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One Deputy, Two Fatal Shootings, Two Different Outcomes: Clarke Family Demands Answers in Charlotte County Civil Rights Case

Black Man Shot After Calling 911 for Help; White Man's Death Prompts Deputy's Retirement — Family Says Racial Double Standard Is Clear

PUNTA GORDA, FL — October 28, 2025 — When Elroy Clarke called 911 for help with a tenant dispute at his Florida home, he couldn't have known he had minutes left to live.

Within less than a minute of arriving at Clarke's Sandy Pine Drive residence on October 23, 2024, Charlotte County Deputy Alexander Magoon had already threatened the unarmed Black homeowner: "You're gonna get shot, motherf*cker!" Body camera footage shows Magoon issued this threat before Clarke made any physical move toward him.

Minutes later, Clarke lay dying on his own property, shot multiple times by Magoon and again while prone on the ground by Deputy Brad Stender. Both deputies remain employed by the Charlotte County Sheriff's Office, uncharged and on full pay.

Now Clarke's family has filed a federal civil rights lawsuit that exposes what they describe as a shocking pattern: the same department handled two fatal shootings by its deputies in radically different ways, with race appearing to be the determining factor.

Same Deputy, Two Deaths, Two Standards of Justice

The connection runs through Deputy Timothy Poole.

Poole originated the non-violent trespass warrant that deputies attempted to arrest Clarke on the day they killed him. Less than a year later, on September 23, 2025, Poole himself shot and killed 50-year-old Daniel Scott Burch, a white man, during a neighborhood dispute in Deep Creek.

After killing Burch, Poole was placed on leave and "retired" within two weeks. No charges, no public accountability ... just a quiet exit.

After killing Clarke, deputies Magoon and Stender received no discipline or consequence. They continue to patrol Charlotte County streets.

"Two men are dead, both killed by Charlotte County deputies," said attorney Michael Lewis Beckman of [Viles & Beckman Injury Attorneys](#), who represents Clarke's estate. "When the victim is white, the deputy 'retires.' When the victim is Black, the deputies are defended. That's not justice. It's selective punishment based on the color of the victim's skin."

"He Called for Help — and They Killed Him"

The circumstances of Clarke's death reveal a cascade of fatal decisions that began the moment deputies arrived.

Clarke, a former homeowners association president described by neighbors as a "gentle giant" and "very nice man," was facing a minor misdemeanor trespass warrant when deputies came to his property to remove the tenant. The warrant stemmed from a previous encounter with Deputy Poole and involved no violence, no weapons, no threat to public safety.

What happened next, according to body camera evidence detailed in the federal lawsuit:

- **Within 5 seconds** of exiting his vehicle Deputy Magoon tases Clarke
- **10 seconds:** Deputies deploy, baton strikes, drive stuns, and physical tackles against the unarmed man
- **42 seconds:** Time from Deputy Magoon exiting his vehicle to issuing a death threat against Clarke
- **Zero attacks:** Clarke never physically attacked or attempted to harm any deputy, even as they assaulted him
- **Clarke attempts to de-escalate** With a firearm pointed at him by Deputy Magoon, Clarke agrees to give up if given a bottle of water which the deputies refuse.
- **Fourth deputy arrives:** Additional backup was on scene; more units from CCSO and Florida Highway Patrol were seconds away
- **Magoon draws his weapon, again:** After already unholstering it earlier, Magoon pulls his pistol and points it at Clarke a second time while Deputy Stender shoots beanbag rounds at Clarke.
- **Clarke defends himself:** Only when a loaded gun is aimed at him again does Clarke move toward the deputy, a legally protected response to an unlawful threat of deadly force
- **Multiple shots fired:** Magoon shoots Clarke several times before Clarke reaches him
- **Execution-style shot:** As Clarke lies collapsed and barely moving face-down on the ground, Deputy Stender fires another round into his prone body
- **21 and 36 seconds:** Time after the first shot when multiple additional law enforcement vehicles arrive

"Patience, not bullets, should have been the response," Beckman said. "Elroy Clarke was unarmed, surrounded, outnumbered, and peacefully non-compliant. He needed compassion, not a countdown to death, especially with additional law enforcement seconds away."

Community Rejects Official Narrative

Charlotte County officials claimed Clarke "charged" at deputies, framing his death as justified self-defense.

But witnesses, neighbors, and even community leaders paint a starkly different picture of both the man and the moment.

Dalton Fiata, a contractor working at Clarke's home, told the Atlanta Black Star: "He was very calm-spoken. I think someone is making it out to seem like something it wasn't."

Dr. Paige Kreegel, a respected local physician, neighbor, and former member of the Florida House of Representatives, said of Clarke: "Very nice man and gentle giant. When Elroy was President of the Homeowners Association, he was kind and helpful to everybody, not a violent bone in his body."

The body camera evidence tells a different story than the one Sheriff Prummell initially presented: Clarke didn't "charge" until after a firearm was needlessly pointed at him by the same deputy who had already threatened to shoot. Under Florida law, citizens have the right to defend themselves against unlawful threats of deadly force.

A Pattern, Not an Incident

The Clarke family's lawsuit argues this isn't about one tragic encounter. It's about a department with a documented culture of escalation, unequal accountability, and racial disparity in how it treats deadly force cases.

Timeline of Two Deaths:

- **October 23, 2024:** Deputies kill Elroy Clarke, a Black man, at his own home while responding to Clarke's 911 call for help with a tenant dispute. The deputies attempted to arrest him for a non-violent trespass warrant tied to Deputy Timothy Poole. Deputies Magoon and Stender remain employed and uncharged.
- **September 23, 2025:** Deputy Poole shoots and kills Daniel Scott Burch, a white man, during a neighborhood dispute in Deep Creek. Poole quietly "retires" within two weeks while on leave.

Both men were killed in or near their homes. Both deaths involve the same patterns of escalation. But only one prompted any consequence, and that consequence was retirement with benefits, not accountability.

"If a white man's death leads to retirement and a Black man's death leads to protection, Charlotte County has two systems of justice," Beckman said. "We intend to prove that in federal court."

Case Information

Stephanie Clarke, as Personal Representative for the Estate of Elroy Clarke v. Sheriff Bill Prummell, Jr., et al.

U.S. District Court, Middle District of Florida

Case No. 2:25-cv-00376-JES-DNF

Status: Currently under stay

The lawsuit alleges violations of constitutional rights, wrongful death, and racially discriminatory policing practices within the Charlotte County Sheriff's Office.

About Viles & Beckman Injury Attorneys

Viles & Beckman Injury Attorneys is a Fort Myers-based law firm specializing in civil rights litigation, personal injury, and wrongful death cases.

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