop the vehicle; Mr. Crenshaw did not stop and slowly drove through a parking lot, followed by Officer Sletten. Doc. 6 at ¶¶ 9–10; Doc. 23 at 21:07:55.<sup>3</sup> After Officer Sletten activated his lights and sirens several times, Doc. 23 at 21:08:00–59, Mr. Crenshaw stopped the car. *Id.* at 21:09:00. But when Officer Sletten began to get out of his patrol vehicle, Mr. Crenshaw drove off. *Id.* at 21:09:06.

Officer Sletten got back in his patrol car and followed Mr. Crenshaw; when he caught up, Mr. Crenshaw had come to a stop in a dead-end section of the parking lot. *Id.* at 21:09:22. Officer Sletten pulled in close, obviously attempting to block the car Mr. Crenshaw was driving with his patrol car. *Id.* at 21:09:27.

A lot then happened over the next few seconds. Officer Sletten got out of his patrol vehicle and moved to the rear of the patrol vehicle. Doc. 6 at ¶ 14. Mr. Crenshaw backed the car out and then began moving forward. Doc. 23 at 21:09:30. Officer Sletten told Mr. Crenshaw to get on the ground. *Id.* at ¶ 14; Doc. 23 at 21:09:29. Instead of complying, Mr. Crenshaw drove straight towards Officer Sletten, Doc. 23 at 21:09:30–34, “swip[ing]” the front of the patrol car with the vehicle he was driving. Doc. 6 at ¶ 12. Within one second of the car moving towards him from a close distance, Officer Sletten fired several shots in immediate succession, Doc. 23 at 21:09:34–35, one through the front windshield and others through the passenger side window. Doc. 6 at ¶¶ 17–18. The car came to rest on the curb. *Id.* at ¶ 19. Mr. Crenshaw died as a result of gunshot wounds received during this encounter. *Id.* at ¶ 24.

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<sup>3</sup> All citations to the video, Doc. 23, use the time stamp in the upper-right corner of the body-worn camera video.

## II.

“The Fourth Amendment prohibits law enforcement officers from using excessive force to make a seizure,” and “[w]hether an officer has used excessive force is analyzed under a standard of objective reasonableness.” *Williams v. Strickland*, 917 F.3d 763, 768 (4th Cir. 2019). “Because deadly force is extraordinarily intrusive, it takes a lot for it to be reasonable.” *Id.* at 769. An officer may reasonably apply deadly force to a fleeing suspect only if “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” *Tennessee v. Garner*, 471 U.S. 1, 3 (1985); *see also Stanton v. Elliott*, 25 F.4th 227, 233 (4th Cir. 2022). “[E]ven a significant threat of death or serious physical injury to an officer does not justify the use of deadly force unless the threat is immediate.” *Williams*, 917 F.3d at 769 (cleaned up); *see also Garner*, 471 U.S. at 3, 11; *Henry v. Purnell*, 652 F.3d 524, 532 (4th Cir. 2011) (en banc).

“A vehicle driven directly at a law enforcement officer constitutes a deadly weapon,” *Grisson v. City of Fayetteville*, No. 14-CV-272, 2015 WL 5797661, at \*5 (E.D.N.C. Oct. 2, 2015) (citing examples), and an officer facing a vehicle being driven toward him despite commands to stop poses an obvious threat of serious physical harm to that officer. *Waterman v. Batton*, 393 F.3d 471, 477–80 (4th Cir. 2005). An officer in those circumstances acts reasonably when he employs deadly force to defend himself from that harm. *Id.* at 474–75, 477–80.

In *Waterman*, the Fourth Circuit held that officers who used deadly force against the driver of a car had not violated the Fourth Amendment when, in the aftermath of a

high-speed chase (during which the driver had reportedly tried to run an officer off the road), the officers were standing in or immediately adjacent to the car's forward trajectory, and the car "lurched forward" and "began to accelerate," such that the officers reasonably believed that the car was going to run them over "in approximately one second." *Id.* at 474–77; *id.* at 475 n.6.

This case is very similar to *Waterman*. While there was no high-speed chase, Mr. Crenshaw was driving a stolen car and initially did not stop for a law enforcement officer despite repeated use of a siren. When he did stop, he drove away as soon as the officer began to get out of his patrol car. When Mr. Crenshaw stopped a second time, he again began driving despite the officer's commands to stop and get out of the car. He "swiped" the patrol car and drove his car directly towards the officer for approximately one second, whereupon the officer instantaneously fired a few shots in quick and immediate succession. As the car drove away, the officer fired no more shots.

Just as in *Waterman*, Officer Sletten was standing in the car's forward trajectory while the car was moving directly towards him. Doc 23 at 21:09:33. According to the complaint, Mr. Crenshaw actually "swipe[d]" the patrol car near Officer Sletten. Doc. 6 at ¶ 12. Officer Sletten immediately fired shots to protect himself, Doc. 23 at 21:09:34, and stopped firing when it was clear the car had turned away. There was no Fourth Amendment violation.

The plaintiff points out that some of the bullets entered the car through the passenger side window, Doc. 6 at ¶¶ 17–18, and that Officer Sletten discharged his weapon as the car was turning away. Doc 23 at 21:09:34-35. But it is undisputed that the

car was headed straight towards Officer Sletten and within a second Officer Sletten fired his weapon several times in quick succession. This is a far cry from waiting to fire his weapon until it was no longer reasonable to believe the car was about to run over him, as was the case in *Williams*, 917 F.3d at 768–69. This split-second judgment to fire a weapon when faced with an immediate and obvious threat of serious physical harm from a deadly weapon was not unreasonable as a matter of law.

The state law claims are dismissed for the same reasons.

It is **ORDERED** that the motion to dismiss filed by the defendant Matthew Sletten, Doc. 13, is **GRANTED**. Judgment will be entered separately.

This the 28th day of July, 2023.

A handwritten signature in black ink, appearing to read "L. L. S.", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE