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**FINDINGS OF PROSECUTOR REVIEW OF OFFICER INVOLVED SHOOTING**

This written report serves as the Jennings County Prosecuting Attorney's findings regarding the officer involved shooting which occurred on February 3, 2023, in Spencer Township, Jennings County, Indiana.

**PROCEDUARAL BACKGROUND**

1. On February 3, 2023, deputies of the Jennings County Sheriff Office were involved in a use of deadly force incident wherein Devin Lark, a 29-year-old white male, was fatally wounded by police gunfire.
2. The Office of the Jennings County Prosecuting Attorney has the authority to review use of deadly force that occurs within Jennings County, Indiana. The review is to determine if the use of deadly force was in violation of Indiana Law or was legally justified.
3. The Indiana State Police conducted a thorough investigation into this officer involved shooting that occurred on February 3, 2023.
4. The results of said investigation were presented to the Jennings County Prosecuting Attorney, Brian J. Belding, (hereinafter referred to Prosecutor Belding) on April 26, 2023, for review.

5. Upon receipt of the Indiana State Police investigation, Prosecutor Belding, reviewed all investigative reports, including but not limited to the following: police officer reports, civilian witness statements, Sheriff deputies body cam videos, diagrams, photographs, autopsy report, Indiana State Police Laboratory Crime Scene Investigator reports, toxicology reports, officer training records, and relevant Devin Lark criminal history.
6. Prosecutor Belding obtained court records relevant to the review of this incident.
7. Prosecutor Belding met with the lead investigator, Detective Jason Duncan, with the Indiana State police, and reviewed the Indiana State Police findings.
8. Prosecutor Belding spent a substantial amount of time analyzing this case with the primary focus of the Sherriff Deputy body-cams and officer statements and comparing them to determine if what the sheriff deputies recalled was consistent with the body-camera footage of the incident. Prosecutor Belding thoroughly reviewed all reports referenced within paragraph 5 herein, to make a determination in this review.

**CIRCUMSTANCES SURROUNDING THE**  
**ISSUANCE OF WARRANT FOR DEVIN LARK**

In cause number 40C01-2105-F3-000006, a charging information was filed against Devin C. Lark, on May 6, 2021, alleging the 10 counts of the following crimes: Count 1: Burglary, a level 3 Felony; Count 2: Burglary, a level 4 Felony; Count 3: Burglary, as a level 5 felony; Count 4: Burglary; a level 4 felony; Count 5: Burglary, a level 5 felony; Count 6: Burglary, a level 4 felony; Count 7: auto theft, as a level 6 felony; Count 8: Theft, a level 6 felony; Count 9:

Battery Resulting in Bodily Injury, a Class A misdemeanor; and Count 10: Battery Resulting in Bodily injury, a Class A misdemeanor.

On January 30, 2023, at 9 o'clock A.M, the jury trial was scheduled to commence. Prior to commencement of trial, Devin Lark requested that the trial be continued, but the continuance was denied by the Circuit Court and the case proceeded to trial.

The first stage of the trial is called Vore Dire, which is the process to select jurors from the pool of jurors that were summoned to court to see who is best qualified to be seated on the jury. Devin Lark was present with his counsel during the prosecutor's presentation. Upon the prosecutor completing his presentation, the Court recessed for a short break before Devin Lark's attorney's presentation. Devin Lark did not appear back in the courtroom after the break.

The trial proceeded in his absence, and he was found guilty by the jury on February 2, 2023, of Count I: burglary, a level 3 felony; Count 3: Burglary, a level 5 felony, Count 6: Burglary, a level 4 felony; Count 7: Auto theft, a level 6 felony, Count 8: Theft, a level 6 felony, Count 9: Battery Resulting in Bodily Injury, a Class A misdemeanor, and Count 10: Battery Resulting in Bodily Injury, a Class A misdemeanor.

The Judgment of Conviction filed on February 2, 2023, signed by Circuit Court Judge, Murielle S. Bright, stated in part, as follows: "The Court now Orders a warrant be issued for conviction of the above listed charges. Additionally, the Defendant absconded shortly after the commencement of vore dire in this cause. Once arrested, the Defendant shall be held without bail and a sentencing hearing shall be scheduled."

A Bench Warrant was issued for his arrest on February 2, 2023, for Devin Lark's arrest.

Devin Lark also had an arrest warrant out of Clark County, Indiana, that was issued on January 30, 2023, in cause number 10C01-2301-F4-000002. The bond was Ten Thousand Dollars (\$10,000) cash. The allegation in the lead charge in that cause was Dealing in a Narcotic Drug, a level 4 felony.

### **PREPARATION TO SERVE WARRANT**

The address on the warrant was 9455 West US HWY 50, Seymour, Indiana, or on property located at: West County Road 175 North, Spencer Township: legal description PT N ½ & PT S ½ 36-7-7 113.711 AC 1—36-000-006.002-08 parcel Number: 40-10-36-500-006.002-011.

Ian McPherson, Detective with the Jennings County Sheriff Office, received information that Devin Lark was wanted on a warrant which was issued by the Jennings Circuit Court after Devin Lark was convicted of Burglary and had absconded before the trial had concluded and a warrant out of Clark County for Dealing in Narcotic Drug.

Detective McPherson and Sheriff Kenny Freeman received information from an undercover officer with the Jennings County Sherriff Office of a possible location of Devin Lark and that he possessed a firearm and made comments that he would shoot it out with police and was “not going to go down without a fight.”

Detective Jeff Jones received a text message from an individual advising him that Devin Lark had a gun, and possibly an automatic weapon, and was going to fight it out with police.

There was also a confidential information (CI) that advised law enforcement of similar information. The CI and the individual Detective Jones received the text message were not the same people and corroborated the information that law enforcement had received.

Based on this information, Detective McPherson, who is also the S.W.A.T team commander, made the decision to activate the Jennings County Sheriff Office S.W.A.T team to apprehend Devin Lark. Initially, law enforcement had a plan A and plan B to apprehend Devin Lark. Plan B was to stop his vehicle leaving the property (West County Road 175 North, Spencer Township: legal description PT N ½ & PT S ½ 36-7-7 113.711 AC 1—36-000-006.002-08 parcel Number: 40-10-36-500-006.002-011) that law enforcement had intelligence he was currently present to separate him from any firearm he possessed. However, after while prepping the plan and waiting for several hours, it did not appear that Devin Lark would be leaving the property, so it was decided to pursue plan A using the S.W.A.T team to go the property to apprehend him.

When it was decided to use the S.W.A.T team, S.W.A.T commander McPherson performed a risk assessment matrix to determine if S.W.A.T should be utilized in this situation. The risk assessment consists of various factors, including but not limited, intelligence, site intelligence, suspect intelligence. These factors are assigned a specific number value if they exist. A score of 25 is justification for activation of the S.W.A.T team. In this situation, the matrix score was 55, justifying the use of the S.W.A.T team deployment.

The plan consisted of three (3) police vehicles: two (2) fully marked vehicles and the armored vehicle carrying the team members, and an ambulance. Deputy Cody Low along with his K-9, Axel, was requested to accompany the S.W.A.T team to the location. The request was

made for the Deputy Low and Axel to accompany them due Devin Lark having previously fled from Jennings County Sheriff Deputies.

The order of vehicles to the location was as follows: Deputy Cody Low with his K-9, accompanied by Sheriff Kenny Freeman led the vehicles, followed by the armored vehicle, then another marked patrol vehicle. The ambulance was to stage a few hundred yards east of the location and wait to be notified, if needed. When the threat matrix warrants activation of the S.W.A.T team, an ambulance accompanies law enforcement and is staged within a mile of the target in case of injury to law enforcement or civilians during the operation.

#### **FLEEING AND PHYSICAL ENCOUNTER WITH SUSPECT**

The S.W.A.T team arrived at the location at approximately 2:27 P.M., with Deputy Cody Low, his K-9, and passenger, Sheriff Kenny Freeman, pulling into the driveway/lane to the property. As they were pulling into the property, Deputy Low observed two males subjects standing outside the barn. Deputy Low expedited his approach and pulled his patrol vehicle to the westside of the area. He heard radio traffic that a subject was running toward the back of the property. Deputy Low observed the subject running and was able to identify the male as Devin Lark. He was familiar with Devin Lark because he had previous encounters with him in his official capacity as a Deputy Sheriff with the Jennings County Sheriff Office.

Deputy Low exited his patrol vehicle, along with K-9 Axel, and gave chase to Devin Lark. As Deputy Low was exited his patrol vehicle, he gave loud verbal command to the effect, "Stop, Sheriff Office, and K-9." Devin Lark continued to run. Deputy Low's K-9 partner, Axel, was deployed to assist in his apprehension. Sheriff Kenny Freeman exited the patrol vehicle and

gave chase behind Deputy Low and Axel. While Deputy Low gave chase behind his K-9, he gave a loud verbal commend that he was going to be bit if he continued to flee. Devin Lark continued to run toward the rear of the property through a small area of grownup grass and brush, then entered a agricultural field turning west along the field.

He continued to give chase and give Axel the apprehension command. As Devin Lark entered a low-lying area of the field, Deputy Low observed Axel bit Devin lark on the right upper arm which brough him to the ground on his back. As Deputy Low approached Devin Lark, he saw him holding something black in his hand. As Deputy Low got closer to him, he drew his department issued firearm and give a loud verbal command, specifically, "let me see your fucking hands" and "Show me your fucking hands." As he was giving the verbal commands, he realized that the object in Devin Lark right hand was a firearm. Due to his proximity, Deputy Low immediately grabbed the gun with his left hand to attempt to take control of the firearm going to the ground with Devin Lark. As he was struggling with him to take control of the firearm, Deputy Low, ordered him to "get the gun out of your..." Devin Lark continued to struggle with Deputy Low. Deputy Low said, "I am going to fucking kill you." Devin Lark replied, "Kill me, kill me." Thereafter, Deputy Low, stated, "Give me your fucking...) The struggled continued and Devin Lark grabbed Deputy Low's left hand that he had on Devin Lark's firearm attempting to remove Deputy Low's hand from the firearm. Deputy Low stated that Devin Lark was attempting to turn the firearm towards him due to the pressure against his hand as he was still struggling to take control of the firearm. Deputy Low stated that he fear for his life, K-9, and other coming to assist and fired one (1) round at the center mass area of Devin Lark striking him. Devin Lark immediately went limp and released his grip on the firearm. Deputy Low removed the firearm from Devin Lark and threw it away

from them in the field. Deputy Low removed the dog from Devin Lark, radioed that shots were fired, and requested medics.

Sherriff Freeman was pursuing behind Deputy Low and his K-9 and about 20 yards behind and was the first to make contact at the scene followed by members of the S.W.A.T team. Sheriff Freeman began to assess for injuries on Devin Lark and saw an entry wound under his right armpit area. Other deputies at the scene began administering first aid to Devin Lark until paramedics arrived to continue life saving measures.

#### **JENNINGS COUNTY SHERIFF DEPARTMENT BODY CAMERAS**

Deputy Cody Low was wearing a body camera during the incident of February 2, 2023. Deputies Carter, Heilers, Hoppock, Lee, and Marcoux were also wearing their body cameras. Sheriff Freeman and Deputy McPherson were not wearing cameras.

Prosecutor Belding reviewed the body cameras several times with the most focus on Deputy Cody Low camera since it captured the incident. In the beginning of the video, you see Deputy Cody Low patrol vehicle driver door open and the passenger side back door partially open which is where is K-9, Axel, rides in the patrol vehicle. Thereafter, you see Deputy Low's hand on the Axel's leash as they were pursuing Devin lark in the foreground. Deputy Low releases the leash and Axel runs of ahead of Deputy Low pursuing Devin Lark. You hear Deputy Low yelling, "Packen him" Packen him" which is a command for Axel to bite. The pursuit continues and at the 10 second mark on the video you see that Axel made contact with Devin Lark by biting his right upper arm bringing him the ground. Deputy Low can be seen



advancing toward Devin Lark as he is down on the ground. As he approaches, he yells to Devin Lark, "Let me see you your fucking hands, show me your fucking hands!" As Deputy Low gets closer to Devin Lark you can see that he has a firearm in his hand. Deputy Low recognizes this and you can hear him say, "Get the gun out of your..." Deputy Low then grabs the gun Devin Lark is holding in his right hand with his left hand attempting to remove the gun from him. You can see at second 16 of the video, that Devin Lark puts his left hand on the hand Deputy Low has ahold of his gun in an attempt to remove his hand from the gun. Deputy Low says, "I'm going to fucking kill you." Devin Lark responds, "Kill me, Kill me." Deputy says, "Give me your fucking..." Thereafter, Deputy Low disengages and fires one shot at Devin Lark. Devin Lark releases his grip on the gun and Deputy Low seizes it and throws away from them. The remainder of the video is obscured by mud from the struggle, and you are unable to see clearly but the audio is still recording after the shot was fired.

Deputy Cody Low body camera video length is approximately 42.53 minutes. The length of the body camera video that must scrutinize was from the time Deputy Low exited his patrol vehicle and began the pursuit until the shot was fired. The length of that segment was approximately 21 seconds. The first 7 seconds of the video, there is no audio. It was explained to Prosecutor Belding that the department issued body cameras have a function that they play back for ten (10) seconds once the camera is activated by pressing a button on the camera. During that ten (10) second playback, there is only video-no audio. This function explains why you don't hear audio for the first few seconds as Deputy Low is exiting his vehicle and begins to pursue Devin Lark. Based on this information, Deputy Low would have pressed the button on the body camera to activate it as he was pursuing Devin Lark around 8-10 seconds into the pursuit which played back to him exiting his patrol vehicle.

## **INDIANA STATE POLICE SCENE INVESTIGATOR AND LABORATORY**

### **EXAMINATION**

An Indiana State Police (hereinafter "ISP") crime scene investigator processed the scene of the shooting and recovered the evidence at the scene. The ISP crime scene investigator recovered a black Davis Industries Model P-380 Caliber auto handgun with a five (5) round capacity magazine. The handgun contained five (5) rounds in the magazine and one (1) round in the chamber. Also, recovered were various clothing items of Devin Lark and a plastic bag from his right pocket containing nineteen (19) .380 auto cartridges.

Deputy Low's department issued firearm (Sig Sauer P320 handgun with Sig Sauer upper site and attached TLR-1 HL light with a 17-count magazine) was collected by ISP crime investigator.

The ISP Laboratory preformed a forensic firearms examination of both firearms for functional defects and both were found to be fully operable and functioning firearms.

### **AUTOPSY FINDINGS**

A forensic pathologist performed an autopsy on Devin Lark on February 6, 2023. The results of the autopsy examination revealed that Devin Lark was struck by one (1) bullet on his right chest causing a wound path through his right and left lower lobe (lungs), aorta, and esophagus, before exiting his back. The pathologist stated that the wound path appeared to be oriented from right-to-left, front-to-back, and downward which is consistent with the video of the incident.

As part of the autopsy, toxicological samples were taken of Devin Lark's blood. The toxicological report revealed that Devin Lark tested positive for the following substances:

Methamphetamines, Cannabinoids (Delta 9 THC), Fentanyl, Acetylfentanyl, Norfentanyl, Diphenhydramine, Zylazine, and Bromazolam. Several of the above substance in Devin Lark's system are illegal narcotics: Methamphetamine, Cannabinoids, Fentanyl, Acetylfentanyl, and Norfentanyl are illegal narcotics.

The Jennings County Coroner, Alden Rudicel, documents that Devin Lark's cause of death was from a gunshot wound to the chest, with methamphetamine and fentanyl intoxication contributing. The autopsy report, coroner report, and death certificate are all consistent with the manner of death and cause of death.

### **LAW OF SELF –DEFENSE**

Indiana Statutory Law on self-defense as it relates to a law enforcement officer, in relevant portions, is as follows:

*35-41-3-3. Use of force relating to arrest or escape.*

(c) A law enforcement officer is justified in using reasonable force if the officer reasonably believes that the force is necessary to effect a lawful arrest. However, an officer is justified in using deadly force only if the officer:

(1) Has probable cause to believe that that deadly force is necessary:

(A) To prevent the commission of a forcible felony; or

(B) To effect an arrest of a person who the officer has probable cause to believe poses a threat of serious bodily injury to the officer or a third person; and

(2) Has given a warning, if feasible, to the person against whom the deadly force is to be used.

*35-41-3-2. Use of force to protect person or property*

(c) A person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

(1) is justified in using deadly force; and

(2) does not have a duty to retreat;

if the person reasonably believes that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person, employer, or estate of a person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

Indiana Supreme Court case of *Washington v. State* discusses the issue of self-defense. “In the exercise of the right [of self-defense], a defender may repel force by force reasonably necessary and that he will not be accountable for an error in judgment as to the amount of force necessary, provided he acted honestly...[T]he existence of the danger, the necessity or apparent necessity, as well as the amount of force required to resist the attack can only be determined from the standpoint of the [defender], at the time and under the then existing circumstances.” *Washington*, 997 N.E.2d 342, 346 (Ind. 2013). *Washington* also provides three (3) requirements for self-defense when deadly force is used. The requirements are as follows: “(1) The [person claiming self-defense] must have acted without fault; (2) The [person claiming self-defense] has to have had a right to be where [he] was; and (3) The [person claiming self-defense] must have reasonably believed that [he] was in immediate danger of death or serious bodily harm. Once a claim of self-defense is raised, the State bears the burden of disproving the existence of one of these elements beyond a reasonable doubt.” *Washington* at 348.

### **JENNINGS COUNTY SHERIFF USE OF FORCE POLICY**

The Jennings County Sheriff Office has a policy manual that governs their duties as law enforcement officers, including use of force policy. The policy that relates to deadly force states, in part, as follows:

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonable believes is an imminent threat of death or serious bodily injury.

(b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspense is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the deputy believes the individual intends to do so (I.C. 35-41-3-3)

### **DEPUTY STATEMENTS**

Deputy Low provided a statement of the incident through his attorney, Mark J. Dove, regarding the events that took place on February 2, 2023. Upon review of Deputy Low statement and body camera footage, Prosecutor Belding, had an additional question. In Deputy Low statement, there was no mention if he announced himself or made any statement to Devin Lark upon exiting his patrol vehicle before beginning his pursuit. Additionally, the camera footage as previously discussed in the “Jennings County Sheriff Body Camera” section of the report herein did not have audio the first eight seconds.

Deputy Low advised Prosecutor Belding that he did announce himself as he was exiting his patrol vehicle. Deputy Low doesn't recall the exact words, but he stated that he said something to the effect, "Stop, Sherriff office, K-9" Deputy Low indicated that this is a common phrase that he uses regularly.

Sherriff Kenny Freeman, who was a passenger with Deputy Low, stated that he heard Deputy Low state, "Hey stop" then heard him say something about his K-9.

According to the Jennings County Sheriff's Office policy on deadly force, an officer should make an effort to identify himself and warn a person that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts. Here, Deputy Low verbally announced himself. Furthermore, the evidence supports that Devin Lark was aware of law enforcement presence. An armored vehicle with siren, along with two fully marked patrol vehicles with the Sheriff Office logos.

### **OFFICER TRAINING**

Deputy Low was current on his law enforcement training and his K-9, Axel, was current on his certification at the time of this incident.

### **PROSECTOR FINDINGS AS TO THE USE OF DEADLY FORCE BY SHERIFF**

#### **DEPUTY**

Devin Lark was found guilty of several counts of burglary including a level 3 burglary after a trial in the Jennings Circuit Court which he absconded before the trial was concluded. Upon his conviction, a warrant was issued for his arrest.

A level 3 burglary conviction carries a sentence from three (3) to sixteen (16) years. The advisory sentence for a level 3 burglary is nine (9) years. The advisory sentence is a guideline that the court may voluntarily consider when imposing a sentence. In determining an appropriate sentence, the court will consider aggravating and mitigating circumstances as pursuant to I.C. 35-38-1-7.1. The more aggravating factors, the more likely the sentence imposed would exceed the advisory sentence. Typically, a sentence of several counts would be run concurrently (at the same time/together) reducing the defendant's exposure to incarceration. However, level 3 & 4 burglaries conviction are considered a crimes of violence and may be run consecutively (one after the other) which could significantly increase the defendant's sentence. Here, Devin Lark was exposed to a significant sentence since he was convicted of two counts of burglary. Additionally, Devin Lark had a significant criminal history that included a prior Class B burglary conviction. Therefore, he would have likely received an aggravated sentence and been exposed to a significant length of incarceration.

Devin Lark also had an arrest warrant out of Clark County, Indiana, that was issued on January 30, 2023, in cause number 10C01-2301-F4-000002. If convicted in this case, it would have to be run consecutively to his Jennings County conviction for Burglary exposing him to additional incarceration.

Based on the evidence this may explain why Devin Lark conducted himself the way he did on February 3, 2023, to avoid going to prison for what he may have thought was a significant time. However, we will never know for certain what motivated Devin Lark's actions that resulted in his death. His autopsy revealed that he had illegal substances in his blood which likely effected his judgement to flee from law enforcement while possessing a firearm.

Law enforcement did a threat matrix to determine if S.W.A.T should be used to serve the warrant on Devin Lark. It was determined that it was appropriate to use S.W.A.T for several reasons, including information that Devin Lark possessed a firearm and was “not going to go down without a fight.” Deputy Low and his K-9, Axel, were asked to assist in serving the warrant since Devin Lark fled from law enforcement in the past.

The deputies body cameras and statements are consistent with the evidence. Deputy Low announced himself to Devin Lark when he encountered him, he repeatedly yelled for him to show his hands and he did not comply. As Deputy Low got closer to Devin Lark, he realized the object in his right hand was a firearm. Since Deputy Low was in such a close proximity, he grabbed the firearm with his left hand to attempt to control it. Devin Lark continued to struggle with Deputy Low by grabbing Deputy Low’s hand he had on his firearm refusing to release the firearm. During the struggle, Deputy Low stated, “I’m gonna kill you.” Devin responded, “kill me, kill me.” According to Deputy Low’s statement, he “could feel Mr. Lark attempting to turn the gun towards me by the pressure against my hand while attempting to gain control of the firearm.” At that point, Deputy Low feared for his life, his K-9, and other deputies, and fired one (1) round to the center mass of Devin Lark striking him. Thereafter, Deputy Low was able to remove the firearm from his person and toss it away from Devin Lark. Deputy Low had no choice but to act as he did when he was in such proximity to Devin Lark.

The Jennings County Sheriff’s Office Use of Force Policy comports with I.C. 35-41-3-3 (Use of Force relating to arrest or escape), and case law related to self-defense. The undersigned finds that the Jennings County Sheriff Office Policy on Use of Force was complied with the incident on February 3, 2023.



The existence of the of danger, the necessity or apparent necessity, as well as the amount of force required to resist the attack can only be determined from the standpoint of the (defender), at the time and under the then existing circumstances. Washington at 346.

It is easy for a person to second-guess or say they would have done something different in this situation when they were not directly involved. You have to put yourself in the shoes of the law enforcement officer with the information they have at the time to make split second decisions as to life and death. This incident escalated immediately when Devin Lark saw law enforcement entering the property and began to flee. It was only 21 seconds from the time Deputy Low exited his patrol vehicle until he discharged his firearm. The information that Deputy Low had at the time was that he may be armed, and had made statements that he was “not going down without a fight.” It turned out that Devin Lark did have a firearm . Less lethal force was not an option due to the close proximity, Devin Lark’s decision possess a firearm, and his refusal to obey Deputy Low’s commands. Had Deputy Low hesitated in his decision, he would have put himself in danger of serious bodily injury or death, his K-9, and other law enforcement that were nearby.

Deputy Low also complied with the additional requires for self-defense pursuant to Washington. Deputy Low acted without fault, had a right be where he was, and he had a reasonable belief that he was in immediate danger of death or serious bodily harm.

Therefore, considering all the evidence, Deputy Low was justified in using deadly force in the defense of himself and other law enforcement officers on February 3, 2023. There shall be no criminal liability on the part of Deputy Low.

Respectfully,

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Brian J. Belding  
Prosecutor