

Collection of Articles about Police Officers Killed by Semi-Automatic Rifles in 2001;

Incidents Identified in the "*Officer Down*" Report

(<http://www.vpc.org/studies/officecont.htm>)

Part 4 of four

Philip F. Lee, PhD 2/1/04

Hector Garza

<http://www.fbi.gov/ucr/killed/2001leoka.pdf>

Law Enforcement Officers Killed and Assaulted 2001

A 25-year veteran officer with the San Antonio Police Department was shot and killed just after 9 a.m. on March 29, during a domestic disturbance call. A female living at the residence requested the officer's presence while she moved her belongings from the home because she feared the reaction of her abusive husband. Upon his arrival at the residence, the 45-year-old patrol officer, observed a man and a woman kneeling behind a bed arguing. The officer could not see that the man was holding a gun. When the officer attempted to convince the man to allow the woman to leave, the man apparently pointed a 9 mm semiautomatic handgun at the officer and shot him in the back mortally wounding him as he turned. The man allegedly shot the fallen officer in the front of the head, shot and killed his wife, and finally fired two rounds into the back of the patrol officer's head. He then obtained a 7.62x39 mm semiautomatic rifle and shot his brother-in-law. The brother-in-law received a minor injury and drove himself to a medical facility for treatment. A 28-year-old male was arrested and charged with two counts of Capital Murder and three counts of Attempted Murder.

<http://www.odmp.org/year.php?year=2001&Submit=Go>

<http://www.odmp.org/officer.php?oid=15683>

Patrolman Hector Garza

San Antonio Police Department, TX

End of Watch: Thursday, March 29, 2001

Incident Details

Date of Incident: Thursday, March 29, 2001

Weapon Used: Handgun; Mac-10

Suspect Info: Charged with two counts capital murder

Patrolman Garza was shot and killed after responding to a domestic dispute. Two officers were initially called to the residence at approximately 0745 hours to stand guard while a resident removed possessions from a house. Officers were summoned back to the residence at approximately 0855 hours for another disturbance involving the man and wife. The two were arguing in a bedroom and the male had his back to Patrolman Garza when he attempted to separate the two. The male suddenly spun around and shot Patrolman Garza in the head with a Mac-10 semi-automatic handgun.

The suspect then shot and killed his wife before chasing the woman's brother-in-law. After running out of ammunition, he went back into the home and got an AK-47 and

shot and wounded the brother-in-law and then shot Patrolman Garza again as he lay on the ground. The suspect was apprehended and charged with two counts of capital murder and three counts of attempted capital murder. The suspect's mother was also charged in connection with starting the incident that led to the murders and sentenced to one year in prison.

<http://www.vpc.org/studies/010329.htm>

Section Three: Selected Incidents of Law Enforcement Officers Killed in the Line of Duty by Assault Weapons, 1998 Through 2001

Date: March 29, 2001

Location: San Antonio, Texas

Assault Weapon: M-11 assault pistol

On March 29, 2001, San Antonio Police Officer Hector Garza, age 48, was shot and killed while responding to a domestic disturbance report. Jessica Garcia, age 21, had called police to ask for an officer's protection while she moved out of her home. When Garcia's husband, Frank, learned of her plans, he drove home and killed both Jessica and Officer Garza—a 25-year police veteran—by shooting them both in the head with an M-11 assault pistol. Frank Garcia, 28, was arrested at the scene and charged with two counts of capital murder and three counts of attempted murder. Garcia was convicted of the murders in February 2002.

Bill Hendricks, "Cop's Slaying Stuns City," San Antonio Express-News, March 30, 2001; "Garcia Gets Death Penalty; Cop Killer Sentenced," San Antonio Express-News, February 12, 2002.

http://216.239.39.104/search?q=cache:i_UKoP6PQloJ:www.sheriff.co.wise.tx.us/cuffnstuff/06-15-01.htm+%22Hector+Garza%22+%22San+Antonio%22&hl=en&ie=UTF-8

Domestic Turns Deadly for Officer

Mark Nichols

If the authorities are right, the course of events that led to the shooting deaths of San Antonio Police Officer Hector Garza, 48, and Jessica Garcia, 20, started with an abusive relationship. Frank Garcia, 28 - the man who stands accused in their deaths - was a jealous husband prone to violence, police and relatives say.

This tragic tale started on July 15, 1994, when Jessica Duran, only 14, married Garcia, then 21, a young dropout known in the neighborhood for his hot car and his quick temper.

But it is also the story of a public servant who knew the streets of his beat inside and out, and who in trying to prevent a catastrophe became part of one.

Garza and a second officer responded to a domestic disturbance call at the Garcia home.

The call unfolded without incident. Jessica waved the two officers off, and believing everything to be O.K., they left.

About 9 a.m., Garza returned to the house on a second call, without a fellow officer to cover him. After entering the Garcia home, he was shot and killed, as was Jessica.

Authorities arrested Frank Garcia 15 minutes later and charged him with capital murder in the deaths of his wife and the officer.

It's those calls related to domestic troubles that give officers pause. Police know how dangerous it can be to step between an abusive spouse and a victim.

"We know we're not bulletproof, but you get these calls over and over again and nothing happens. Then you do one too many and everything goes to hell," said Capt. Dennis Stout.

After being approached by a case worker, Officer Garza agreed to check on Jessica's well-being during his regular patrols of the area. And neighbors remember seeing Garza frequently over the years. Police went to the house on various calls, seeking a burglary suspect or a criminal mischief report. But records do not show a single family disturbance call from the Garcia house in the last three years until the morning Officer Garza was shot and killed.

Hector Garza was the fourth San Antonio officer to die in the line of duty in that many months. The department has been overwhelmed by the loss of life among its ranks.

Reprinted from AMERICAN POLICE BEAT: JUNE 2001

<http://madmax.lmtonline.com/mainnewsarchives/033001/s3.htm>

Police officer, woman killed in domestic disturbance

Associated Press

SAN ANTONIO (AP) - A San Antonio police officer and a woman died and another man was wounded Thursday in shootings blamed on the woman's husband, officials said.

Officer Hector Garza, 48, was shot shortly after arriving to try to break up a fight between Frank and Jessica Garcia, said Sandy Gutierrez, a San Antonio police spokeswoman.

Garza had been with the force 25 years. He is the fifth San Antonio police officer to die since December and the second to die in the line of duty in a month, she said.

"He never got an opportunity to draw his gun or hit the emergency tone on his radio," Gutierrez said.

After Garza was shot, the assailant then shot his 21-year-old wife once. Both were dead at the scene. The assailant then shot at a man outside the house.

Police have charged Frank Garcia, 28, with two counts of capital murder and three counts of attempting to commit murder. He was in the Bexar County Jail late Thursday in lieu of bonds totaling \$4.25 million.

John Luna, 42, was shot in the leg. He was being treated at University Hospital on Thursday night. Two other people in Luna's car also were fired upon, but they were not injured, Gutierrez said.

Garza was shot after responding for the second time Thursday morning to a domestic disturbance call at the Garcia residence. Garza was inside one of the bedrooms trying to break up an argument when he was shot in the head, Gutierrez said.

Garza did not see the man's handgun because the man's back was to the officer, Gutierrez said. The man spun around and fired at Garza before he got to draw his gun, she said.

After shooting Jessica Garcia, the assailant then ran after Luna, firing at him.

Luna had a gun and fired back, Gutierrez said. The assailant then returned inside the house after running out of bullets and came out with an AK-47, eventually wounding Luna in the leg.

After shooting Luna, the assailant then returned to the bedroom and shot Garza at least once more in the chest with an AK-47.

A dispatcher had asked Garza when he arrived at the scene if he needed a backup officer, and told her he would let her know. Dispatchers never heard from Garza again and learned he had been shot when called by neighbors who heard gunshots about 10 minutes later, Gutierrez said.

The couple was arguing because Jessica Garcia was threatening to leave her husband. Luna went to the house to help her move, Gutierrez said. They are related.

The Garcia's have two children, ages 1 and 5.

Previously, the last officer to die in the line of duty was 11-year veteran John Anthony Riojas, 37. He was shot once in the forehead during a struggle with a man he had been chasing on foot at an apartment complex on the city's northwest side on Feb. 2.

<http://www.tdcj.state.tx.us/stat/garciafrank.htm>

Garcia also shot and wounded the uncle of his wife during the incident.

<http://groups.yahoo.com/group/botabolition/message/1019>

Death penalty will be sought

Prosecutors are preparing to seek the death penalty against a San Antonio man accused in the March double slaying of his wife and a veteran city police officer in a domestic violence incident that stunned the city.

"I think it'll be safe to say we are filing written notice to the court," probably next week, Assistant District Attorney Christopher De Martino said after a brief pretrial hearing for Frank Garcia Jr., 28.

Prosecutors also announced that they probably will try Frank Garcia Jr. on 2 counts of capital murder before they try his mother, Eustacia Garcia, for manslaughter in connection with the death of Frank Garcia Jr.'s 21-year-old wife, Jessica.

The district attorney's office alleges that by alerting her son that his wife was leaving him, Eustacia Garcia helped unleash a chain of events that culminated in Jessica's slaying as well as that of officer Hector Garza, 48.

According to the indictment obtained in June, Eustacia Garcia knew of her son's violent nature, knew he had inflicted it on his wife and knew there were firearms in the house on South San Eduardo where three generations of the Garcias lived.

The mother and son will face separate trials. Both appeared in the 290th courtroom Friday for brief, back-to-back pretrial hearings.

They made eye contact but were not permitted to speak to each other.

"We would get in trouble for that," Eustacia Garcia said afterward. The mother, who has been released on bond, sat with relatives in the courtroom while her son, dressed in the jail's standard orange jumpsuit, was seated beside other inmates near the defense table.

Attorneys said they expect to begin Frank Garcia Jr.'s trial sometime in January.

Frank Garcia's defense attorney, Michael Gross, filed motions Friday seeking to suppress any statements about the double slaying his client may have made to police as well as any evidence obtained by police when they searched the South San Eduardo home.

The victims were killed on March 29 in the bedroom Jessica and Frank Garcia Jr. shared. Officer Garza was responding to a family disturbance call.

(source for both: San Antonio Express-News)

<http://news.mysanantonio.com/story.cfm?xlc=257602>

McDonald:

Protecting a legacy, grandmother set off a fatal chain of events

San Antonio Express-News

Web Posted : 06/30/2001 12:00 AM

It was all about the grandchildren. Eustacia Garcia didn't want to lose them.

According to several reports, she was willing to let her daughter-in-law leave, just not with the children.

Jessica wasn't about to abandon her babies to the man who is alleged to have battered her for seven years, nor to the in-laws who'd let him.

No matter how we imagine that horrific situation, we cannot imagine Eustacia and her husband, Francisco - who shared that same, small three-bedroom house - weren't aware that Frank, Jr. beat Jessica. Often. Viciously.

According to a grand jury indictment, when Jessica started packing - shortly after Frank, Jr., had left for work - Eustacia tried to stop her. First, she called the police, but Veteran San Antonio Officer Hector Garza explained that Jessica had the right to leave, the right to take her own children with her.

So Eustacia called her son.

Jessica nearly escaped. The car was loaded. Reports indicate she was just gathering the children, just ready to leave when Frank arrived.

He is charged with shooting her to death.

He is also charged with the shooting death of Officer Garza, after Garza had responded for the second time that day.

This would not have happened, contends the Bexar County District Attorney's office, if Eustacia Garcia had just let Jessica leave, so they've charged her with voluntary manslaughter.

"Eustacia was aware of the circumstances. She was aware her son was violent, would be violent and that Jessica was trying to leave when Frank wasn't home in order to avoid violence. Knowing there was a substantial risk, Eustacia acted recklessly in calling Frank, Jr.," explains First Assistant District Attorney Michael Bernard.

That, in a nutshell, is the definition of voluntary manslaughter, "consciously disregarding a substantial and unjustifiable risk."

Why did Eustacia call her vicious, possessive, violent son? Didn't she think that at the very least, he'd beat Jessica?

For seven years, Eustacia allowed abuse to permeate her home. Perhaps she believed family unity must be preserved, no matter how painful the circumstances.

Perhaps she considered abuse a normal part of marriage. Maybe Eustacia was also a battered wife. But Bernard says there is "no indication that Eustacia was abused."

Some see Eustacia as a victim, accused of a crime because she tried to protect her family. This perspective assumes Eustacia thought Frank could prevent the children from leaving. It asks how she could have known her son would commit murder.

But family loyalty cannot supersede the dictates of common sense. If Frank had robbed a bank and Eustacia had driven the car, she'd be criminally responsible - even if she'd planned a non-violent robbery.

In this case, we don't even have that assumption. Eustacia allegedly knew Frank had beaten Jessica before. Of course he'd beat her again. Obviously, violence often causes death.

By calling her son, Eustacia created the situation that killed Jessica. And for that, she must be held criminally responsible.

But before we condemn Eustacia completely, we should remember that she is a grandmother, terrified of losing her grandchildren, her living legacies, her immortality.

As we approach our end and wonder what will survive when we're gone, we realize the only thing that endures is life itself. The life we live through our children, and their children, for generations on end.

What would we do, to protect our legacy?

Is Eustacia Garcia responsible for Jessica's death? In what ways? Share your opinion by emailing ana@sanmarcos.net.

Neil Wells

<http://www.fbi.gov/ucr/killed/2001leoka.pdf>

Law Enforcement Officers Killed and Assaulted 2001

On April 4, a police officer with the Detroit Police Department was on routine patrol with his partner when the officers received a report of shots fired near a location where drug-related shootings had previously taken place. At 7:45 p.m., the 41-year-old veteran officer with over 15 years' law enforcement experience, his partner, and several additional police officers attempted to investigate a vacant building where they believed the shots originated. The plain clothed officer and his partner approached the building as another officer announced "police." Suddenly, someone opened a door and fired an unknown number of shots at the officer with a 7.62x39 mm semiautomatic rifle. The victim officer was wearing body armor; however, two rounds entered his upper torso between side panels of the protective vest and one round penetrated the vest, fatally wounding him. Fellow officers carried the victim to a police vehicle and called for an ambulance. He was transported to a local hospital where he was pronounced dead. Officers still at the scene gained entry into the building, detained two subjects, and observed another subject throw a rifle to the ground, jump from a window, and run away. One officer chased the man through an adjacent neighborhood, wrestled him to the ground, and handcuffed him after a brief struggle. The officer recovered the weapon and secured it for collection by evidence technicians. A 21-year-old male, who was on probation, was arrested and charged with First-Degree Murder, First-Degree Murder of a Police Officer, Felony Possession of a Firearm, and Felon in Possession of a Firearm.

<http://www.odmp.org/year.php?year=2001&Submit=Go>

<http://www.odmp.org/officer.php?oid=15685>

Police Officer Neil Wells

Detroit Police Department, MI

End of Watch: Wednesday, April 4, 2001

Weapon Used: Rifle; AK-47

Suspect Info: Sentenced to 92 years

Officer Wells was shot and killed while he and other officers were investigating a complaint of drug dealing in a partially vacant apartment building. Officer Wells was in plain clothes and wearing a vest. As he searched the building he encountered one of the suspects and was shot twice, once in the chest and once in the side, with an AK-47 rifle. At least one of the rounds bypassed his vest. Three suspects were apprehended at the scene shortly after the shooting. The shooter was determined to have been released early from prison after using a false name. He was apprehended after murdering Officer Wells and sentenced to 62 to 92 years for the murder.

Officer Wells was a member of a unit which policed high-crime areas. He had been with the Detroit Police Department for 14 years and is survived by a teenage son and a teenage daughter.

<http://www.vpc.org/studies/010404.htm>

Section Three: Selected Incidents of Law Enforcement Officers Killed in the Line of Duty by Assault Weapons, 1998 Through 2001

Date: April 4, 2001

Location: Detroit, Michigan

Assault Weapon: SKS assault rifle

On April 4, 2001, Detroit Police Officer Neil Wells, age 41, was fatally shot during a drug raid at an abandoned apartment house. While on patrol, Wells and his partner received a complaint of drug sales at the building. When the officers arrived, the gunman was waiting in ambush behind a door.

Wells was shot twice at close range with an SKS assault rifle. Lamont Smith, age 21, was charged with murder and felony firearm violations. Smith was convicted of second degree murder and sentenced to 60 to 90 years in prison.

Norman Sinclair, "Gun Owner Sought in Cop's Killing," The Detroit News, April 8, 2001; "Man Given 60-90 Years in Cop Killing," Detroit Free Press, January 16, 2002

<http://www.detnews.com/2001/metro/0104/09/d01-209492.htm>

Hundreds mourn slain Detroit cop

By Shawn D. Lewis / The Detroit News

DETROIT -- Hundreds of mourners filed through the Sajewski funeral home Sunday afternoon to pay last respects to Officer Neil Wells, who was killed in the line of duty on Wednesday, April 4.

Wells, 41, an undercover police officer in the 12th Precinct, was ambushed while investigating gunshots in a vacant, four-story apartment building used as a drug den.

He would have been a first-time grandfather in three months. His daughter, Shannon, 17, regrets that he did not live to see her baby.

"My dad was upset at first, as any father would be if his 17-year-old daughter was pregnant, but he was getting adjusted to it," she said, with her boyfriend, Adam Breeland, 19, nearby. "My dad, brother and I used to go fishing together up north to Rogers City, ever since I was a kid, and I'm really going to miss that

Neil Wells, the son of retired Detroit Police Officer Kenneth Wells, also loved to hunt, and was proud of the first buck his son, Nicholas, 14, shot in November. Nicholas stood in the sun outside the funeral home wearing his father's police cap with "12th Precinct" written across the brim.

"He was a great man," Nicholas said quietly.

Wells' ex-wife, Sharon Wells, who remained friends with him, said, "He had a great sense of humor, a sense of integrity and honor, and he wanted to make a difference

Officer Anthony Mays of the Oak Park police said he and Wells used to travel together. "He was a man of integrity -- a real man," Mays said. "He kept his word. When he said he was going to do something, he did it

Lamont T. Smith, 21, faces a preliminary hearing on April 18 on charges of murder and felony firearms violations for allegedly shooting Wells.

You can reach Shawn D. Lewis at (313) 222-2666 or slewis@detnews.com.

http://www.freep.com/news/metro/blue7_20010407.htm

As 2 more officers are shot, the question keeps gnawing: Is this really worth my life?

April 7, 2001

BY JACK KRESNAK, SALLY TATO and SUZETTE HACKNEY
FREE PRESS STAFF WRITERS

It has been a devastating week for Michigan police officers -- three shot in a 36-hour period -- illustrating the dangers faced by those sworn to protect and to serve their communities.

A police officer in Warren and a Michigan State Police trooper in Lansing were wounded Friday morning in separate incidents. And on Wednesday night, Detroit Police Officer Neil Wells was shot dead outside a west-side house linked to drug activity.

Those shootings come less than two months after Clinton Township Officer Richard Vauris was shot to death while handling a domestic disturbance, and six months after Warren Police Detective Christopher Wouters was fatally shot when a man suspected of being a drug dealer smuggled a gun into the city jail.

Last year, including traffic incidents, six Michigan law officers were killed in the line of duty.

"I'm fed up with it. It's sickening," said Sgt. Nick Petranovic, public information officer for the Waterford Police Department. "You always ask yourself: Was what this officer was doing worth his life? Sometimes the answer is no. Almost all the time the answer is no.

Nationally, 658 officers were feloniously killed in the line of duty between 1990 and 1999. In 1999, 55,000 officers -- including 518 in Michigan -- were assaulted.

The number of officers feloniously killed each year has steadily declined to the lowest point in 35 years, due in large part to better police training, according to the FBI.

That's little comfort to those who knew Neil Wells. Hundreds of officers are expected to attend his funeral Tuesday.

When Detroit police investigator Octaveious Miles heard about Wells' death Wednesday night, he and his wife -- a recently sworn Detroit cop herself -- had a long discussion about the dangers of police work. The couple has a 17-month-old son.

"An officer being killed affects everyone -- everyone who puts on this uniform," said Miles, a 5-year veteran who works in the 1st (Central) Precinct. "A million things run through your mind, especially as a parent. We don't want to leave our child behind.

Miles said more community support would help officers cope when a cop is killed.

"It disturbs me how the community rallies for some situations, but when an officer gets killed or shot, no one bats an eye," Miles, 27, said. "It's like it's expected. People won't acknowledge that being a police officer is a hard job. Ninety percent of our day is dealing with bad people.

"When police show up, we're usually dealing with people who are at their very worst. People don't just call us to say 'Hello, you're doing a great job. Thank you.' "

Yet after every shooting, officers say, they again strap on their body armor, holster their firearms and return to their jobs -- albeit a bit more aware of the risks they face in their effort to protect the public, save a life or put a criminal in jail.

"It's rough, especially those first couple of days," said former Detroit Police Officer Donna Wudyka. In 1996 Wudyka shot and killed a gunman moments after he fatally shot patrol officer Patrick Prohm. She wrote a book about the shooting and its aftermath.

"It's rough because everybody's grieving in their own way," Wudyka said Friday. "They're going through their own emotions and in the back of our minds we're thinking 'It could've been me' and 'How would I react? How would my family react?' "

Detroit Police homicide Inspector William Rice, who heads the investigation of Wells' shooting, said the only solace he can offer a slain officer's family is to have the suspect locked up and, eventually, convicted.

The military-like solemnity of an officer's funeral also offers some comfort, he said.

"Police funerals, as much as I regret them, bring a consciousness that for the grace of God none of us would be here," said Rice. "Each and every police officer realizes that because we are confronted with the same dangers each and every day.

In many Michigan cities, police officers are wearing black bands over their badges to honor Wells.

Troy police keep the bands in the property room, never knowing "when something like this could happen," said Lt. Steve Zavislak.

"Every time a police officer dies in the line of of duty it's like a piece of each of us dies," Zavislak said.

The director of the Wayne County Department of Community Justice, Jeriel Heard -- a 16-year veteran of the Sheriff's Department -- said police officers are not in the business for the money.

"We chose a life of being responsible to protect and serve other human beings; it's as simple as that," Heard said. "An important issue is that police officers need to provide support for each other and the community needs to support the police and to express that support.

"When we endanger our lives by coming to remove drug dealers from the neighborhood or when we rescue children who have been abused and neglected, we would like a pat on the back," Heard said. "That sustains us.

Oakland County Sheriff Michael Bouchard -- who counts five from his 1976 police academy class who have been killed -- said he's pushing for a memorial dedicated to slain officers from the county's police departments.

"It would remind everyone of the risks police face daily," he said.

"In this line of business, any time, any day, any place can be a dangerous spot."

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http://www.hollandsentinel.com/stories/040601/new_law.shtml

Detroit officer killed despite safety vest

DETROIT -- Police and Wayne County prosecutors were considering filing federal charges in the death of an undercover police officer who was shot and killed, Homicide Inspector William Rice said.

Veteran police officer Neil Wells died Wednesday night when two bullets went through a gap in his bulletproof vest after being ambushed while entering an apartment building. One bullet went under Wells' arm and pierced his heart, Rice said.

Rice said a federal law allows the U.S. Department of Justice to pursue the death penalty against suspects when a law enforcement officer is killed while investigating a drug operation.

<http://www.detnews.com/2002/metro/0201/16/c08w-391620.htm>

Convicted cop killer defiant at sentencing

By Ronald J. Hansen / The Detroit News

DETROIT -- Slouched in a chair, his yellow jail jump suit unbuttoned, Lamont Smith propped his head up and seemed to care little Tuesday that he was headed to prison for at least 62 years.

The 22-year-old, who last year killed Detroit Police Officer Neil Wells, was alternately defiant and indifferent about his fate. He offered no apology to Wells' family. He repeated his belief that he was justified in turning an AK-47 on someone trespassing on his drug turf.

Wayne Circuit Judge Thomas E. Jackson sentenced Smith to 60-90 years in prison for the second-degree murder. He added another two years for a firearm offense.

The punishment was more than double what the sentencing guidelines recommended and brought a measure of satisfaction to the Wells family, who were bitterly disappointed that a jury opted not to convict Smith of first-degree murder. That crime would have landed the career criminal a life sentence with no possibility of parole.

"It makes me as happy as I can be," said Sharon Wells, the officer's ex-wife, who held the granddaughter Wells never lived to see. The judge "couldn't give him life. It should have been life. It should have been the death penalty

Daughter Shannon Wells tearfully denounced the jury's verdict last month as "a shame to society

"Lamont Smith is nothing to me. If he dropped dead, it would bring me nothing but joy," she said, adding that he hopes he is tortured in prison.

On April 4, Smith gunned down Wells, 41, as he entered a drug house on Cherrylawn. Moments earlier, Smith's fellow drug dealers fled the building when they heard police announce they were entering.

Smith stayed behind and ambushed Wells, firing two slugs into the veteran officer.

"I didn't know he was a police," Smith groused before he was sentenced. "I did the same thing anybody else would do."

It was at least the third violent felony committed by Smith, who seemed to barely catch the attention of the criminal justice system.

In 1995, he escaped charges of carjacking, armed robbery and assault with intent to murder. Instead, he was convicted of felonious assault. Four years later, armed with a knife, the high school dropout kicked in a door and attacked an ex-girlfriend, records show.

He escaped from a group home as a teen-ager and broke into a family's home.

At the time he killed Wells, Smith was free on bond, awaiting trial on other charges.

You can reach Ronald J. Hansen at (313) 222-2019 or rhansen@detnews.com.

Clay Medrano

<http://www.fbi.gov/ucr/killed/2001leoka.pdf>

Law Enforcement Officers Killed and Assaulted 2001

A lieutenant with the Harrison County Sheriff's Office was gunned down at 11:05 a.m. on April 27 while handling a mentally deranged individual. The 51-year-old lieutenant and a 31-year-old detective were dispatched to the Hallsville residence of a mentally unstable man. The officers spoke with the man outside the front door of his home, and he agreed to accompany them to see a doctor for a mental evaluation. The man asked the officers to allow him to get some clothing from inside the residence. The officers consented to this request, and as the man began gathering clothing, he produced a 7.62x39 mm semiautomatic rifle and started shooting at them. The detective was shot once in the chest, but the bullet exited his chest into his left hand, shattering his wrist as he attempted to draw his weapon. As both officers retreated from the home in search of cover, the veteran lieutenant, with almost 25 years of law enforcement experience, was struck at least once in the chest and once fatally in the head. The detective, with almost 10 years' law enforcement experience, took cover behind a vehicle and then ran around the back of the residence in an attempt to reach his fallen partner. The 46-year-old mentally deranged man fled the residence in his vehicle and fired several additional shots into a neighbor's residence. He drove to his parent's home, where he parked his vehicle in a field and committed suicide. The detective was transported to a local hospital for treatment and is recovering from his wounds.

<http://www.odmp.org/year.php?year=2001&Submit=Go>

<http://www.odmp.org/officer.php?oid=15688>

Lieutenant Clay Medrano

Harrison County Sheriff's Department, TX

End of Watch: Friday, April 27, 2001

Biographical Info

Age: 51

Tour of Duty: 25 yr

Badge Number: Not available

Date of Incident: Friday, April 27, 2001

Weapon Used: Rifle; AK-47

Suspect Info: Committed suicide

Lieutenant Medrano was shot and killed while he and another officer were serving a mental commitment warrant at a house near Hallsville. The officers went to the scene after receiving reports several days earlier that the man was waving guns in a threatening manner. Lieutenant Medrano was asked to serve the papers because he had dealt with the suspect on prior occasions. As the officers arrived, the suspect opened fire with a fully automatic AK-47, fatally wounding Lieutenant Medrano and wounding his partner. The suspect then drove to his parent's home and committed suicide.

Lieutenant Medrano had been with the Harrison County Sheriff's Department for 15 years and had been in law enforcement for 25 years.

<http://web.wt.net/~savedcop/prayer.htm>

HALLSVILLE - A man with a history of mental problems fatally shot Lt. Clay Medrano of the Harrison County Sheriff's Office and wounded Deputy Chris Dotson April 27th before he shot himself to death.

<http://www.copadorer.com/memorial2001.htm>

Lt. Clay Medrano

Marshall, Texas

April 27, 2001

Age 51

Clay and another officer were attempting to bring in a suspect for a mental evaluation. They had dealt with the person before. After waking the suspect from a sound sleep, the suspect went to the back of the home to dress. He came back with a shotgun, killing Medrano just outside the homes entrance. Clay was with the department for 15 years. The officers never had a chance to return fire.

http://www.thebackup.com/archives_newsdetail.asp?id=-1124473418

Lt. Clay Medrano, a 14-year veteran officer, was shot and killed by the gunman. The assailant wounded his partner, Deputy Chris Dotson.

<http://health.groups.yahoo.com/group/texasems-l/message/21463>

Deputy killed serving warrant

2nd officer hurt in E. Texas; man turns gun on self

04/28/2001

Associated Press

HALLSVILLE, Texas - An East Texas man shot two deputies, killing one, before turning the gun on himself late Friday morning.

Lt. Clay Medrano, 51, of the Harrison County Sheriff's Department was shot in the forehead and killed as he approached a mobile home where he was attempting to serve a misdemeanor warrant on the man, identified as Charles Anderson, Harrison County Constable Robert Hagen said.

Deputy Chris Dotson was shot in the torso and was hospitalized in good condition Friday night at Good Shepherd Medical Center in Longview, Constable Hagen said.

After the shootings, Mr. Anderson left the mobile home and walked about a quarter of a mile to his father's home, where the two men had a conversation, Constable Hagen said.

When Mr. Anderson left his father's home, he walked into a wooded area, leaned against a tree and shot himself, Constable Hagen said.

Officials did not speculate on motive.

Lt. Medrano had been with the department more than 15 years, said Harrison County Deputy T.K. Wadlington.

"Everybody's really torn up over this," said Jan Medrano, who identified herself as Lt. Medrano's sister-in-law. "We really don't have much information."

Officers gathered at the scene of the shooting to pray Friday afternoon.

Lois M. Marrero

<http://www.fbi.gov/ucr/killed/2001leoka.pdf>

Law Enforcement Officers Killed and Assaulted 2001

A 40-year-old master police officer with the Tampa Police Department was shot and killed on July 6 approximately 11:25 a.m. while attempting to locate a suspect in a bank robbery. The veteran officer, with 19 years of experience, was monitoring police radio transmissions when she learned that the police had determined a possible residence of the suspect. The officer responded to the apartment complex, exited her marked patrol unit, and encountered a man, who immediately turned and ran. The officer pursued the man on foot, alerting dispatch of the situation by radio. After briefly losing sight of the suspect, the officer regained visual contact with the man, who was apparently trying to steal a vehicle. She approached the man from the rear of the vehicle, drew her service weapon, and advised the suspect to stop. He apparently pulled a 9 mm semiautomatic handgun from a bag he had tucked under his arm and shot the victim officer in the front lower torso and fatally in the neck above her body armor. A female accompanying the man picked up the fallen officer's pistol. The man then fired on two arriving back-up officers, who took cover behind a parked vehicle. A third officer responded to the complex, unaware that shots had been fired and that an officer was down. He was fired upon and wounded in the thigh as the suspect and his accomplice were fleeing to the upper floor of the complex. The two suspects forcibly entered an upstairs apartment, took a hostage, and barricaded themselves inside. The 25-year old male suspect took his life a short time later. The 24- year-old female suspect surrendered without incident and released the hostage unharmed. The woman was arrested and charged with First-Degree Homicide, Robbery, and Burglary.

<http://www.odmp.org/year.php?year=2001&Submit=Go>

<http://www.odmp.org/officer.php?oid=15726>

Officer Lois M. Marrero

Tampa Police Department, FL

End of Watch: Friday, July 6, 2001

Weapon Used: Handgun

Suspect Info: Shot and killed

Officer Marrero was shot and killed when she was ambushed by a bank robber during a foot chase. The suspect had just robbed a bank branch and ran into an apartment complex with Officer Marrero in pursuit. He hid behind a car and shot her as she neared his location. A second officer was shot and wounded during the shootout. The suspect then fled into a nearby apartment, took hostages, and then committed suicide several hours later during a standoff.

An accomplice to the robbery was sentenced to life in prison on June 23, 2003.

Officer Marrero had been with the Tampa Police Department for 18 years and is survived by her life companion. She is the first female officer from her department to be killed in the line of duty.

http://www.firstcoastnews.com/news/2001-07-06/local_robbery.asp

Tampa officer dies in shootout; police say suspect killed self

By PAT LEISNER, Associated Press Writer

On July 6, 2001 Officer Lois M. Marrero was shot 3 times in the neck and once in the

side by a suspected bank robber. After a four hour stand-off with police the shooter learned of Officer Marreros death and then took his own life.

TAMPA, Fla. (AP) -- At least one bank robber fatally shot a police officer and wounded another during a chase Friday before holding police at bay for four hours at a nearby apartment complex.

The standoff, which began moments after officer Lois M. Marrero was killed, ended after a suspect fatally shot himself, city Police Chief Bennie Holder said. Two other people were taken into custody shortly before 3 p.m. EDT, as police tried to determine if they were hostages or participants.

Witnesses said Marrero, 41, a 19-year-veteran of the department who was struck three times, was shot as she approached the gunman.

"He ambushed her, she didn't have a chance," said Daniel Tatum, a salesman at a nearby auto dealership who said he was driving down the street when the shooting began.

"He ran into the court yard, she started in behind him and when she came up behind the car he started shooting."

The wounded officer, whose name has not been released, was grazed in the leg. The officer was taken to Tampa General Hospital where information on the officer's condition was not immediately available.

Holder said the dead suspect, Nester Luis DeJesus, had a long criminal history, but did not have specifics. DeJesus lived in the complex, but not in the apartment where the standoff occurred.

Holder said police were trying to determine the identities of the man and the woman who were also in the apartment and whether they were participants or hostages.

The standoff at The Crossing apartments began about 11 a.m. EDT, shortly after police were notified of a robbery at a Bank of America just blocks from the apartment complex. One shot was fired in the bank, but no one was hit, Holder said.

Holder said officers were searching for the suspects when they spotted their car and then radioed to say they were chasing them.

"Sometime during that pursuit there was an exchange of gunfire between the suspect and three of my officers," Holder said.

Resident Karen Breit said Marrero remained in the parking lot for some time as the suspect stormed an apartment, preventing other officers from reaching her.

"This scares me. This guy could have come into any one of our houses," Breit said.

Officers cleared the streets surrounding the apartment complex and helped some residents of second-story apartments escape by ladder. Other residents were told to stay put as the electricity to the complex was shut off.

Marrero's death is the first for the Tampa department since the deadly 1998 rampage by Hank Earl Carr that took the lives of Detectives Randy Bell and Ricky Childers.

Carr fatally shot the officers when they took him into custody for the shooting death of his girlfriend's 4-year-old son. Carr fled and killed Florida Highway Patrol Trooper James Crooks before killing himself.

Within hours of Marrero's shooting, the flag outside the police department headquarters was lowered to half-staff.

http://www.staugustine.com/stories/070701/sta_0707010035.shtml

Tampa officer killed in shootout

By PAT LEISNER

Associated Press

TAMPA -- A bank robber fatally shot a police officer and wounded another during a chase Friday, then killed himself after holding police at bay at an apartment complex for more than three hours.

The standoff began moments after officer Lois M. Marrero, a 19-year veteran of the Tampa Police Department, was killed. She was shot three times with a semiautomatic pistol.

For more than two hours, police tried to talk the gunman, Nester Luis DeJesus, 25, into surrendering. Despite on and off talks with a negotiator and his mother, DeJesus shot himself in the head in an apartment where he had holed up.

Afterward, police began questioning two other people to determine if they were hostages or participants.

Colleagues, some visibly shaken, fondly remembered 41-year-old Marrero.

"She loved being a police officer," said officer Josh Pinney. "She worked hard."

Witnesses said Marrero was ambushed as she pursued the bank robbery suspect through a parking lot. The gunman doubled back and shot her as she approached, they said.

"He ambushed her, she didn't have a chance," said Daniel Tatum, a salesman at a nearby auto dealership. He was driving down the street and was about 30 feet away from Marrero when she was shot.

Tatum said he saw her chasing a man through a parking lot, past parked cars toward the courtyard of the small, gray apartment complex. The gunman ran into the courtyard, then darted back out.

"When she came up behind a parked car he started shooting. He had an angry look on his face. He just lifted the gun over the top of the car and all you could hear were shots. Fast. Pop, pop, pop," Tatum said.

"She had no place to go. I don't even think her gun was drawn."

Tatum saw her fall.

"Her whole face was bloody."

Police cars pulled up within seconds, Tatum said. The car he and his friend were in was trapped between two police cars. The gunman began spraying the patrol cars with bullets, then ran into the courtyard with officers chasing him.

<http://www.tampabaycoalition.com/files/708LoisMemorialAnniversary.htm>

<http://www.baynews9.com/newsstory.asp?storyname=2002/July/8/lois>

Memorial for Slain Police Officer

July 8, 2002

A special memorial service for a Tampa Police officer shot in the line of duty was held Monday evening in Tampa.

Family members, friends and fellow officers gathered to remember Lois Marrero who died one year ago.

She was fatally shot while in pursuit of two bank robbery suspects - Nestor DeJesus and his girlfriend Paula Gutierrez.

DeJesus killed himself shortly after shooting Marrero.

Gutierrez is scheduled to go to court to face first-degree murder, armed robbery and burglary charges later this year. Her trial date is Dec. 10.

The memorial service was held at the Sacred Heart Church in Tampa.

Mournful Anniversary

July 6, 2002

Saturday marks the one-year anniversary of a terrible event in the Bay area. On July 6th, 2001, Tampa Police Officer Lois Marrero was pronounced dead.

Last July, Marrero was chasing two suspects, a male and female, in the robbery of the Bank of America on Church Street. The male suspect shot Marrero twice, killing her.

The shooter, 25-year-old Nester Luis DeJesus, took his own life after the shooting.

DeJesus' girlfriend and accomplice in the robbery, Paula Gutierrez, pleaded not guilty to 1st-degree murder, armed robbery and burglary and remains in jail, awaiting trial.

Mickie Mashburn, Marrero's live-in girlfriend, is also a Tampa police officer. She is continuing to fight for Marrero's pension benefits. Mashburn has brought her fight to a Hillsborough Circuit Court in hopes of changing the law to allow same-sex domestic partners to collect pension benefits.

Marrero is known for being a great officer who risked her life in the line of duty. She was remembered by her sister, Brenda, at a memorial last year. "We continue to be in disbelief. Lois played a very active role in all of our lives. Her memory is very present, very fresh in our minds," said Brenda.

A public memorial service for Marrero will take place Monday at 6:30p.m. at Sacred Heart Church on N. Florida Ave.

http://www.sptimes.com/News/071301/TampaBay/Robber_felt_betrayed.shtml

Robber felt 'betrayed' by police

Charges were dropped, but a felony arrest kept Nester DeJesus from joining the Marines. His family says he never got over it.

By AMY HERDY and CHRISTOPHER GOFFARD, July 13, 2001

TAMPA -- Nester DeJesus never forgave the police.

At 19, a felony arrest for assaulting an ex-girlfriend scuttled his dream of joining the Marines. The charges were dropped, but the arrest stayed on his record.

As he moved from one low-paying job to another, he blamed anyone with a badge.

"After that (arrest), he hated police," said his sister, Maria DeJesus. "He felt betrayed by them."

Unemployed, living with his mother and behind on the \$450 monthly payments for his Nissan Xterra, DeJesus and his girlfriend, Paula Gutierrez, robbed a bank at gunpoint July 6, police said.

During the pursuit that followed, DeJesus, 25, shot to death Tampa police Officer Lois Marrero before taking a hostage and killing himself during a three-hour standoff with police. Gutierrez, 24, surrendered and remains in jail without bail on first-degree murder, armed robbery and armed kidnapping charges.

DeJesus' mother, Lisa Santiago, 38, does maintenance work at the Crossings apartment complex where she lived with her son, Gutierrez and their 2-year-old daughter.

Inside the apartment, strewn with boxes and suitcases, she talked Thursday about her son's tragic life and the anger that consumed him. Her 22-year-old daughter sometimes joined in, adding childhood memories of her older brother.

As they talked, the mother and sisters of Paula Gutierrez arrived, and they struggled to keep their composure as they spoke about the couple. At one point, the couple's 2-year-old daughter, Ashley, wandered into the room, pointed to a photo of DeJesus and said, with delight, "That's Da-Da!"

They all wept quietly.

Growing up on welfare in Brooklyn, Nester "Chino" DeJesus Jr. knew poverty, his sister said. His parents separated when he was a toddler, and his father struggled with drug addiction before dying of AIDS in 1988 when Nester was 12.

His father's death, and its circumstances, devastated the youth.

"(His father) was his idol until he found out how he died," his mother said.

When he became a father with Gutierrez, DeJesus cried tears of joy. He became certified as an air-conditioning repairman, and he and Gutierrez moved to Florida with their daughter for a better life in 1999.

His mother said his devotion to his Gutierrez was evident in the final act of his life. Surrounded by police, Gutierrez and DeJesus had plans to each commit suicide on the count of 3. Instead, DeJesus shot himself at 2, his mother said, leaving a devastated Gutierrez too shocked to react. "That froze her right there," his mother said. She walked out of the apartment and into police custody.

It is Gutierrez's involvement in DeJesus' crimes that has both families stunned. They described Gutierrez as a shy woman and devoted mother. "She is very delicate," Santiago said, "like a piece of glass."

Yet police accuse her of participating in two armed robberies, and of taking Officer Marrero's gun as she lay dying in the apartment complex parking lot.

"I would expect that from my son, because he was angry at the world. But her? No way," she said.

Gutierrez's mother, Melba Gutierrez, said her daughter is very close to her family and would call their home in Queens several times a day from Florida.

Yet in the last few weeks, Mrs. Gutierrez said, the phone calls stopped, and she knew something was wrong.

"Paula was very dedicated to Ashley," Mrs. Gutierrez said. "She is loving, sweet and tender. That's why we can't imagine her doing what she did."

DeJesus and Gutierrez met in 1993 in Greenwich Village in New York. In November 1998, after eight months of classes in refrigerator and air-conditioning repair in

Manhattan, DeJesus went to work for an appliance repair service in College Point, Queens.

His boss, Cathy Donnelly, sympathized with the plight of the unwed couple with a baby. She took a chance on them, putting up the first month's rent and security deposit so they could get an apartment in College Point.

"He seemed like a nice man," Donnelly said. "He was working hard here. He wanted to get his own place. I gave him a loan so he could get his own place."

For about six months, DeJesus worked as a dispatcher, sending workers to repair jobs. He was eager to get out of the office and do repairs.

One day in May 1999, Donnelly said, Gutierrez called her to say DeJesus wouldn't be at work that day. When Donnelly asked for details, Gutierrez said he had been arrested for shoplifting.

"I said, 'Is there a history of that?' She said, 'Yeah,' " Donnelly recalled. "I told Paula, 'I hope you understand I can't have him working here.' "

Soon after, Donnelly recalled, DeJesus returned to her office. He wasn't there to beg for his job back. "Thank you for everything you tried to do to help me," he told Donnelly. "I'm sorry I screwed up."

Donnelly added: "He didn't have to come to my office."

It was several months after losing his job that DeJesus brought his family to Tampa, where his mother had moved.

"(Paula) was very sad to be leaving her family because they were still in New York," said Laurie Kozicki, a former landlord in Queens. "He was basically going to Florida because his family was there, and to better his little family."

In New York, DeJesus' record shows a history of petty crimes from November 1993 to May 1999, including charges of graffiti, fighting in public, shoplifting from Macy's and trying to beat a subway fare.

In Florida, the family struggled to make ends meet on the \$13-an-hour job DeJesus found repairing air conditioners. Gutierrez did not work, and the couple preferred it that way, their families said, so she could stay at home with Ashley.

Money was tight, and pressures mounted.

In February, DeJesus stormed into the Allied Tire and Service Center on N Dale Mabry Highway and began yelling at employees, witnesses said. He demanded that they mount the tires on his car, but before they could run his credit card through the machine, he snatched the card away. Then, he grabbed an employee's hand and scratched it so hard the hand bled.

Employee Scott Roberts said he had no idea what set DeJesus off.

The State Attorney's Office filed misdemeanor battery charges against DeJesus in March, but he didn't show up for a court appearance in April. The judge issued a notice for his arrest.

About six weeks ago, DeJesus quit his job over an argument with his boss. He became ashamed of being unemployed, his family said.

"It bothered him that I paid for everything," his mother said, including the Xterra she bought him for Christmas in 1999, under the agreement he keep up the payments.

She struggled to explain the final actions of her son, who finally "cracked," she said.

"He was a beautiful person who would do anything for you, but don't pull his trigger," she said. "When you do, (his temper) blows up."

There was a brighter side to DeJesus' life, who dropped out of high school but later earned his GED. He was a loyal brother and doting father, his sister said, who kept every card and letter he received and tried to hide his sentimental side behind a tough exterior.

And he adored his daughter Ashley, now 2. She will return with Gutierrez's family to New York.

"She was his world," his sister said, and DeJesus was the type of doting father who would fill up a kiddie pool in the middle of the living room when the weather was too poor to play outside.

During the hostage negotiations Friday, as he talked for the last time with his mother on the phone, DeJesus told her he was sorry for what she would go through, and that he did not mean to kill the police officer.

His family had his remains cremated, and keep them in a black glass urn placed next to his photo.

"I'd rather have my brother free than locked up in a cage and miserable for the rest of his life," Maria DeJesus said.

"Now he's with my father -- he's at peace."

<http://news.tbo.com/news/MGA9NPZDI0D.html>

Witness recounts events surrounding shooting

ANDREW MEADOWS ameadows@tampatrib.com

Published: Jul 9, 2001

It was a rough three days for Mark Kokojan. Friday, the 28-year-old Enid, Okla., transplant watched a police officer get shot. Then, three hours later, his friend and neighbor, alleged gunman Nester Luis DeJesus, committed suicide.

Since then, Kokojan said Sunday afternoon, he had spent hours reliving the incident for Tampa police, neighbors and the media.

His car had a bullet hole near the driver's side door as proof of his ordeal.

"Rough pretty much sums it up," Kokojan said. "There's a lot of crazy things that go on in the world, and now I guess I've seen one."

Police say DeJesus, 25, gunned down Tampa police Officer Lois M. Marrero at The Crossings apartment complex on Church Avenue and Cleveland Street after a botched Bank of America robbery.

Kokojan said he witnessed what developed when police cornered DeJesus at the complex where they lived minutes after the robbery.

About 11:20 a.m. Friday, Kokojan hopped into his gray older- model Oldsmobile to return a cellular phone he had broken days earlier. Upon reaching the car, Kokojan said, he realized he left the receipt in his apartment.

He retrieved the receipt, Kokojan said, and as he was shutting his front door, DeJesus ran up some stairs, seized the keys to Kokojan's car and headed back down.

Kokojan followed and implored DeJesus to stop while asking him what was wrong.

"I kept saying, 'I'll help you, just stop,' " he said.

When a confused and agitated DeJesus reached Kokojan's car, DeJesus couldn't open the door because his hands were trembling so much. DeJesus didn't realize it was unlocked.

Kokojan said he thinks he remembers DeJesus' girlfriend, Paula Gutierrez, standing to the left of the front bumper. Gutierrez has been charged by police with first-degree murder and armed robbery as an accomplice.

At that point, Kokojan said, both he and DeJesus looked up from the car door and saw Marrero behind the vehicle. He said he thinks DeJesus reached in a bag over his right shoulder and produced a gun.

Kokojan said he dove behind the car's front bumper as DeJesus directed an unspecified number of rounds in Marrero's direction.

"After the shooting stopped, I looked up and saw Nester just looking completely confused and panicked," he said. "The second seemed like it lasted for hours, but I really never felt like he was going to shoot me."

Kokojan said he rose and ran upstairs to his apartment. Upon peering out the front window, he saw Marrero lying in a pool of blood.

"That's when I realized Nester shot a police officer," he said.

Officer Veronica Hills then arrived at the scene and yelled to Kokojan to shut his windows and lock the doors.

Three hours later, after firing several more rounds and taking a hostage in a nearby apartment, DeJesus shot himself.

For Kokojan, it was not the kind of Friday afternoon he envisioned when moving to Florida one year ago. The limousine driver and aspiring actor came to Tampa to escape the doldrums of north Oklahoma, but this was almost too much.

"It's hard to think about," he said. "If I hadn't forgotten the receipt, maybe this whole thing would have happened differently."

Although he knows it will be tough for the public to accept, Kokojan said, DeJesus wasn't a monster. He was unhappy in Tampa, however.

"I just want to tell people that if you're having trouble, talk to friends and to neighbors, don't snap," Kokojan said. "I know if Nester needed money, there were plenty of people around here that would have helped him out."

Andrew Meadows can be reached at (813) 259-8144.

<http://www.tampatrib.com/MGASFX55GFD.html>

Tampa Policewoman's Dying Moments Come To Light As Murder Trial Begins

By JOSHUA B. GOOD jgood@tampatrib.com

Published: **May 8, 2003**

TAMPA - The two women who were closest to slain Tampa police Officer Lois Marrero sat in separate rows. Marrero's domestic partner, Tampa police Officer Mickie Mashburn, sat in the front row. Marrero's sister, Brenda Marrero, sat in the second row.

Both shared a moment of pain and realization Wednesday as public defender DeeAnn Athan, in her opening statements in Paula Gutierrez's trial on charges of first-degree murder, robbery and burglary, described Marrero's last moments.

Athan told the jurors that after Nester DeJesus shot Marrero, Gutierrez watched the veteran police officer begin to fall.

Marrero and Gutierrez locked eyes. Athan, speaking for her client, said that Marrero seemed to ask "Why?" with her eyes. It was the first time Brenda Marrero heard the story. Since her sister's death on July 6, 2001, she asked numerous police officers for information about Marrero's last moments.

"Everyone had told me she was gone before they arrived," Brenda Marrero said. She was angry, and her eyes welled with tears after hearing the story from Athan. She said it was "unfortunate" her sister's last moments were with Gutierrez.

Mashburn said she always has wanted to ask Gutierrez: Why? "It basically caused me to go back to that day," she said. The prosecution and defense told jurors their version of what happened that day. Prosecutors portrayed Gutierrez and DeJesus as a Bonnie and Clyde duo.

Athan portrayed Gutierrez as a timid young woman who was so brutalized by DeJesus that she did whatever he said. Prosecutor Jay Pruner told jurors Gutierrez bought a MAC-11 firearm for her boyfriend and the two used the weapon during a holdup of the Bank of America at 1501 S. Church St. in south Tampa.

Gutierrez held the gun as her boyfriend jumped the counter and grabbed cash from the tellers, Pruner said. The two fled in a yellow Nissan Xterra. Marrero caught up with them in an apartment parking lot, Pruner said. DeJesus shot Marrero twice in the neck, and then he and Gutierrez broke into a young man's apartment and held him hostage, Pruner said.

DeJesus fatally shot himself, and Gutierrez surrendered. Athan began her defense with Gutierrez living in New York City. She said Gutierrez was 16 when she started dating DeJesus. From the start, Athan said, DeJesus was abusive. He ordered Gutierrez to keep her eyes downcast when they were in public so she wouldn't look at other people.

When he and Gutierrez had sex, he choked her to the point she would pass out, Athan said. When she complained, DeJesus told her she liked it.

He beat her, threatened to kill her and her family and talked about committing suicide, Athan said. Even when Gutierrez was pregnant with DeJesus' baby girl, he was abusive and once held a knife to her belly, Athan said. "If you weren't carrying my child, I'd kill you right now," Athan claimed DeJesus said to Gutierrez.

All of the mental and physical abuse turned Gutierrez into a woman who was too afraid to disobey DeJesus, Athan said. That's why Gutierrez helped rob the bank, Athan said. The trial is expected to last two weeks. It continues today. For live updates during the trial, go online to TBO.com.

Reporter Joshua B. Good can be reached at (813) 259-7638.

<http://tampabaycoalition.homestead.com/files/TPDOfficer.htm>

<http://tampabaycoalition.homestead.com/Lois.html>

Tampa honors one of its finest

KEITH MORELLI and BRAD SMITH of The Tampa Tribune

Published: Jul 10, 2001

TAMPA - For the second time in three years, Tampa finds itself under an all-too-familiar cloud of sorrow today, burying a police officer killed in the line of duty.

Officer Lois M. Marrero, the first Tampa policewoman ever killed in action, will be laid to rest at Myrtle Hill Cemetery after a 10 a.m. service at Sacred Heart Church.

Myrtle Hill also is where Tampa police Detectives Randy Bell and Ricky Childers are buried. They were shot to death while on duty in 1998.

Hundreds began the long goodbye Monday night, attending a wake for Marrero at a funeral home on Armenia Avenue. Some wept. Others, mostly fellow officers, wore stoic expressions masking the shocking reminder that their jobs sometimes carry great risks and deadly consequences.

Elsewhere, investigators moved ahead with the grim task of piecing together the details of what happened, and why. The latter was proving the most difficult ... though more was emerging to suggest that Marrero's killer, Nester Luis DeJesus, 25, had been sliding toward his own death spiral for months.

And while the investigators worked, hundreds of people who never knew Marrero made donations and signed a giant card of sympathy, while still more kept coming to the memorial in front of police headquarters downtown, piled high with flowers.

Marrero, 40, was killed Friday in an ambush at The Crossings apartment complex in south Tampa, where DeJesus lived with his girlfriend, Paula Andrea Gutierrez, 24, and their 2-year-old daughter.

Marrero and other officers were searching for two suspects in a robbery at a Bank of America branch on Church Avenue. Police say DeJesus and Gutierrez were trying to get away in a neighbor's car. As Marrero approached, DeJesus crouched behind the car, then popped up and fired at her point-blank with a MAC11 pistol. She was hit in the side and neck.

At Marrero's wake, mourners streamed down a narrow aisle past an open wooden casket lined in white satin. Marrero, her hands bound with rosary beads, wore a crisp Tampa police uniform.

Ed "'Pappy" Plourde was one former colleague who attended. A 30-year veteran of the Tampa Police Department, Plourde is a strong man, a big man, a tough cop. He was a sergeant who turned police academy rookies into streetwise officers.

The ones who made it ... some didn't ... became Pappy's "children," he said. They included Marrero. He was her sergeant when she broke into the ranks in 1982.

"When they come out of the academy, they are like diamonds in the rough," he said. "'It was my job to polish those diamonds."

Marrero was one who polished well.

"She was a very conscientious individual," said Plourde, who retired 10 years ago. "She was enthusiastic about every assignment she had, whether it was driving the wagon or walking the beat."

Tampa Police Chief Bennie Holder also came, hugging teary-eyed cops and offering words of condolence to family and friends.

"What makes this so tough is with Lois, I was not just her chief, I was her friend," Holder said.

Mayor Dick Greco recalled Childers' and Bell's funerals three years ago.

"I had hoped I never would have to see that again, and being here today brings all that back."

Meanwhile, investigators were still saying little about the why of it all. But some details were emerging that drew the case into sharper ... if still blurry ... focus.

Marrero was shot twice, not three times as previously believed. DeJesus committed suicide afterward, while he and Gutierrez were holed up with hostage Isaac Davis in Davis' apartment at The Crossings, by firing a single gunshot upward beneath his chin. And the evidence was growing that DeJesus was in a spiral of despair.

He had become aggressive and angry and was growing more so when the end came. Little things were setting him off, like an accidental ding in the door of his beloved yellow Nissan XTerra. Even his friends noticed it.

His father had died of AIDS. A family friend said he'd begun using drugs. He'd lost a job as an air conditioning repairman, was sick of Tampa and missed family and friends in New York.

Maybe that's what the bank robbery was all about, neighbor Michael Debacker speculated: going back to New York where he was born and raised and had family and friends.

"Once you're tired of the sunshine in Florida, what is there?" another friend, Mark Kokojan, recalled DeJesus saying.

According to police documents, Gutierrez told police that she and DeJesus robbed a south Tampa flower shop, Flowers by Patricia, a few days before the bank holdup.

DeJesus' behavior then was odd, too. He kept demanding that Catherine Haddad, co-owner of the shop, give him the keys to a yellow Mercury Cougar parked outside. Haddad kept telling him that she didn't have the keys and didn't know the car's owner. But he wanted the yellow car, he said. He didn't give up until Haddad told him to just kill her.

Whatever was unraveling, DeJesus finally snapped when the police closed in after the bank holdup. He grabbed a neighbor's car keys and was trying to unlock the car door with them when Marrero approached. He was panicking, witnesses said, and didn't know the door already was unlocked. Then he shot Marrero and holed up in Davis' apartment with Gutierrez.

A police negotiator made contact by telephone, and DeJesus' mother, who did maintenance at The Crossings, got on the line to try to talk DeJesus into surrendering. But DeJesus wasn't listening, and as the minutes passed he grew increasingly irrational. He and Gutierrez talked of suicide. As a police tactical unit prepared to move in, DeJesus put the MAC11 to his chin and pulled the trigger.

Police documents show that Gutierrez has told detectives more about what happened. But she has rejected requests for interviews and remains in isolation and under a suicide watch at the Orient Road jail. She is charged with murder, robbery and kidnapping. A lawyer from the Hillsborough County public defender's office saw her on Monday, but otherwise she has kept to herself.

DeJesus' body was released Monday by the medical examiner's office to the Florida Mortuary Funeral Home, where a woman who answered the telephone said the family asked that no details be released about services.

Investigators also were tracing the MAC11. Carlos Baxauli, a spokesman for the U.S. Bureau of

Alcohol, Tobacco and Firearms, said results, expected today, should show the gun's history from manufacture to wholesaler to dealer to purchaser. Similar weapons can fire 1,600 rounds per minute when fully automatic.

Out on the street, meanwhile, Marrero's co-workers in blue kept trying to cope. Maj. K.C. Newcomb said the mood was grim at the District 1 station where Marrero worked. About 200 officers are based at the station house, across from the Hillsborough Community College campus off Dale Mabry Highway.

Newcomb said the funeral would be difficult. ""But after that, every day will get a little bit better. Life goes on in this profession, unfortunately," he said.

The funeral will feature a police honor guard, a special unit of about 20 officers. Wearing dress uniforms, they will march, play taps and fire a salute at graveside.

Decorating Marrero's casket will be a spray of nearly 300 red and white roses, donated by Catherine Haddad of Flowers by Patricia.

"It's the least we could do," said her daughter and shop co-owner Rania Haddad, 26. "But we're highly upset it had to end up this way."

Marrero's sister, Brenda Ayoub, said Marrero was 15 months from retirement and weighing several second-career options.

Ayoub remembered her sister, who was 5-foot-1, as "very intense, very focused, very loyal."

Having grown up in Puerto Rico, Marrero was in school working on a sports medicine degree when she got hooked by policing.

"The passion she had when she started was so strong, it prompted her to change careers," Ayoub said. ""She fell in love with the academy and police work and dedicated her life to it."

The family is still in shock.

"It's just hard to believe this is the end," Ayoud said.

Tribune reporters Elizabeth Bettendorff, Paula Christian, Geoff Dutton, Ivan Hathaway, Lyda Longa and Andrew Meadows contributed to this report.

http://www.polkonline.com/stories/070801/sta_charged.shtml

Cop-killer's partner charged in slaying

Associated Press

TAMPA -- The girlfriend of a bank robber who committed suicide after killing a Tampa policewoman was ordered held without bail Saturday, charged in the robbery-slaying and an earlier holdup.

Paula A. Gutierrez, 24, was charged with first-degree murder, kidnapping and two counts of armed robbery.

Lois Marrero, a 19-year veteran of the Tampa Police Department, was gunned down Friday as she chased Nester Luis DeJesus, 25, through a parking lot following a bank holdup.

Witnesses said as Marrero approached, DeJesus stood up in a breezeway of an apartment complex, aimed a semiautomatic weapon at her and fired over the roof of a parked car.

Marrero, who was wearing her bullet proof vest, was hit by three shots to the neck and side.

After the shooting, DeJesus barricaded himself in an apartment with Gutierrez and Isaac Davis, 26. Davis was home alone when DeJesus burst in.

Police said just 45 minutes earlier, DeJesus and Gutierrez had held up a Bank of America branch.

On Tuesday, the two of them had robbed a florist, according to an arrest report. During that holdup, Gutierrez held a gun on a woman employee while DeJesus bound her with duct tape, police said. About \$45 was stolen from the woman's purse.

While DeJesus was holed up in the apartment Friday, a police negotiator and DeJesus' mother tried talking him into coming out.

But efforts failed and more than two hours after the standoff began, DeJesus killed himself with a bullet to the head.

Gutierrez and Davis surrendered and were taken in for questioning. Davis was not charged with anything and police said he was not involved.

Shortly before midnight Friday, as Davis was released and Gutierrez was charged, police spokeswoman Katie Hughes talked about DeJesus, Gutierrez and the holdup.

"They both went into the bank together," she said. "They commanded everybody to get down. They both were armed. She walked the lobby while he vaulted over the counter."

But when a dye pack exploded, the pair hurled the tainted bags of money out the window of the getaway car to the pavement.

At The Crossings, where Marrero was killed, neighbors knew DeJesus, Gutierrez and their baby daughter as a quiet family who lived in apartment 120. Records show he has worked as a tire technician and an apartment porter.

Records show he was charged with trespassing and petty theft in 1995, the latter for stealing clothing from a department store.

Funeral arrangements were incomplete for Marrero, 40, who had 15 months to go before retirement. Her next of kin is a sister, Brenda Ayoub.

Marrero had her ups and downs as an officer. She was fired in 1997. Her bosses said she had lied about going to a seminar when she really was on vacation.

She sued the department, claiming she was ousted as a whistleblower for firing off a list of grievances to the chief. She got her job back, but not her rank as sergeant.

Strangers and friends paused to remember Marrero with flowers and cards at a granite memorial to the 24 Tampa police officers killed in the line of duty before her. Marrero was the first woman officer killed in Tampa.

Colleagues say she was a model officer whose 5-foot-1 stature never was a hindrance.

"I don't think Lois would back away from anything," said Officer Craig Harridge. "She had a heart that was twice as big as her physical size."

Cecil Gurr

<http://www.fbi.gov/ucr/killed/2001leoka.pdf>

Law Enforcement Officers Killed and Assaulted 2001

Responding to a domestic disturbance call, the 27-year veteran Chief of Police with the Roosevelt City Police Department was shot and killed on July 6 approximately 8:30 p.m. The off-duty chief was among officers who responded to a report of a family fight in progress in the parking lot of a convenience store. However, the report was changed to an armed male holding a female hostage before the chief arrived at the scene. When the chief arrived at the store with two other officers, they observed a man brandishing a rifle. The officers ordered the man to put down his weapon, but he refused to comply and shots were exchanged between the man and the officers. The man reportedly fired five shots from a 7.62x39 mm semi-automatic rifle, striking the 50-year-old victim chief once fatally in the head. The chief died at the scene. The man fled in his truck with his hostage. Law enforcement personnel apprehended him approximately five blocks away. The 35-year-old male, who was on probation, was arrested and subsequently charged with Aggravated Murder, Attempted Aggravated Murder, Aggravated Assault, and Possession of a Dangerous Weapon.

<http://www.odmp.org/year.php?year=2001&Submit=Go>

<http://www.odmp.org/officer.php?oid=15728>

Chief of Police Cecil Gurr

Roosevelt Police Department, UT

End of Watch: Friday, July 6, 2001

Weapon Used: Rifle

Suspect Info: Sentenced to life

Chief Gurr was shot and killed while responding to a domestic disturbance call.

A suspect had forced his ex-girlfriend into his car. A convenience store clerk who witnessed the incident called the police. When Chief Gurr arrived on the scene with other officers, the suspect attempted to fire a rifle at them, but it was not loaded. The suspect then loaded his rifle and fired, killing Chief Gurr. Other officers on the scene returned fire but missed the suspect. Both the suspect and his ex-girlfriend got into a truck and fled the scene, with the ex-girlfriend driving. They were stopped several blocks away and taken into custody. The ex-girlfriend who the suspect had threatened with the rifle was not charged. On September 20, 2002 the male suspect was sentenced to life in prison without the possibility of parole.

Chief Gurr was a Vietnam War veteran and had been with the Roosevelt Police Department for 27 years, being chief for over 20 of those years.

<http://www.upoa.org/memorial/CecilGurr070601.htm>

Roosevelt Police Chief Shot Dead During Arrest

Saturday, July 7, 2001 The Salt Lake Tribune

Roosevelt Police Chief Cecil Gurr was shot and killed while trying to arrest a suspect in a domestic dispute Friday night. Gurr was shot in the parking lot of a convenience store just outside the Roosevelt city limits on U.S. Highway 40.

Gurr, 50, and other officers were responding to a report of a man beating up a woman, said Jean Liddell, a news reporter for KNEU radio. When the officers tried to arrest the man, he shot Gurr in the head with a rifle. The man then got into a pickup truck and, with his alleged assault victim driving, sped away. Liddell said police caught up with the suspect about five blocks away.

Neither the Roosevelt Police Department nor the Uintah County Sheriff's Office, which was handling the investigation, would release any details. The Utah Highway Patrol confirmed Gurr's death.

Gurr had served as the town's police chief since the mid-1970s, according to Roosevelt City Councilman Roger Dart.

"He commanded respect and ran a tight ship," said Dart, who said word of Gurr's death spread quickly Friday night and shocked this community 100 miles east of Salt Lake City.

Gurr led a department of about 12 officers, Dart said, and patrolled a city of 4,500 residents that has been wrestling with growing pains and drug-related problems.

Gurr is survived by three adult children, his wife, Lynette, and his parents, who also reportedly live in Roosevelt.

Steve Hooley, Roosevelt's assistant police chief, is expected to serve as the city's new chief until the City Council names Gurr's replacement.

Gurr was the second Utah police chief to die this week. Sam Dawson, chief of the Sandy Police Department, died in a motorcycle accident Monday.

<http://www.upoa.org/memorial/CecilGurr070601.htm>

Roosevelt Police Chief Killed

July 7, 2001 SALT LAKE CITY (AP) _ Roosevelt Police Chief Cecil Gurr was shot and killed Friday night while trying to arrest a suspect in a domestic dispute.

Gurr was among the officers who responded to a report of a man beating a woman at about 8:30 p.m. in a convenience store parking lot. The officers surrounded the couple's pickup truck and the man stepped out carrying a rifle, police said in a statement released Saturday morning.

The man began shooting at the officers, who returned the fire, police said.

After allegedly killing the police chief, the man got back into the truck and forced the woman to drive away. Police chased the car, stopping it about five blocks from the scene, according to the statement.

After struggling with police, Lee Roy Wood, 35, of Vernal, was arrested on state and federal parole violations. The Uintah County Attorney's Office is reviewing possible charges against Wood for Gurr's death, said Chief Deputy County Attorney Ken Wallentine. No decision is expected before midweek.

The police were not releasing information about Wood's past criminal record.

Wood was not injured in the shootout, said Sgt. Steve Hatzidakis. The woman also was not injured as a result of the shooting, but may have been hurt during the alleged domestic dispute. The relationship between the two was not yet clear Saturday.

Gurr, 50, had been police chief since the mid-1970s and was one of the longest-serving police chiefs in Utah, Hatzidakis said. He was active in church and community organizations.

"He was a good man. He was a credit to law enforcement," Hatzidakis said. "It's a terrible loss."

Gurr's father said the police chief had always cared about helping those around him.

"He wanted to help everybody. Anybody who knows him would say the same thing," said Beryl Gurr. "Everyone respected him and he respected everyone."

Rep. Gordon Snow, R-Roosevelt, who was Gurr's neighbor until four years ago, served with the police chief as a Boy Scout leader and was Gurr's one-time bishop in the Roosevelt 8th Ward of The Church of Jesus Christ of Latter-day Saints.

"He was just a good, no-nonsense, down-to-Earth, dedicated father," Snow said. "If his boys were in Little League, he was a Little League leader. If they were in Scouts, he was a Scout leader. They are a very close, tight-knit family, and Cecil reflected that in all he did.

"It's going to be a very big challenge for all of us to get over this."

Roosevelt, a city of 4,000, is about 100 miles east of Salt Lake City.

Gurr was the second Utah police chief to die in a week. Sam Dawson, chief of the Sandy Police Department, was killed in a motorcycle accident Monday.

<http://www.transcriptbulletin.com/archives/7.12.01/touched.html>

Chief's death touched lives of local officers

by Mary Ruth Hammond, Staff Writer

It's something that always happens when a beloved policeman gives his or her life doing what they do every day - protecting common, everyday citizens like you and me.

"It" is a quiet and deep mourning that only those who've experienced such a mood can relate to or understand. But once that feeling touches a soul, one never forgets the sadness and reverence - yet at the same time the pride - it brings to the heart.

It happened here in Tooele last summer when an out-of-control vehicle crossed three lanes of traffic on Salt Lake City's State Street, then jumped a curb to strike and kill Officer Michael Dunman. Although the 30-year-old Dunman worked for the Salt Lake City department, along with his wife and three little girls he lived in Tooele.

Michael was one of our own. We still mourn his death.

Law enforcement officials from throughout Utah and even surrounding states came to Tooele last July to pay their respects to the Dunman family. The poignant silence of hundreds of uniformed officers standing at attention and saluting Michael's flag-draped casket as it was taken from the White Pine LDS Chapel still rings loudly in our ears.

"It" happened again in Utah last week when Roosevelt Police Chief Cecil Gurr, 50, was gunned down by a man using an SKS assault rifle. Allegedly, the shooter was upset that his girlfriend didn't bring back enough methamphetamine after making a drug run to Salt Lake County.

Lee Roy Wood, charged with murder in Gurr's death, reportedly started assaulting his girlfriend on the evening of July 6, at a Maverik convenience store in Ballard, a city next door to Roosevelt.

Although Gurr did not have jurisdiction over Ballard - that responsibility lies with the Uintah County Sheriff's department - and although Gurr was not even on duty last Friday evening - he was running an errand for his family - the veteran police chief did something he'd done a hundred times before: Gurr responded to the scene of trouble as a backup for other officers.

Grantsville Police Chief Dan Johnson, who once worked for Gurr and remains close family friend, said he's heard that Gurr actually drew the attention of the gunman to himself.

"Apparently, the gunman first pointed the gun at a younger and less experienced officer," said Johnson, who attended Gurr's funeral on Tuesday. "Chief Gurr came out of his area of safety to yell to the gunman. He wanted to attract attention to himself and away from the other officer."

Police reports state that Gurr was shot in the head. As the chief lay dying on the asphalt, Wood allegedly put the gun to his girlfriend's head and ordered her to drive.

The alleged gunman was arrested less than a mile away by pursuing officers.

As it was with Officer Dunman, hundreds of law enforcement officials from Utah and surrounding states flocked to Roosevelt this week to attend Gurr's funeral. Among those officials was Grantsville's Chief Johnson along with Officers Dave Aagard and Brent Rowley, Tooele Police Chief Ron Kirby and Officer Jeremy Wright, Tooele County Sheriff Frank Scharmann, and Tooele resident and Salt Lake City Utah Highway Patrol Sgt. Bruce Riches, who was commander of the UHP color guard at the funeral services.

Johnson pays tribute to Gurr

It was back in 1984 when Johnson first met Gurr.

"He hired me as a Roosevelt police officer," Johnson states. "I worked under Chief Gurr for two years before moving to Grantsville."

Johnson says that during those two years he learned what being a policeman is all about. He'll be forever grateful that he learned the "ropes of the job" from a man as dedicated as Gurr.

"I think the desire to do police work and protect others was running through Chief Gurr's blood," Johnson said. "He was a Vietnam veteran who went into law enforcement upon his return home from the war."

A native of Roosevelt, Gurr had served with that city's police department since 1974. He'd been Roosevelt's chief of police since 1977.

"He had the longest tenure as a police chief in Utah's history," Johnson stated.

It wasn't necessarily the big things - although Chief Gurr was a no non-sense type of officer who came down hard on crime, especially drug use - that endeared Gurr to Johnson. More so, it was the small and gentle things the chief did on a day-to-day basis that made Johnson vow to become just like his mentor.

"Chief Gurr truly cared about people," Johnson stated. "On the very day he died, the chief was at a public place talking with a group of people when he saw an elderly gentleman groping for a banister leading up a set of stairs. Chief Gurr stopped what he was doing and quietly walked over to the man. He gently took the man's hand into his own and placed it on the bannister."

Johnson remembers that Gurr would often stop and help people who were having car trouble. "He'd help change a flat tire for someone on the side of the road," Johnson said. "Cecil was the chief of police, yet in his heart he was nothing more than a public servant."

When Johnson first started in law work, his aspiration was to become a detective. After working for Gurr, Johnson set his sights even higher.

"I wanted to be a chief of police," Johnson stated. "I wanted to be just like Gurr."

Johnson has been Grantsville's chief of police since 1993. "When I was promoted to that position, the first person I called was Chief Gurr," Johnson said. "I asked for his help and advice then, and I've called him many times since to ask for advice."

It's been a while since Johnson last saw Gurr. But as he arrived in Roosevelt Monday to pay his last respects, Johnson was still treated as part of the family.

"Cecil's wife and children hugged me and said they were so glad I had come," Johnson stated. "J.C. Hansen, the only Roosevelt officer still on the force from when I was there, introduced me to the rest of the department. I felt like I had gone home. I still felt like part of the family."

Chief Johnson, like all the rest of the visiting law enforcement officials in Roosevelt this week, wore his uniform the day of Gurr's funeral. Across the officers' badges were strips of black tape, signifying their state of mourning.

Johnson said the entire town of Roosevelt shut down during Gurr's funeral. As the funeral procession wound its way through the city, hundreds of people lined the streets.

"Most of them held their hands over their hearts as the hearse passed by," Johnson said. "Some of the men saluted. Children were waving flags and many people held up signs expressing their love for their chief."

Johnson described the day of the funeral as "a hot, summer day. But as we got out to the cemetery, the clouds started rolling in. After the UHP Honor Guard presented the 21-gun salute, a trooper played 'Taps' on a trumpet."

Just as the last note from the trumpet resounded through the air, "lightning struck close by," Johnson said. "Then there was loud thunder."

The U.S. flag that had draped Chief Gurr's casket was folded and presented to his widow. Then, "no more than 10 seconds later, there was a downpour of rain," Johnson said. "It was almost as if the heavens were weeping over the loss of an officer."

Johnson continued: "I spent only two years working for Chief Gurr, but the impression he made on me will last a lifetime. The impression he made on so many of us will last a lifetime. He was an honorable cop, through and through."

So, while it's true that Chief Gurr never lived in Tooele County - and perhaps never even visited this area - it somehow seems that like Dunman, he was one of our own.

Indeed, Chief Gurr's death has touched the hearts of thousands of Utahns and made us feel proud that there's still law enforcement officials out there who are willing to give their lives for us, the common everyday citizens like you and me.

E-mail: maryruth@tooeletranscript.com

<http://www.vernal.com/jan23/>

Wood preliminary date moved back

The preliminary hearing for Lee Roy Wood was reset for next April after psychological evaluations were not complete Tuesday.

Wood was apprehended last July in Roosevelt and later charged with 8 felonies for his involvement in the murder of Roosevelt City Police Chief Cecil Gurr. Chief Gurr responded to a disturbance at a convenience store in Uintah County and was shot in the head.

Wood's attorney, nor the prosecuting attorney, Kenneth Wallentine were in court Tuesday, because snow storms in the Salt Lake City area prevented them from traveling to Vernal.

<http://venus.soci.niu.edu/~archives/ABOLISH/rick-halperin/feb03/1006.html>

UTAH:

Chief's killer wants to withdraw guilty plea

In Salt Lake City, a man accused of killing Roosevelt's police chief pleaded wants to withdraw the capital homicide guilty plea he made in September to avoid facing the death penalty.

Lee Roy Wood, 35, admitted in court on Sept. 19 that he shot Roosevelt Police Chief Cecil Gurr with a rifle in a convenience store parking lot on July 6, 2001.

Gurr and other officers had responded to a domestic violence complaint involving Wood near the small town of Roosevelt, about 100 miles east of Salt Lake City.

Gurr, a 27-year veteran of the force, was Utah's longest-serving police chief before he died.

The plea assured Wood a life-without-parole sentence.

In December, Wood filed a handwritten motion to withdraw the guilty plea. He filed an amended plea on Jan. 9. Uintah County attorney JoAnn Stringham has filed objections to both motions, a clerk said Tuesday.

Prosecutors weren't happy with the plea deal, but accepted it because a recent U.S. Supreme Court ruling made it unlikely that Lee Roy Wood would be eligible for capital punishment.

Wood also entered guilty pleas on 2 counts of attempted homicide for shooting at the other police officers that night.

Prosecutors originally planned to pursue the death penalty against Wood, a convicted felon and reputed drug dealer.

But in June the U.S. Supreme Court ruled that executing the mentally retarded is cruel and unusual punishment.

Wood's attorneys quickly filed court papers saying they had evidence to prove their client was mentally retarded.

The Supreme Court ruling leaves it up to states to set the standards for who is retarded and who isn't.

Utah lawmakers are expected to take up a measure during the current legislative session that would amend the state's death penalty law to keep the mentally retarded from execution.

Wood's attorneys, Edward Brass and Walter Bugden, were not immediately available for comment.

(source: Casper Star Tribune)

<http://www.utahhardfact.com/psn/psnsuccessstories051303.cfm>

On July 6, 2001, Roosevelt City lost a beloved public servant and the State of Utah lost its then longest standing police chief. Chief Cecil Gurr was violently gunned down in the parking lot of a local convenience store by a convicted felon armed with an SKS assault rifle.

State and local authorities apprehended the shooter not long after he fled the scene. Although the state responded quickly and was working hard to build its case against the shooter, it became apparent in their investigation that there was another who also bore responsibility for the Chief's death. All indicators were that a separate individual had given the SKS assault rifle to the shooter with instructions to use the gun to make good on a drug deal gone bad. Chief Gurr was in the wrong place at the wrong time.

The local prosecutor's office was overwhelmed with its homicide investigation of the shooter and the small police force was working overtime to put together a solid case. The question became: "What about the individual who provided the gun?"

Deputy Keith Campbell of the Uintah County Sheriff's office, a PSN partner, began to enlist the resources of many to build a federal gun case against the individual that provided the SKS assault rifle used to kill Chief Gurr. Deputy Campbell and other members of PSN began a coordinated response which would include the efforts of multiple state, local, and federal law enforcement agencies to build an airtight case against the provider of the firearm. Local FBI agents were used to track down and interview dozens of witnesses in other cities and states. ATF agents preserved and analyzed critical firearm and ammunition evidence. Local police officers-trained on

federal firearms laws-were utilized to perform and record countless interviews. Additionally, probation and parole officers were employed to locate and interview individuals that had prior dealings with both the shooter and the provider of the gun. Finally, more than one crime lab was used in analyzing evidence linking the two perpetrators together.

The result was a solid case done thoroughly and quickly using federal, state, and local cooperation. The shooter, prosecuted by the local DA's office, received life in prison without possibility of parole and the provider of the SKS assault rifle received the maximum ten (10) years in federal prison for his role in the killing of Roosevelt's Police Chief.

<http://www.sltrib.com/2003/May/05192003/opinion/opinion.asp>

Assault Rifle Politics

In 1994, Congress passed a law banning the sale and possession of certain assault rifles. The law expires next year, and President Bush has announced he will support extending its life.

That is good news. The bad news is that the original law is shot full of holes that allow gun manufacturers to produce knock-offs of the banned weapons that are sold legally. So while the law should be renewed, it also needs to be strengthened.

The National Rifle Association, which opposes reauthorization, is all atwitter that the president is not in lock step with the gun lobby on this bill. Supporters of the bill expect a close fight in the Congress. So close, in fact, that Democrats who have sponsored the reauthorization in the Senate will not press their luck by asking the president to support measures that would strengthen the law.

The only loophole that is likely to be closed is one that would prevent the import of large-capacity ammunition clips.

Lawmaking is the art of the possible, and in a Republican-controlled Congress that pays deference to the gun lobby, the Democrats may have to settle for this half-measure. Rep. Tom DeLay, R-Texas, the House majority leader, said last week that the GOP leadership would not even allow the reauthorization bill to come to a vote. Speaker Dennis Hastert, R-Ill., corrected DeLay, saying the leadership had not made a decision.

On the merits, a weak reauthorization is a bitter pill. It is incomprehensible that at the same time America is on heightened alert for terrorist attacks, the nation would allow AK-47s, Uzis or their progeny to be sold and possessed on the streets in this country.

These weapons are not sporting arms; they are man-killers. Their availability in the United States places all Americans, and particularly police officers, at risk. A new study by the Violence Policy Center documents that about one in five of the 211 police officers killed in the line of duty in the United States between 1998 and 2001 were shot by assailants firing assault rifles.

One of these officers was a Utahn. Chief Cecil Gurr, who had led the police force in Roosevelt for 23 years, was killed in 2001 by a parole violator who shot the chief in the head with an SKS assault rifle.

Any member of Congress who argues that the assault weapons ban should not be extended and strengthened is going to have to tap dance around the lives of Chief Gurr and the 40 other officers shot down in the line of duty between 1998 and 2001 by assailants wielding these guns.

<http://www.vernal.com/oct30/fr.swettsentenced.TXT.html>

Vernal man sentenced for providing rifle in chief's murder

October 30, 2002

A Vernal man was sentenced to 10 years in prison by a federal judge Wednesday for providing the rifle used in the slaying of Chief Cecil Gurr.

Michael Nelson Swett, 45, will serve 120 months in federal prison " the maximum allowed under federal law " after U.S District Judge Dale Kimball found that he provided the weapon used by Lee Roy Wood of Vernal who pleaded guilty last month to the slaying of Chief Gurr. Wood, 35, was sentenced to life in prison without the possibility of parole.

Evidence provided during the sentencing hearing supported prosecutors' contention that Swett gave a firearm to Wood to "make right a drug deal that had gone bad." "Mike Swett loaded Lee Wood with the SKS assault rifle and ammunition, sent him out to take care of a drug deal gone bad, and Chief Gurr's death was the result," Assistant U.S. Attorney Brett Tolan said. Swett was charged in a two-count indictment returned a year ago with possession of a firearm by a convicted felon and transfer of a firearm to a convicted felon. Swett pleaded guilty to the first count, and prosecutors dismissed the second.

The possession charge carried a 50-month sentence, but prosecutors were able to convince Judge Kimball that Swett knew the gun would be used in a crime. The crime resulted in the murder of Chief Gurr on July 6, 2001, when he responded to a dispute between Wood and a girlfriend at a convenience store located just inside Uintah County. Chief Gurr, who was off duty responded to backup his officers, was shot in the head and died at the scene.

"Mike Swett played an integral role in both the drug deal and the death of Chief Gurr," Tolman said. "I think it was important to Cecil Gurr, as well as the community out there that each individual responsible for his death be held accountable." The indictment alleged that on July 6, 2001 Swett, a convicted felon, had in his possession a Norico SKS 7.62 x 39 caliber assault rifle, a Sako 7mm rifle, a Savage 30-06 rifle and various ammunition.

Prosecutors were able to use evidence of the firearm's connection to Chief Gurr's death during the sentencing considerations and the sentence was more than doubled to 120 months.

"This case graphically illustrates the effective tools we can bring to the table as we partner with local and state agencies to solve crimes and get violent offenders out of our neighborhoods and into prison where they belong," said U.S. Attorney Paul M. Warner. "While county and state officials prosecuted the homicide, we were able to use federal laws to charge the person who put the firearm in his hands." Swett's sentencing originated from an investigation involving the Uintah County Sheriff's Department, the

Vernal Police Department and Federal Bureau of Investigations. Warner had high praise for local law enforcement officers involved in the homicide investigation and the subsequent charges brought against Swett.

"Vernal and Roosevelt City Police departments and the Uintah County Sheriff's Office, particularly the work of Det. Sgt. Keith Campbell of the Uintah County Sheriff's Office and Vernal Police Officer Dylan Rooks were extremely helpful in our effort to prosecute Mr. Swett," Warner said.

Swett was taken immediately into custody.

The charges against Swett were filed as a part of the District of Utah's Project Criminal Use of Firearms by Felons (CUF)/Safe Neighborhoods Initiative. So far more than 1,230 firearms cases have been screened by the U.S. Attorney Office and defendants charged in 474 cases. Charges are pending in several other cases with 104 defendants sentenced to federal prison with sentencing ranging from five to 65 years.

<http://166.70.46.216/2004/Jan/01042004/utah/126034.asp>

Federal gun law does not mix terms

By Matt Canham

The Salt Lake Tribune

The thought of her son dying in a federal prison breaks the heart of Wally Martinez's mother. But it is a reality that mother and son are trying to come to terms with.

In a radio advertisement playing in Utah and recorded on behalf of Project Safe Neighborhoods, Martinez's mother, who lives in Utah, conveys the grief of having a son sentenced to 65 years in prison without the possibility of parole.

"The first words out of his mouth were 'Mom, they killed me,' " she says, her voice breaking into a sob. "My son will die there and I think what an awful way to die -- in a prison."

Martinez, 25, started serving his sentence in September 2002 for robbing a Utah credit union, a shoe store and a pizza restaurant with a handgun.

Under Project Safe Neighborhoods, a federal program that cracks down on gun-law violators, Martinez received 55 years on the gun charges alone.

Repeat gun-law violators have never had it so tough.

Officers throughout Utah are funneling gun-law violations through the federal court system at unprecedented rates under Project Safe Neighborhoods.

The project, now in its fourth year, hit an all-time high in 2003 with 400 Utah indictments. In 2002, the project netted 300 indictments.

On average, one person a day was sentenced to federal prison for gun crimes in Utah, with some of the most violent offenders facing 50 or more years without the possibility of parole. The average sentence is 3 1/2 years.

"This gives us [more] prosecutors willing to prosecute our cases," said Jeff Sarnacki, resident agent in charge of the Utah office of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Before Project Safe Neighborhoods, many of these cases were

passed back to the state court system. But since its inception, federal gun prosecutions have increased 68 percent nationwide, according to numbers released this month by the U.S. Department of Justice.

Utah's task force differs from others across the nation because it involves the entire state instead of just a major city or a highly-populated area, Sarnacki said. Task force members, including commander Larry Marx, have conducted training sessions with each of the 110 police agencies in Utah, and cases have originated from small communities such as Delta, Mount Pleasant, Salina and Ivins.

Uintah County Sheriff's Sgt. Keith Campbell, a task-force member, says the project is one of the most effective crime-fighting tools available.

"Those people were infecting our community, and the federal system is actually going to make them go elsewhere," said Campbell.

Utah does not have a federal prison and federal inmates are primarily sent outside Utah to serve their prison terms.

"There is not much of a deterrent in the state system," he said. "But in the federal system the word is getting out."

Through informants he has heard of criminals telling each other to stay away from firearms. "The bottom line is that means this is a deterrent," he said.

Campbell's first case as a task-force member involved Michael Nelson Swett, 46, who was convicted of handing a SKS rifle to Lee Roy Wood who then used it to kill Roosevelt Police Chief Cecil Gurr on July 6, 2001. Swett was sentenced to 10 years in prison for possession of a gun by a restricted person and giving a gun to a convicted felon.

"We have used [Project Safe Neighborhoods] as an additional tool to rid ourselves of some unscrupulous characters," Uintah County Sheriff Rick Hawkins said.

The shortest sentence handed down in the program's history is three months. The longest sentence belongs to Martinez.

Public service announcements, such as the one recorded by Martinez's mother, are sorely needed since most Utahns are unaware of the hard time criminals face if convicted of a gun crime, say federal law enforcement officials.

A recent survey conducted by state and federal officials shows that 55 percent of respondents didn't know defendants convicted of a federal gun crime have no possibility of parole. And 40 percent of respondents who own guns mistakenly thought it was legal for a person convicted of domestic violence to carry a firearm.

The U.S. Attorney's Office of Utah and the ATF produced a video about the project which is shown to felons as they leave the state prison.

"I'm a prosecutor. I'm not a social worker, and as such, if you violate federal gun laws, you will be prosecuted," U.S. Attorney for Utah Paul Warner warns felons. "There will be no leniency."

But not all released felons have paid attention. Benjamin Jorgensen, 28, was released on Aug. 12 and two days later rearrested for possessing a Ruger .45 caliber handgun and ammunition. He was indicted in September, pleaded guilty and will be sentenced on Jan. 22. He faces up to 10 years in prison.

Warner has created a nine-member prosecution team to focus solely on such crimes, though some cases are prosecuted on the state level with the assistance of county attorneys. All cases are evaluated by a team of state and federal prosecutors to determine what charges will be filed and what court they will be filed in. Hundreds of cases are still pending.

Inmates not shown the video are taught about the gun laws by a corrections official before being released.

Marx expects the number of indictments will continue to rise in the short term, but hopes the statistics will start to decline once word of the program spreads.

The majority of indictments in 2003 involved a felon in possession of a firearm. The next most common violation was a drug user in possession of a firearm. Other common crimes include using a firearm in a violent crime, lying on federal forms to buy a gun and being an undocumented immigrant in possession of a gun.

Sarnacki says sending gun criminals to federal instead of state prison has saved Utah \$4.5 million in the past four years in housing costs alone.

mcanham@sltrib.com

Hagop Jake Kuredjian

<http://www.fbi.gov/ucr/killed/2001leoka.pdf>

Law Enforcement Officers Killed and Assaulted 2001

On August 31 at 8:40 a.m., a 40-year-old deputy with the Los Angeles County Sheriff's Department was shot and killed in a tactical situation that involved assisting agents from the Bureau of Alcohol, Tobacco and Firearms (ATF) who were serving a search warrant. Officers from the U.S. Marshal's Office, who were also present with the ATF agents, requested personnel from the Sheriff's Office to supply a uniformed presence while they served the search warrant. ATF agents had served a similar warrant to the subject a year earlier, and the subject had cooperated with them. However, this time when the agents announced their presence and purpose, the suspect refused to comply and began firing at the officers. A request for additional assistance was broadcast, and the veteran deputy, who was a motorcycle officer with 17 years of law enforcement experience, responded to the call. When the deputy, who was wearing body armor and a motorcycle helmet, arrived at the scene, he moved toward the residence to seek cover while the assailant was shooting at the officers from a second story window. The suspect fatally shot the victim deputy in the front of the head with a .223-caliber automatic rifle. The 35-year-old male then engaged in an intense gunfight with the other officers. The officers introduced tear gas into the residence, and one of the hot canisters caused a fire to erupt. The suspect, who had an extensive criminal record, died at the scene as a result of injuries he received during the gunfight and ensuing fire.

<http://www.odmp.org/year.php?year=2001&Submit=Go>

<http://www.odmp.org/officer.php?oid=15756>

Deputy Sheriff Hagop Jake Kuredjian

Los Angeles County Sheriff's Department, CA

End of Watch: Friday, August 31, 2001

Weapon Used: Rifle; Automatic

Suspect Info: Killed in fire

Deputy Kuredjian was shot and killed as he, another deputy, and federal agents attempted to serve a warrant on a man for impersonating a police officer, and for possessing a firearm as a convicted felon. When officers arrived at the residence in an affluent neighborhood, the man came to the door several times but refused to come outside. As the officers attempted to gain entry through a window, the man opened fire with an automatic rifle, striking Deputy Kuredjian in the head. The suspect then held other officers at bay for several hours before his house caught fire and burned to the ground. The suspect had previously been a police officer.

Deputy Kuredjian had been with the Los Angeles County Sheriff's Department for 17 years.

<http://davesweb.cnchost.com/stevenson.html>

It's Beginning to Sound a Lot Like Waco

Dave McGowan, September 4, 2001

When the ATF comes to town, things just seem to have a way of getting out of hand. Consider the shootout that occurred in the exclusive Stevenson Ranch neighborhood in Santa Clarita, California (a northern suburb of Los Angeles) on August 31, 2001.

According to the official story, agents of the Bureau of Alcohol, Tobacco and Firearms and the U.S. Marshal's Service, along with officers from the Los Angeles County Sheriff's office, arrived that morning at the home of James Allen Beck, allegedly to serve a search warrant in conjunction with an investigation into charges that Beck had been impersonating an officer and was in possession of illegal firearms.

As the team of roughly a dozen officers approached the house, Beck reportedly opened fire on them with an automatic weapon, thus beginning a shootout/standoff with the authorities that lasted for several hours, ending when Beck's home burned to the ground after being blasted full of tear gas. By that time, officers from the California Highway Patrol and the Los Angeles Police Department had joined in the siege.

One of the officers involved, Sheriff's Deputy Hagop "Jake" Kuredjian, was killed with a shot purportedly fired by the suspect, who died as well in the fire that consumed his home. No one else was injured in the raid and the various agencies involved patted themselves on the back for another job well done. Unfortunately, there are many unanswered questions.

When and how exactly did Beck 'open fire' on the officers?

According to the initial report in the *Los Angeles Times*, Beck "opened fire through his front door after federal agents and two sheriff's officials tried to serve a search warrant at his home." (1) A spokesman for the U.S. Marshal's office, William Woolsey, claimed that "We were attempting to serve a search warrant ... and the guy opened up on us. He opened fire. Automatic weapon fire." (1)

That very same report though has Woolsey telling a different story: "After Beck fired one round, Woolsey said, the officers backed off and Beck yelled, 'My girlfriend is coming out through the garage, don't hurt her.' An unidentified woman emerged from the home, and sheriff's officials said Friday night that she was being questioned ... With his girlfriend gone, Beck resumed shooting after yelling at the officers not to hurt his dog." (1)

Firing a single round hardly qualifies as "automatic weapon fire," and it hardly seems likely that the officers wouldn't have sought cover and returned fire immediately had a shot been fired. A report in the *Los Angeles Daily News* painted a much different picture of the initial confrontation: "agents tried to knock down the door, then gunfire erupted as officers tried to go through a window." (5)

That was largely the story being told by CNN as well: "When agents tried to enter the house through a window, authorities said, Beck opened fire on them with an automatic weapon." (11) The CNN report also claimed that Beck "came to the door a couple of times and refused to come out." (11)

A slightly different version of events appeared in an *Associated Press* report: "Authorities said Beck answered his door about 8:30 a.m. Friday but stormed back inside after a few words from officers. Witnesses said he began shooting when they shouted for him to come out and tried to break down the door." (17) The *Daily News* had the gunfight beginning somewhat earlier, at 8:15. (5)

The *Associated Press* carried a report that stated that: "The man fired hundreds of shots at the start of the standoff, when agents tried to arrest him for allegedly impersonating an officer," (16) though an *AP* report just a few days later claimed that: "The total number of rounds fired was unclear and authorities would not give an estimate." (18)

What then really transpired in the initial encounter between the officers and the suspect? Did Beck come to the door or didn't he? Were there words exchanged before shots were

fired or weren't there? Did Beck fire a single shot or a volley of automatic weapon fire? Were the officers attempting to gain forced entry into the home or were they still approaching the house? Officials have offered nothing in the way of clarification.

Exactly when, and by whom, was Deputy Kuredjian killed?

The majority of the reports on the shootout implied, or stated outright, that Kuredjian was one of the officers who made the initial approach to the house and was killed in the first exchange of gunfire. A *Times* report, for instance, held that: "Beck ... opened fire on a team of law enforcement agents, killing one of them, as they approached his house to search it for illegal firearms." (3)

The *Daily News* claimed that: "Kuredjian, 40, died in the first moments of the confrontation when he assisted about a dozen U.S. marshals and agents of the federal Bureau of Alcohol, Tobacco and Firearms in trying to arrest James Allen Beck on charges of impersonating an officer and of being a felon in possession of weapons." (5)

A separate report in the very same edition of the *Daily News* had a much smaller force approaching the house: "Beck shot and killed Los Angeles County sheriff's Deputy Hagop "Jake" Kuredjian on Friday while he and five other officers attempted to search Beck's Stevenson Ranch home, believing Beck had been stockpiling weapons and impersonating an officer." (7)

The version of events presented by CNN.com was that: "Deputy Hagop "Jake" Kuredjian was killed Friday morning as a man suspected of federal weapons violations opened fire on agents of the Bureau of Alcohol, Tobacco and Firearms and local authorities." (13) ABC said that: "Deputy Jake Kuredjian was shot as he tried to serve Martin (sic) Beck a warrant for his arrest at his Santa Clarita, Calif. home at 8:30 a.m. on Friday." (12)

In fact though, Kuredjian was not on the scene when the first shots rang out, but arrived there, according to the *L.A. Times*, "after responding to a call of shots fired." (1) The same *Times* report explained that: "Kuredjian, on patrol in the area, was shot as he was getting off his motorcycle, which was parked behind a large red sport utility vehicle several houses away from Beck's home, authorities said." (1)

Sheriff's spokesman Lt. Carl H. Deeley echoed that account: "He stopped four doors east of the suspect's house. He took cover behind vehicles and was shot almost immediately after getting here." (1) A follow-up report by the *Times* verified the earlier report: "The deputy arrived a few minutes after the shooting started and was hit almost immediately, as he crouched behind an SUV four houses down from the Beck home, officials said." (9)

What we are to believe then, apparently, is that the suspect opened fire on a group of twelve or more agents from close range and yet failed to hit any of them [the *Times* reported that there were "no other injuries," (1) while the *Daily News* noted that "One ATF agent suffered an injury to his wrist in the battle" (5)], and then proceeded to pick off officer Kuredjian with a single shot to the head from some 150-200 feet away while the officer was *behind an SUV* and, according to the *Times*, "wearing a motorcycle helmet." (10)

Sounds perfectly reasonable to me. A comment made by Kuredjian's superior provided further indication that the deputy was not initially a part of the operation. The *Daily News* reported that: "[Santa Clarita Sheriff's station chief Don] Rodriguez said he was unclear how or why Kuredjian was selected to accompany two U.S. marshals and two agents with the Bureau of Alcohol, Tobacco and Firearms in the attempted search of Beck's Brooks Circle home." (4)

Rodriguez was clearly baffled by the disinformational reports claiming that Kuredjian had joined in the initial assault upon the home. What appears to have happened was that the deputy had the grave misfortune of being on patrol in the immediate vicinity of the siege and responded too quickly to the reports of shots fired, or possibly was even close enough to have heard the shots himself. Arriving at the perimeter of the operation "within minutes," (10) he was killed almost immediately.

On Sunday evening, September 2, NBC News reported that: "The *Associated Press* reports that an L.A. County Sheriff's official said that it's not determined who fired the deadly shot." (8) The *AP* report in question had begun: "The investigation into a deadly California standoff has raised questions about whether the suspect fired the bullet that killed a deputy or whether the officer was mistakenly hit by a fellow lawman." (18) Included was the following statement by Sheriff's Sgt. Paul Patterson: "I am quite sure that is something we're going to look into, because it's not clear he was shot by Beck." (18)

This report was quickly met with a flurry of official denials. A statement issued by the Sheriff's Department referred to it as: "an unfortunate piece of prevarication that smacks of tabloid journalism." (13) Deeley stated flatly that "There isn't even a remote chance that friendly fire was the cause of death of Deputy Kuredjian," (13) and "Without a doubt, it was Beck who shot him." (10)

On the NBC News' broadcast, a stammering Lt. Deeley asserted that: "There is absolutely no doubt that the fatal shot fired at Deputy Jake Kuredjian came from suspect James Beck, and I'll give you two of the reasons right now. The angle of the shot and where Deputy Kuredjian was hit came from above and the angle proves that the shot did come from suspect Beck and that second story of his house. And also during negotiations ... he apologized for shooting the deputy." (8)

The media was quick to fall in line with the position of the various police agencies. The *Los Angeles Times* reported that: "Preliminary autopsy and ballistics findings confirm that a Santa Clarita Valley gunman who held officers at bay Friday fired the shot that killed a deputy, Los Angeles County sheriff's officials said Monday." (10)

The *Daily News* joined in with: "The Los Angeles County Coroner's Office found Saturday that based on the trajectory of the bullet, there was no doubt that Kuredjian had been shot from above. That rules out the possibility that surfaced this weekend that the deputy was shot by another law enforcement officer by mistake." (14)

CNN featured the following quote from Deeley: "The homicide bureau has stated that the trajectory of the bullet and the wound, where it was, proved that the bullet came from the second floor of the house, fired by suspect Beck," and also repeated the claim that Beck had acknowledged and apologized for the shooting of Kuredjian. (13)

Both of these claims though are transparently fraudulent, though they went unchallenged by the various media representatives. The very same Lt. Deeley had been quoted just the day before as saying that "No one saw Beck shoot Jake. People right next to him just saw him go down. There were so many shots going off; it's hard to tell where they [we]re coming from." (9)

Hard to tell where they were coming from? How many possibilities are there? Considering that there was only one suspect, and he was said to have been in the house throughout the siege, that sort of limits the possibilities. All the other shots, one would assume, would be directed *toward* the house.

As for the claim that the angle of the shot proved that it was fired from the house, there would be no way of determining that fact since, as Deeley had already acknowledged, no one had seen the officer get shot. Therefore, there was no way of knowing how the officer's head was oriented when the fatal bullet struck him. The path that the bullet traveled through his head was a function of both the angle of the shot and the orientation of the target. Without knowing which direction he was looking, and whether he had his head tilted either up or down or left or right, it is simply not possible to determine where the shot originated from.

That didn't stop the *L.A. Times* from claiming that "A sheriff's investigation found that the bullet that struck Kuredjian in the head traveled in a 'steep downward arc' from the second floor of Beck's home," (10) again according to Lt. Deeley. Lt. Raymond Peavy, of the Sheriff's Homicide Division, added that "No other officers [other than Beck?] were at that high of a level." (10)

This was, it should be noted, a rather odd choice of words considering that Beck was not, according to official reports, an officer. It should also be noted that even if the shot had been fired from the second-story window of the home, it would have only placed the shooter perhaps 15 feet above the target at a distance of 150 feet or more.

The angle of such a shot would hardly be a "steep downward arc," but would in fact be so slight that it would be negated by even a slight tilt of the head. If, however, Kuredjian had been crouching as some reports maintain, and he had been shot by someone standing nearby, then the bullet would indeed have followed a steep path downward.

As for the claims that the suspect took responsibility before being incinerated, no evidence was produced to support that contention. The suspect, of course, was dead, and so in no position to confirm or deny the claims. As these statements attributed to Beck were made over the phone though, they would undoubtedly have been taped if they had in fact been made. There is little doubt that if the Sheriff's office had such statements on tape, they would have been quickly released to the news media.

The *L.A. Times* attempted to introduce yet one more piece of alleged evidence to support the stance of the authorities: "About the time Kuredjian was shot, authorities also reported hearing a boom louder than any of the previous rounds of gunfire and seeing a puff of smoke coming from the second-floor window." (10) Perhaps that is supposed to explain how the bullet got through a large vehicle and a helmet before ripping into Kuredjian's brain.

As the evidence now stands, all indications are of a death by 'friendly fire' that wasn't all that friendly. All that can be said for sure though at this point is that "Autopsy results Saturday showed that Kuredjian died of a single gunshot wound to the head," and that "Kuredjian arrived a few minutes after the shooting started and was hit almost immediately." (15)

How did the fire start and why did it so quickly devour the house?

Initial reports held that: "sheriff's deputies blasted as many as 15 tear gas canisters into the Beck home. Top-ranking sheriff's officials ordered the tear-gas barrage, aiming it at the home's second story, after Beck allegedly shot Kuredjian from a second-floor window." (1)

This report is, we should note here, very deceptive. In truth, the barrage didn't come until *several hours* after Kuredjian was shot and killed, as the *Daily News* acknowledged: "After a four-hour standoff, the man's house burst into flames – either from tear gas

fired by officers or because he set fire to it." (5) Of course, the various department spokesmen denied there was any connection between the firing of the canisters and the fire.

The *Times* noted that "Although the use of tear gas has controversial associations with fires, a sheriff's spokesman said investigators did not think the canisters had ignited the fire." (1) Sheriff's Deputy Harry Drucker added that "They believe that the fire was started by the suspect and wasn't started by tear gas." (1) CNN stated flatly that: "James Beck died in the fire he set Friday." (11)

Indeed, the speed and ferocity with which the fire engulfed the home hinted that perhaps neither the tear gas nor the suspect were to blame – some of the canisters fired at the home could well have been incendiary charges (we are talking about the ATF here). According to the *Daily News*, "The blaze erupted on the second floor of the home at 11:51 a.m. Friday." (6) Less than an hour later, "By 12:40 p.m., the entire second floor was gutted." (1)

By 3:00 p.m., the fire was declared to be out, and Beck's home had been reduced to "a blackened foundation." (5) The complete destruction of the home was hastened by the fact that "As [the home] burned with an armed man barricaded inside Friday, police and firefighters stood by and just watched." (6) An *Associated Press* report agreed that "Firefighters stood by as the fire engulfed the house in the upscale neighborhood." (16)

Firefighters did though, "working from a distance, [protect] the houses on either side while Beck's house burned to the ground." (5) The Fire Department didn't take action, according to the *Times*, until "about 12:30 p.m.," at which time "sheriff's and fire officials decided to direct a water-spraying aerial ladder and a hose on Beck's house." (9) Prior to that time, Sheriff's deputies purportedly "would not allow firefighters to come near the house to douse the flames because of safety concerns." (11)

Strangely though, the department had arrived on the scene in force nearly four hours before that, just after the shooting began and more than three hours before there was any indication that their services would be needed: "County fire officials responded to the incident with four engine companies, a truck company and two paramedic squads at about 8:37 a.m., [Los Angeles County Fire Department spokesman Mike] Brown said." (9)

Why was this warrant being served? And why was it served in a raid on the home?

As a neighbor pointed out, "No one tells us anything ... We saw [Beck] walking his German shepherd at all hours of the day. Why wouldn't they serve him [with the warrant] then?" (9) A perfectly valid question, and one that was echoed by other neighbors. Authorities were in fact well aware that Beck was in the habit of taking his dog on frequent walks, during any one of which he could have been served the warrant without incident.

It was claimed that the search warrant arose out of tips from neighbors who had grown suspicious of Beck and reported those suspicions. He had allegedly bragged to them of working for the U.S. Marshal's Service or for the FBI and also claimed to be stockpiling weapons. When the *L.A. Times* talked to those in the area, they found that "most neighbors said they found nothing sinister about Beck." (1) An *AP* reporter found that "Some neighbors described him as social and generally nice," and that "Several residents of the upscale neighborhood said Beck often socialized with them." (17)

Who then were these neighbors whose fears prompted the search? The answer may well lie in the demographic make-up of the Stevenson Ranch development, and of Santa Clarita in general – it is loaded with cops. As the *Times* reported, “Fully 10% of Los Angeles police officers live in Santa Clarita, more than live in the city they patrol.” (2)

To illustrate the density of the police population, the *Times* told the story of a Beverly Hills publicist who, when he “moved his young family to Stevenson Ranch two years ago, the real estate agent assured them ‘You couldn’t go more than three houses without running into a police officer.’ Sure enough, his neighbors include a sheriff’s deputy and an LAPD officer.” (2)

Was it local law enforcement personnel who had ‘reported’ the alleged claims being made by Beck? And if not, then why were they not the ones to whom their fellow neighbors reported their suspicions, rather than improbably phoning them in to the U.S. Marshal’s office and the Bureau of Alcohol, Tobacco and Firearms? If you live in a police ‘ghetto,’ do you really need to place calls to these agencies to report a suspected crime?

A report in the Sunday *Times* noted that: “The specific reasons for the search are laid out in an affidavit by a federal agent that was shown to a federal prosecutor and a federal judge, both of whom approved the search.” The same report though added that: “[Southern California head of the ATF Donald] Kincaid said the affidavit was sealed and he would not discuss its specifics.” (9)

Was there an arsenal of weapons and ammunition in the suspect's home?

Of primary concern, according to officials, was the alleged arsenal of weapons being assembled by Beck. There are serious doubts, however, about whether such a cache existed. As the *Times* pointed out, the fire that destroyed Beck’s home would likely have caused the ammunition to “explode, spraying the area with bullets.” (1) Reporters on the scene observed that “There was no indication that any such explosions occurred.” (1)

There is also doubt about whether law enforcement officials really believed that such a cache existed. One report held that after the second floor of the house gave way to the fire at 1:15 p.m., “Some of the SWAT team members began taking off their helmets, apparently convinced that Beck could no longer be a threat.” (1)

While it may well be true that Beck was no longer a threat at that time, a large cache of ammunition on the ground floor would still have posed a considerable threat, not only to the officers, but to anyone else in the general vicinity of the siege. And the fact that law enforcement personnel had adopted a strategy of igniting the house in the first place strongly suggests that they didn’t seriously consider the possibility that the residence was stockpiled with ammunition.

Officials did ultimately claim to have found a number of firearms in the smoldering embers of Beck’s home. Included on that list were “three assault rifles ... including an AK-47 and AR-15, as well as a shotgun, a .380-caliber semiautomatic pistol and other handguns.” (9) Notably absent from that list was the “automatic weapon” with which Beck had allegedly opened fire to begin the shootout.

Who exactly was James Allen Beck?

One thing that is known is that he was a former police officer himself. In 1987, he had been accepted onto the Arcadia police force. He was let go just over a year later, for reasons that remain unclear. The chief of the Arcadia force, Dave Hinig, provided only vague answers for reporters, citing confidentiality laws.

Approximately two years after leaving the Arcadia force, Beck "begun racking up a long string of arrests and convictions." (3) According to the *L.A. Times*, he was "first convicted in 1990 for receiving stolen property—a Remington 870 shotgun and a .25 caliber Baretta. He was also convicted of grand theft, firearms violations and fraudulent use of someone else's credit card, on which he charged more than \$1,300. He was sentenced to two years in state prison." (3)

"In the years that followed, Beck was arrested numerous other times: on suspicion of possession of firearms, receiving stolen property, carrying firearms in public, impersonating a police officer and being a felon in possession of an assault weapon. He was again sentenced to prison, this time for four years, law enforcement and court records show." (3)

The rather obvious question begged here is: how was it possible for him to *again* be arrested, convicted and sentenced to prison when he should have already been in prison, serving the sentence that he had already received? As the story continues, we find that "In late 1992, Beck was convicted again, of first degree residential burglary with the intent to commit larceny. Court documents say he broke into a trailer. That time, he was sentenced to six years in state prison." (3)

By this time Beck had apparently racked up prison sentences totaling twelve years, and yet had by all appearances not yet served any of that time. He was either a very lucky man, or he had some people in high places looking out for him. Following the 1992 conviction, "It is not known what became of Beck ... or how he was able to afford to move into Stevenson Ranch in November." (3)

As it turns out though, law enforcement officials were well aware of Beck's whereabouts at least a year before the siege on his home. As ATF chief Kincaid revealed, his "bureau had conducted a similar search a year ago at a different address, which Kincaid could not specify." (9) This revelation came about as authorities scrambled to explain how the serving of a search warrant had veered so wildly out of control.

Kincaid explained that because of that earlier encounter with the suspect, "the ATF had reason to believe that Beck would be cooperative Friday morning." (9) Because of this, spokesmen claimed, "The violence that claimed the life of a Los Angeles County sheriff's deputy in the Santa Clarita Valley caught authorities off guard." (9)

What this report failed to note was that the initial officers on the scene had "arrived about 5 a.m." (5) What the officers were doing at the location for over three hours before allegedly first approaching the house was not explained. You would think though that that would have provided them with ample opportunity to assess the situation and be prepared for a confrontation with the suspect.

Nevertheless, the scene reportedly quickly degenerated into "such chaos that officers fired not only at the suspect but into homes on both sides of his, officials said Saturday." (9) According to Sheriff's Captain Ray Leyva: "We did hit the houses on either side. I don't know exactly what was happening at the time, I don't know how well [the deputies'] aim was, but they were returning fire and trying to rescue someone, so I'm sure they were hitting things during the battle." (9)

Excuse me? He didn't know how well his officers' aim was? You would think that - being that these are men who are trained, authorized and have been qualified to carry and use firearms - they would at the very least be able to, quite literally, hit the broad side of a fucking barn. I would venture to guess that most people, even those who have *never* fired a gun, could hit a large two-story house from across the street.

Nevertheless, "The two houses next door to Beck's ... [were found to be] pocked with numerous bullet marks." (9) There are three possible explanations for this. The first was already mentioned – that the officers aim was, shall we say, a little off. That hardly seems likely.

The second is that the various departments involved were so thoroughly incompetent and reckless that they just opened fire without having any idea of what they were supposed to be firing at. If so, that is a most disturbing scenario, especially given that one of the homes being riddled with gunfire was at the time occupied by "a couple and their 30-hour-old newborn." (15) The baby's father told reporters that "The shots came through our [front] window and into our house." (9)

The third possibility is perhaps the most disturbing of all – that these homes were deliberately targeted to create the impression that a two-way gun battle was raging, when in fact the only shots being fired were those fired by the officers. Such a strategy would serve to insure that any potential witnesses were forced to take cover or evacuate, and would therefore be unable to observe what was happening around the Beck home.

Authorities in fact made a concerted effort to evacuate the neighborhood, ostensibly for safety reasons, though the only bullets that appear to have entered any of the neighbors' homes were those fired by the officers on the scene. ABC reported that "Law enforcement officials urged several Santa Clarita residents to leave their homes when the standoff began," (12) and the AP added that "Authorities evacuated about 100 people from the neighborhood." (17)

Perhaps there is a similar explanation of claims made by the *Times* that Beck had been "allegedly firing not only at police on the ground, but at police and news media helicopters." (1) It is not beyond the realm of possibility that the shots were fired to keep the media at bay during the early stages of the operation, and fired by someone other than Beck.

What we have here then, or so it would appear, is a case of a search warrant that could have been peacefully served but wasn't, thereby leading to a gunfight in which it was unclear how the first shots were fired, and during which an officer was killed by 'friendly fire,' with the standoff ending when the building under siege was completely destroyed by a fire of uncertain origin. Now, where have I heard this story before

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17. "Man Involved in California Shootout had Worried Neighbors," *Associated Press*, September 1, 2001
18. "Standoff Investigation Raises Questions About Who Fired Bullet That Killed Deputy," *Associated Press*, September 3, 2001

http://www.cephasministry.com/news_another_waco.html

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Body amid the ashes

By Bhavna Mistry

STEVENSON RANCH -- Sunday, September 2, 2001 - Human remains believed to be those of James Beck were found Saturday in the burned shell of his Stevenson Ranch home where he barricaded himself during a deadly gun battle that left deputy Hagop "Jake" Kuredjian dead, officials said.

The remains were found among the soot and rubble of the collapsed two-story home shortly after noon.

ATF agents [The mission of the Bureau of Alcohol, Tobacco and Firearms (ATF) is vital to reducing violent crime, protecting the public, collecting revenue, and providing ... Description: The ATF is a law enforcement organization within the United States Department of Treasury.] and fire personnel sift through the rubble left after the fire (Shaun Dyer / Daily News)

The body was surrounded by a bulletproof vest and two heavily burned assault rifles in the back of Beck's Brooks Circle home.

"This will bring some closure in this situation," said Capt. Don Rodriguez, who heads the Santa Clarita sheriff's station. "We are still waiting for positive confirmation that this is the suspect."

Kuredjian was killed by a single gunshot wound to the head shortly after 8:30 a.m. Friday as he came to assist deputies and federal agents serving a search warrant at Beck's home, officials said.

"Many of us hoped that this was all a nightmare when we woke up this morning, and we would come to work and find Jake smiling," said Lt. Carl Deeley of the Los Angeles County Sheriff's Department, his eyes full of tears as he remembered his co-worker and friend. "But obviously, that's not what happened."

Body and dental X-rays will help confirm if the remains are Beck's and an autopsy will determine a cause of death, said Lt. David Smith with the Los Angeles County Coroner's Office.

Also found among the ashes of the home were more weapons, ammunition, a floor safe from which a water damaged photograph was retrieved and a law enforcement badge.

Also burned inside the garage were two sport utility-type vehicles, one containing even more firearms, including a rifle with a scope, eight bullet holders from various caliber weapons and a semiautomatic pistol.

Local and federal officials began a search for Beck's body and other evidence at daylight Saturday.

After being checked and rechecked, remnants of the home were placed into large donated trash containers. As they were moved in and out of the typically quiet neighborhood, neighbors pulled up lawn chairs and watched with their children.

Others in the northern Los Angeles County neighborhood gathered in groups and spoke of the previous day's events that left the community in shock and disbelief.

While some of the material collected at the home will be thrown away, the remainder was transported to Pitchess Detention Center in Castaic where it is being saved for evidence.

"It's a long, painstaking process," Deeley said.

Some of the deputies who were involved in the shootout Friday returned to the home Saturday morning to revisit the scene where one of their own was gunned down.

"Deputies are trying to make some sense out of this," said an emotional Rodriguez who hugged fellow deputies, friends and well-wishers who had gathered outside the Brooks Circle home. "It's been extremely difficult. We're still in shock. "

Rodriguez said he was grateful for the community's overwhelming support for Kuredjian and his department.

"We're all family, we all live and work here," Rodriguez said. "We all love Jake and will never forget him."

It was a tip from neighbors that led federal agents to Beck's home in search of firearms that he had boasted about.

With a criminal record, Beck, 35, was not allowed to possess weapons, officials said.

Beck had been a police officer but was dismissed from the Arcadia Police Department in 1988, officials said.

Authorities said Beck was jailed twice in the last 10 years for committing crimes ranging from burglary and auto theft to possession of unlawful weapons and impersonating a police officer.

After he killed Kuredjian, Beck continued his sporadic shooting and refused to negotiate with authorities, officials said. Tear gas was used to force him into the lower portion of the home and get him to surrender.

Shortly after noon a fire broke out in the second story of the home. The cause of the fire is still under investigation.

Australia reports:

Waco fear in siege inferno

By Darrel Giles, Los Angeles

Herald Sun News, Australia 02sep01: ... Sheriff's deputy Harry Drucker said authorities believed Beck torched the house, but were trying to determine whether the tear gas started the fire.

There was a chilling similarity to the Branch Davidian standoff at Waco in 1993 when tear gas and stun grenades set fire to the compound and more than 70 people – including cult leader David Koresh – died in the blaze.

The garage door opened just before midday and officers expected Beck to escape the burning building.

But it closed soon after and there was no further sign of the gunman.

As flames licked through the collapsing roof, fire trucks using neighboring homes as shields poured streams of water on the blaze.

Firefighters kept their distance, fearing they could become targets of the gunman.

Police sources said Beck had a ground-to-air missile in his stockpile of weapons and threatened to use it.

Neighbors were ordered from their homes along with 1200 children from Stevenson Ranch Elementary School.

Teri Cerino, who lives across the street from Beck, watched the drama unfold from her first-story window.

"They started yelling at him to come outside. He came to the door and said he didn't want them to hurt his dog," she said.

"He went back in the house and he closed his door."

Beck's girlfriend left the house early in the standoff and is being held as a witness, deputies said.

Beck, 35, had convictions for burglary and impersonating a police officer, William Woolsey of the US Marshals Service said.

He worked for the Arcadia Police Department for a year, but was fired because he did not pass his probation test, chief Dave Hinig said.

Stevenson Ranch is an exclusive area of million-dollar homes 50km north-west of downtown Los Angeles.

<http://www.saveourguns.com/beck001.htm>

Officers shot at wrong house in L.A. siege

By Carol Chambers and Josh Meyer, Times Staff Writer

Posted September 1 2001, 10:50 PM EDT

SANTA CLARITA, Calif. -- An eruption of violence that claimed the life of a Los Angeles County sheriff's deputy took authorities off guard, plunging a quiet neighborhood into such chaos that officers fired into houses on both sides of the suspect's, officials said Saturday.

The extent to which officers were surprised in the Friday morning raid was evident Saturday in the charred ruins of James Allen Beck's home, where investigators found a body believed to be that of the former police officer and convicted felon.

Federal agents were serving a search warrant on Beck's house when he allegedly responded with gunfire, triggering a gun battle that ended when his home caught fire and burned to the ground.

In addition to Beck's body, authorities said they found several assault rifles, a handgun and large amounts of ammunition in the ashes of his home.

Authorities say Beck shot sheriff's Deputy Hagop "Jake" Kuredjian. An autopsy Saturday determined that the officer had died of a bullet wound to the head.

Relatives of Beck in the San Diego community of Scripps Ranch released a statement saying the family was "deeply saddened by the death of Deputy Kuredjian. We would like to offer our condolences to the deputy's family and to the entire police community on their tragic loss," the statement said.

"We are struggling to come to terms with James' actions and do not understand what caused him to do what he did," the statement said.

Residents of surrounding homes in the Stevenson Ranch subdivision were full of questions in the aftermath of the tragedy, and some were critical of the way in which a simple legal maneuver — the serving of a search warrant — quickly escalated into a violent inferno that appeared to threaten the entire neighborhood.

The questions zeroed in on the tactics used in the siege and fire, with suggestions that the incident verged on chaos as law enforcement officials struggled with a dangerously out-of-control situation.

Law enforcement officials, while acknowledging that they were surprised, said it was too early to answer many of the questions raised by the incident. They also said the only person to blame for the explosion of violence was Beck, who was under investigation for impersonating a U.S. marshal and for being a felon in possession of a firearm.

A man who lived across the street from Beck said he saw sheriff's deputies firing at a home next door to the suspect's.

"I hollered out the window, 'You're shooting at the wrong house!' " said the man, who spoke on condition of anonymity. "They must have heard us or something, because I could hear one of the deputies say, 'Is it the house with the Explorer?' And another guy says, 'No, the one next to it.' "

Capt. Ray Leyva, commanding officer of the sheriff's Headquarters Bureau, acknowledged that deputies fired at that house, as well as the house on the other side of Beck's.

"We did hit the houses on either side," he said. "I don't know exactly what was happening at the time, I don't know how well (the deputies') aim was but they were returning fire and trying to rescue someone so I'm sure they were hitting things during the battle."

The two houses adjoining Beck's — at least one of which was occupied, by a couple and a baby, during the shooting — were pocked with numerous bullet marks.

Friday morning's operation was carried out by two U.S. marshals and eight agents of the federal Bureau of Alcohol, Tobacco and Firearms. Three sheriff's deputies accompanied them for support. Once the gunfight began, the Sheriff's Department rushed in reinforcements and took charge.

The Southern California head of the ATF offered some answers to residents' questions Saturday and defended his agency's role in the raid.

Donald Kincaid said the ATF had reason to believe that Beck would be cooperative Friday morning. The reason for their confidence, he said, was that the bureau had conducted a similar search a year ago. And on that occasion, after federal agents called Beck on the telephone, he came outside and cooperated fully.

On Friday, Beck greeted agents very differently, refusing to come outside, and then firing a fusillade of automatic weapons fire at them as they advanced on the house, authorities said. That forced agents to scramble for cover on Beck's front lawn and call for back-up, and he still kept firing.

Early in the battle, he allegedly shot and killed Kuredjian, who suffered a head wound while trying to provide cover to deputies pinned down in the fuselade, authorities said.

Kincaid called Beck's response "unanticipated resistance," and acknowledged that it took his agents by surprise, even though they had prepared extensively for the search.

"We don't just go to Dunkin Donuts, talk about it for three minutes and show up at the house," said Kincaid. "We did what we thought was best based on intelligence and prior dealings with this individual, which was to call him on the phone and ask him to come out."

The specific reasons for the search are laid out in an affidavit by a federal agent that was shown to a federal prosecutor and a federal judge, both of whom approved the search. Kincaid said the affidavit was sealed and he would not discuss the specifics it contained.

Dozens of investigators picked through the rubble that was Beck's house on Saturday, ultimately finding what they think are the badly charred remains of his body — encased in a bulletproof vest and lying on an assault rifle — as well as that of his dog.

<http://www.metnews.com/articles/shrf121901.htm>

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Wednesday, December 19, 2001

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Sheriff's Report on Santa Clarita Shootout Asks More Questions Than It Answers

By KIMBERLY EDDS, Staff Writer

The results of a three-month investigation by the Sheriff's Department released yesterday on a late summer shootout in a Santa Clarita housing tract which left a sheriff's deputy and the suspect dead asked more questions than it answered, and the report failed to reach a conclusion.

Numerous questions that can only be answered by the Bureau of Alcohol, Tobacco and Firearms, which was in charge of the operation, must be answered before the Sheriff's

Department investigation can be complete, according to a statement released by the department.

"Until then, we cannot adequately assess the whole situation or operation," the statement said.

Most notably the department wants to know if the ATF jeopardized the operation, and placed a sheriff's deputies in fatal danger, by violating its own plan once 35-year-old James Allen Beck barricaded himself inside of his Stevenson Ranch home.

Also in question is whether the ATF considered other tactical options for serving the warrant such as "surveillance" or serving the warrant away from Beck's house and if the operation met all ATF standards for planning, operations and implementation. The department also wants to know if the ATF considered "worst case scenario contingency planning."

The ATF is currently conducting its own investigation of the incident, a sheriff's department spokesman said.

The report, which was a result of an internal investigation of the Sheriff's Department, was presented to the county Board of Supervisors yesterday afternoon in closed session. Sheriff Lee Baca did not attend the briefing, Deputy Darren Harris said, but Undersheriff William T. Stonich was present.

Supervisors did not immediately return calls for comment.

The gunfight began early Aug. 31 after federal agents, along with two assisting sheriff's deputies from the Santa Clarita Valley Station, tried to execute a federal search warrant Beck.

When agents tried to serve the warrant Beck barricaded himself inside his home and refused to come out.

The gun battle went on for four hours with 18 sheriff's deputies and seven federal agents firing at least 555 rounds of ammunition, according to the report. It is unknown exactly how many shots were fired by Beck.

Beck had three prior convictions for burglary, receiving stolen property and possession of an assault weapon.

Among those questions the department still needs answered is did the ATF conduct a thorough threat assessment of Beck? Was the threat assessment accurate?

According to the department's report, Beck had "hundreds, if not thousands," of rounds available to him in his house.

ATF agents begin surveillance on Beck's home on Brooks Circle at 6:30 a.m., almost two hours before attempting to serve the warrant.

Two U.S. Marshals, eight ATF agents and an assisting sheriff's deputy and sergeant arrived on the scene at 8:20 a.m. with ATF agents deploying around the house and sheriff personnel stand by their vehicles which are parked in front of Beck's house.

It was not until Beck barricaded himself in his house that the supervising ATF agent authorized his agents to try to ram Beck's door open. After several unsuccessful attempts, an ATF agent tries to enter a window and a shot is fired from inside the house.

According to the report, Beck begins firing from an upstairs window and authorities begin exchanging fire with him after an ATF agent hiding behind a wheel of an SUV in the driveway yells he is hit.

The sheriff's sergeant on the scene calls the Santa Clarita station and asks for assistance. Sheriff's Deputy Hagop "Jake" Kuredjian was among the many officers who rushed to the scene to respond to a call of shots fired.

Just five minutes after his arrival, Kuredjian is shot in the head by Beck while behind a SUV parked next door to the suspect's house.

After exchanging gunfire with Beck members of the Special Enforcement Bureau SWAT Team fire tear gas canisters into the house at 11:42 a.m. and minutes later the second story of the house begins to burn. As it burns, gun shots can still be heard coming from inside the house until the roof collapsed.

Beck's remains were later found in the debris.

The Sheriff's Department is currently in the process of developing a Memorandum of Understanding with the ATF and the U.S. Marshal's Service to establish protocols for serving future search and arrest warrants.

The department will also participate in mutual training exercises with the ATF and U.S. Marshal to practice for future joint operations.

<http://www.metnews.com/articles/stev103002.htm>

Metropolitan News-Enterprise
Wednesday, October 30, 2002
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County to Pay \$200,000 to Families Caught Up in Stevenson Ranch Shootout

By a MetNews Staff Writer

The county Board of Supervisors yesterday agreed to pay \$200,000 to two families who narrowly missed being injured in a 2001 shootout that ended with the deaths of a convicted felon and a Los Angeles sheriff's deputy.

On a 3-1 vote, the board approved payments of \$167,500 to Marilyn and Philip Lombardi and \$37,500 to Steve Rizzo and his four-year-old daughter, Taylor. Both families were neighbors of James Allen Beck, who opened fire on sheriff's deputies and federal agents when they were trying to serve a search warrant on him at a home in the Stevenson Ranch area of the Santa Clarita Valley.

The Lombardis took cover with their newborn daughter in their bathroom for several hours during the siege as deputies mistakenly fired into their home. Steve Rizzo, who initially alerted federal agents that Beck was holding himself out as a U.S. marshal, called 911 and asked that he and his daughter be evacuated from their house. But officials removed them only after tear gas used on Beck began to seep into the Rizzo home.

Beck burned to death when his house caught fire. Deputy Hagop "Jake" Kuredjian died of bullet wounds believed to have been inflicted by Beck.

The money will come from the Sheriff's Department budget.

Supervisor Michael Antonovich yesterday criticized the execution of the search warrant and the lack of coordination between the Sheriff's Department and agents of the federal Bureau of Alcohol, Tobacco and Firearms.

"The bottom line is that this was not a well-executed operation," Antonovich said. "Sheriff personnel were unaware of the address of the suspect and shot at the houses on either side."

Antonovich noted that both the sheriff and the ATF had conducted a force review and that both have changed their policies and are "committed to increased coordination efforts in the future."

The supervisor said the sheriff will refuse to assist the ATF in the future without advance written notice of a plan.

Gloria Molina voted against the settlement. Zev Yaroslavsky was absent for the vote.

The federal government previously settled with both families for \$100,000.

The Aug. 31, 2001 shootout began when federal marshals tried to serve a search warrant on Beck, who had aroused his neighbors' suspicions with his large gun collection and claims that he was a deputy federal marshal.

When agents from the U.S. Marshals Service and the ATF tried to serve the warrant, with help from sheriff's deputies, Beck began shooting at them. During the ensuing standoff, deputies just arriving on the scene mistakenly fired into the Lombardis' house, thinking it was the source of the gunfire.

The Lombardis have settled a separate claim with the county regarding extensive damage to their home.

<http://newsandviews8.tripod.com/news/090801.html>

Questions Raised in Fiery Standoff

By Associated Press

September 8, 2001, 12:12 PM EDT

LOS ANGELES -- Federal agents knew for more than a year that a convicted felon had illegally bought thousands of rounds of ammunition, but didn't serve a search warrant until last week, The Los Angeles Times reported Saturday.

The disclosure raises questions about the investigation leading to a deadly standoff that began when officers tried to serve a warrant at the home of James Allen Beck on Aug. 31. Los Angeles County Sheriff's Deputy Hagop "Jake" Kuredjian was shot and killed, and Beck barricaded himself in his home and died in an ensuing fire.

Search warrant affidavits unsealed in response to a federal Freedom of Information Act request showed that a federal Bureau of Alcohol, Tobacco and Firearms agent learned in July 2000 that Beck had bought \$1,513.34 worth of ammunition and gun paraphernalia from a Pasadena gun shop.

ATF agents also were told by neighbors that Beck had been stockpiling guns at his home in an upscale Santa Clarita neighborhood, the Times reported.

Bernard J. Zapor, assistant special agent in charge of the ATF's Southern California division, told the Times that he could not discuss why the bureau waited 14 months before conducting its search for illegal weapons. An internal review of the shootout is ongoing, Zapor said, and the agency will not comment until it is completed.

The ATF has said there was no reason to believe that Beck would open fire on law enforcement officers serving the warrant.

The Sheriff's Department is conducting a separate homicide investigation into Kuredjian's death. The investigation has raised questions about whether Kuredjian was shot by Beck or another officer.

Beck, 35, a convicted felon who allegedly impersonated a U.S. marshal and was building a weapons cache, was on parole at the time of the shootout following three convictions for burglary, receiving stolen property and possession of an assault weapon.

Donald Kenneth Bond

<http://www.fbi.gov/ucr/killed/2001leoka.pdf>

Law Enforcement Officers Killed and Assaulted 2001

A Hamilton County Sheriff's deputy on routine patrol was checking on a closed local business when he was ambushed and killed approximately 1:40 a.m. on September 6. The 35-year-old deputy, who had been in law enforcement for more than 2 years, did not report any unusual patrol activity, but an eye witness described the incident to authorities. Based on the witness's account and further investigation, officers determined that a man was apparently hiding behind a pickup truck parked in the parking lot. After the deputy exited his vehicle, the man fired multiple rounds from a 7.62x39 mm semiautomatic rifle striking the victim deputy multiple times above and below his body armor including one fatal shot to the front of his head. The mortally wounded deputy attempted to return fire, but his shot did not hit the offender. Investigators believe that the assailant fired additional rounds into the deputy's body after he died. Before fleeing the scene, the shooter took the front chest panel of the deputy's body armor and his service weapon. He apparently attempted to steal the deputy 's vehicle as well but failed to get it in gear. Approximately 6 hours later, officers arrested a 31- year-old male at his residence, located about 2 miles from the crime scene. The front chest panel of the deputy 's body armor and the deputy 's weapon were located during a search of the suspect 's home. The man, who had an extensive and violent criminal history, was charged with First-Degree Murder.

<http://www.odmp.org/year.php?year=2001&Submit=Go>

<http://www.odmp.org/officer.php?oid=15759>

Deputy Sheriff Donald Kenneth Bond

Hamilton County Sheriff's Department, TN

End of Watch: Thursday, September 6, 2001

Weapon Used: Rifle; AK-47

Suspect Info: Sentenced to death

Deputy Bond was shot and killed while investigating suspicious activity at a produce store in the early morning hours. He had cleared from a call at 0130 hours. At 0220 hours, dispatchers attempted to reach him via radio and phone, but were unsuccessful. Officers began searching for him and located his body at the produce stand.

Apparently, after clearing from the first call, he noticed suspicious activity at the produce stand, and began to investigate it without calling in.

A suspect had opened fire with an AK-47, striking Deputy Bond nine times. After the shooting, the suspect stole the front panel of Deputy Bond's vest and his service weapon. Informants gave investigators the name and address of the suspect, who was arrested the next morning as he left his house. Officers observed the suspect throw Deputy Bond's gun and vest panel from his back porch before apprehending him. The suspect was convicted of capital murder and sentenced to death by lethal injection.

<http://www.vpc.org/studies/010906.htm>

Section Three: Selected Incidents of Law Enforcement Officers Killed in the Line of Duty by Assault Weapons, 1998 Through 2001

Date: September 6, 2001

Location: Hamilton County, Tennessee

Assault Weapon: MAK 90 assault rifle

On September 6, 2001, Hamilton County Sheriff's Deputy Donald Bond, age 35, was shot and killed when he stopped at a fruit and vegetable stand to check on a suspicious vehicle. When Deputy Bond did not respond to a 2:18 AM call from his dispatcher, an alert was sent out to locate him. A fellow deputy found Bond dead beside his patrol car, shot multiple times with an MAK 90 assault rifle. Later that morning, acting on a tip, a SWAT team evacuated the suspect's street and waited for a chance to make an arrest. After observing Marlon Duane Kiser, age 31, throw out a front panel of body armor and Deputy Bond's service weapon, police arrested Kiser and charged him with first-degree murder. Kiser is awaiting trial in the case.

Mike O'Neal and Gary Tanner, "Suspect Held in Deputy's Death," Chattanooga Times Free Press, September 7, 2001; "Law Enforcement Officers Killed and Assaulted, 2001," Federal Bureau of Investigation; "Courts News Digest," Chattanooga Times Free Press, February 18, 2003.

<http://www.timesfreepress.com/2001/sep/11sep01/WEBLN11Bondfuneral.html>

Emotional farewell for quiet public servant

By Gary Tanner, Staff Writer

The attention might have embarrassed the earnest man whose funeral brought hundreds of police officers, sheriff's deputies, firefighters and others together Monday in Collegedale and Chattanooga, friends said.

But the ceremonies and public displays of support surrounding the burial of Hamilton County Sheriff's Deputy Donald K. Bond will go a long way toward helping his family and fellow officers recover from the hurt of his shooting on Thursday, said the Rev. L.W. Litchfield, pastor at Collegedale Academy, from which Deputy Bond graduated in 1984.

"Did you see the guy with the poster that said, 'Thanks for what you do?'" Mr. Litchfield asked those at a memorial service for Deputy Bond at Chattanooga National Cemetery. "Chattanooga was saying something to this family and to every single officer."

Mr. Litchfield was referring to the people who lined the route of the funeral procession from Collegedale, where the funeral was held, to the national cemetery on Holtzclaw Avenue in Chattanooga. Those people were holding flags, signs of support or just standing to pay respects to the fallen officer.

"I think that they put their lives on the line for us, and I think everybody should pay their respects," said Kenny Qualls, who stood at the Belvoir Avenue overpass to watch the funeral procession.

As the memorial ceremony was being conducted at the cemetery, several people stood at the side of Central Avenue to watch.

Deputy Bond, 35, was shot to death sometime between 1:25 a.m. and 2:18 a.m. on Thursday, when he stopped at a fruit-and-vegetable stand off East Brainerd Road to check out a suspicious truck parked there, Sheriff John Cupp said.

Marlon Duane Kiser, 31, has been charged with first-degree murder and is being held in the Hamilton County Jail.

Monday was a day for Deputy Bond's family and the public-safety community to honor him with traditional, elaborate rituals. His funeral was at 12:30 p.m. at Collegedale Seventh-day Adventist Church, followed by a memorial service at Chattanooga National Cemetery.

At the cemetery, the first glimpse those who had arrived early got of the funeral procession was of two officers on horseback, trailed by a riderless horse, representing the lost officer, Deputy Bond. It was 30 minutes later before all the patrol cars, fire engines, ambulances and other emergency vehicles in the procession were parked.

The uniformed officers at the cemetery stood silently and saluted as Deputy Bond's casket and members of his family moved past for the memorial ceremony.

An honor guard gave Deputy Bond a 21-gun salute and a white dove was released. As bagpipers played "Amazing Grace," honor guard members folded the U.S. flag that covered his casket. Sheriff Cupp presented the flag to Charity Bond, the slain deputy's widow.

At the end of the memorial service, a long bugler played "Taps," which was followed by a flyover by law enforcement helicopters.

Many of the officers in attendance wept as Deputy Bond's casket and Charity Bond and her family were escorted past after the ceremony.

The day's events showed that Deputy Bond's life and the work public safety workers do "matter," Mr. Litchfield said.

"Donald was a quiet guy, but his emotions and heart went deep," he said at the funeral.

Sheriff Cupp said at the funeral that Deputy Bond would want the department to learn from his death.

"Had there been a second backup there would have been two funerals," Sheriff Cupp said. "Had there been a third backup, there would be three funerals."

Police officers from Chattanooga, the Tennessee Valley Authority and other agencies took over patrols and emergency dispatch duties for sheriff's department employees so that all of them could attend the services, said Charles Riggs, a dispatcher who had worked with Deputy Bond.

Sheriff's officers who were scheduled to work after the services returned to their jobs.

Portions of Interstates 75 and 24 were closed for the funeral procession.

Staff writer Dick Cook contributed to this report.

E-mail Gary Tanner at gtanner@timesfreepress.com

<http://www.newschannel9.com/vnews/1068942262/?keywords=link>

Mike Chattin Fingers Marlon Kiser As Cop Killer

Story by John Pless on Sat, Nov 15th 2003 (7:24 PM)

Marlon Kiser's former roommate gave emotionally charged testimony Saturday, describing how Kiser allegedly bragged about killing Hamilton County Sheriff's Deputy Donald Bond.

Prosecutors with the Hamilton County District Attorneys Office have now rested their capital murder case against Marlon Duane Kiser.

He's the man charged with killing Hamilton County Sheriff's Deputy Donald Bond back in September 2001.

During the last week expert witnesses testified they have linked evidence from the crime scene to Kiser.

Saturday Kiser's former roommate, Mike Chattin, told jurors Kiser confessed to the killing.

Chattin said his roommate knocked on his bedroom door about 2:30 in the morning of September 6, 2001, waking him and his girlfriend Carol Bishop.

"And I says what? And it was Duane. He says hey guy I need to talk to you," Chattin told the jury.

Testimony shows that an hour before that wake-up call, Deputy Bond was murdered about a mile away on East Brainerd Road.

Chattin said Kiser then got him to come into his bedroom.

"He had his gun laying on the bed, and a bullet proof vest and a pistol," Chattin said.

"He told me he killed a policeman, probably one of Sams' friends. He says guy, I've been wanting to tell you, I'm a killer. He says that you don't know how much strain, stress relief it gives you. He says it makes you feel so good," Chattin continued.

Kiser's former roommate at times choked up with emotion as he testified. People who packed the courtroom listened in stunned silence.

"He told me how he picked him [Bond] up and pulled him, and pulled his vest off. But he told me how it come apart. He said he didn't know it was in two pieces. And he showed me how, when he picked him up how his arms and head done, how his body done. Told me how it hit the ground and he's laughing and grinning, and he told me how it made him feel so good that he picked him up and did it again," Chattin said.

Chattin says he and his girlfriend became terrified, and worried that Kiser might try to do something to them because they knew about crime.

They decided to slip away, and came up with a story about going to breakfast so that Kiser wouldn't get suspicious they would call police, according to Chattin.

Testimony shows about a half hour passed between the time Chattin and his girlfriend left the house and when he called 911 on his cellphone. Chattin said they stopped at a store for gas, and tried to call a friend who is a police officer. Chattin said he only got his friend's voice mail, and then called 911.

A recording of that call to Chattanooga-Hamilton County 911 at 3:54 a.m. was played in court.

The recording began with this exchange between Chattin and a dispatcher: "I need need to talk to a policeman, or something, I've got to, ah, my roommate said that he had shot a policeman."

The dispatcher responded: "Oh my God! Hold on, hold on!"

Within a few moments numerous uniformed and plain clothes officers arrived at a Golden Gallon store on East Brainerd Road.

One of the first officers to arrive was William Curbin. He said Chattin appeared nervous and "obviously extremely upset, shaking all over. Legs and arms were trembling, chain smoking cigarettes."

On cross examination Kiser's attorney, Executive Assistant Public Defender Karla Gothard, asked Chattin "did you kill Deputy Bond?"

Chattin responded "no ma'am."

Gothard questioned Chattin's truthfulness, and got him to confirm he was a user of cocaine, crack, marijuana and methamphetamine.

Gothard is expected to argue that Mike Chattin killed Bond, and Monday she begins presenting her case in Kiser's defense.

Gothard said she will call witnesses to talk about the drugs they sold to Chattin.

She is also expected to argue that Chattin was jealous about how his now ex-wife allegedly considered an affair with a police officer, and had a motive to kill an officer.

Once Kiser's defense rests their case next week the Nashville jury begins its deliberations.

If they find Marlon Kiser guilty a second hearing will follow, and the jury will decide whether Kiser will spend the rest of his life in prison or die by lethal injection.

http://www.chattanooga.com/articles/article_44032.asp

Kiser Refiles Civil Lawsuit Against Three Police Officers

posted December 1, 2003

Marlon Duane Kiser has refiled a federal civil lawsuit against three city police officers on police brutality.

An attorney said the case was refiled at the time Kiser was undergoing trial for the murder of Deputy Donald Bond. He was convicted and given the death penalty.

Kiser agreed to dismiss the case after he was arrested in the Bond case. But he had reserved the right to refile it.

He sued Officers Daniel Hooten, Frederick Allen and Daniel Anderson. Only Anderson is still with the city police. He testified at the Kiser trial, telling of taking Kiser into custody as part of a SWAT Team.

Kiser had been set to go to trial Sept. 17, 2001, before Federal Judge Curtis Collier in the case.

In that case, attorney Jerry Tidwell had filed a motion asking that Kiser undergo a psychiatric examination.

He said in the motion that Kiser has been in and out of mental institutions for a number of years and been involved in numerous violent incidents.

"He has an extensive and well-documented history of violence and mental illness," attorney Tidwell said.

He said his history of violence began when he was kicked out of Tyner High School for getting in three fights within a month.

Attorney Tidwell said in a fight in 1993 with Billy Harris, Kiser was stabbed eight times with a knife.

He cited instances in which he said Kiser threw a rock through the window of his girlfriend's mother, beat a man so badly that "his cranial bones were exposed," and in April 1989 fought 12-15 police officers during a field sobriety check.

He said Kiser at one time "threw his wife from a boat in a fit of rage" and another time strangled her until she lost consciousness.

At the Silverdale Workhouse, he fought 14 other inmates, and at another time in jail he "body slammed" another prisoner.

Attorney Tidwell said, "He has an alarming tendency to fight with police."

He said Kiser has difficulty remembering his past scrapes and also in taking medication prescribed to control himself.

The incident in which Kiser filed the civil lawsuit happened on Pineville Road on April 3, 1998. He was living there with several other individuals.

The suit says Officers Hooten, Allen and Anderson answered a call to the house.

The officers say that Kiser "verbally and physically assaulted" them.

Kiser claimed they maced him and beat him up. He said he required six stitches above his eye and his nose was fractured. He said afterwards he "had trouble sleeping and suffered paranoia."

Attorney Tidwell initially represented officers Hooten and Allen.

Kiser lived in several parts of the country, including Oswego, N.Y., and Myrtle Beach, S.C., prior to returning to Chattanooga.

http://oakridger.com/stories/112003/sta_20031120019.shtml

Man found guilty of murder in Hamilton deputy shooting

CHATTANOOGA (AP) - A Chattanooga man was found guilty Wednesday night of first-degree murder in the 2001 shooting death of a Hamilton County Sheriff's Department deputy.

A jury from Davidson County deliberated for about three hours before delivering the verdict to Criminal Court Judge Steve Bevil. The jury found Marlon Duane Kiser guilty of all three counts listed in his indictment - premeditated murder, murder in the commission of a theft and murder in the commission of arson.

Prosecutors are seeking the death penalty.

The penalty phase of the trial is scheduled to begin Thursday.

In closing arguments Wednesday, District Attorney Bill Cox said the evidence "overwhelmingly points to Marlon Kiser" as the person who gunned down deputy Donald Bond on Sept. 6, 2001.

"No amount of filibustering, no amount of talk can change the evidence in this case," he said.

Executive Assistant Public Defender Karla Gothard and defense lawyer Howell G. Clements argued that Kiser's roommate, James Michael Chattin, could have killed Bond because Chattin believed his wife was having an affair with the deputy or another law enforcement officer.

Tina Hunt, now Chattin's ex-wife, previously testified that she has never dated an officer. Cox said no evidence exists that Hunt ever dated Bond, and there is no evidence pointing to Chattin as the shooter.

Bond's body was discovered by sheriff's deputies at about 2:30 a.m. in the parking lot of a grocery store after he failed to answer radio calls. Chattin testified Saturday that he called police after Kiser woke him up bragging about killing an officer.

"He said, 'I killed a police officer, and it was a stress reliever,'" Chattin testified.

Chattanooga police SWAT team members also testified that they watched Kiser through high-powered rifle scopes as he dumped part of a bulletproof vest, a .40-caliber handgun and several articles of clothing over a balcony at a house about a mile from the crime scene shortly before his arrest.

Investigators testified that Bond was missing part of his Kevlar vest and his .40-caliber service revolver when his body was found. Federal and state forensic experts testified that Kiser's DNA and body hairs were detected in the clothing.

Kiser's fingerprints also were found on a truck that had the deputy's blood on it, according to testimony. About 10 shell casings found at the crime scene and several bullet fragments recovered from Bond's body were fired from Kiser's MAC-90 assault rifle, according to TBI ballistic experts.

Jason Matthew Baker

<http://www.fbi.gov/ucr/killed/2001leoka.pdf>

Law Enforcement Officers Killed and Assaulted 2001

A deputy with the Marion County Sheriff's Department was shot at 7:30 p.m. on September 17 during a traffic pursuit. The 24-year-old deputy with over 2 years' law enforcement experience attempted to make a traffic stop and pursued the vehicle when the driver refused to pull over. Another deputy joined in the pursuit. One of the occupants of the fleeing vehicle, armed with a rifle, jumped from the vehicle near the beginning of the chase. Another occupant of the vehicle fired several shots at the officers with a 7.62x39 mm semiautomatic rifle. The deputy, who was following directly behind the fleeing vehicle, was shot in the head with one of the rounds. The victim deputy, who was wearing body armor, died later that day from the gunshot wound. The assisting deputy continued to follow the suspect vehicle and was joined in the pursuit by officers with the Indianapolis Police Department. The pursuit ended when the driver of the suspect vehicle crashed through a fence at a residence and the occupants fled on foot. The pursuing officers discovered military paraphernalia and a rifle in the abandoned vehicle. They then established a perimeter and began searching the area. The driver of the vehicle, who had fled into a nearby wooded area, fired on police and a police helicopter that was called in to assist. The 20-year-old male was shot to death during the confrontation. A 30-year-old officer with the Indianapolis Police Department was wounded in the fray. The officer, with nearly 3 years' law enforcement service, was transported to a local hospital where he was treated for a gunshot wound to his left leg. One of the vehicle's occupants, a 19-year-old male, fled to a house in the area and was arrested just before 7 a.m. the following morning and charged with Murder. Two other passengers of the vehicle, an 18-year-old male and a 20-year-old male, who were determined to be unarmed during the entire incident, were also apprehended on September 18 and charged with Resisting Law Enforcement.

<http://www.odmp.org/year.php?year=2001&Submit=Go>

<http://www.odmp.org/officer.php?oid=15765>

Deputy Sheriff Jason Matthew Baker

Marion County Sheriff's Department, IN

End of Watch: Monday, September 17, 2001

Cause of Death: Gunfire

Weapon Used: Rifle; AK-47

Suspect Info: One shot and killed

Deputy Baker was shot and killed following a high speed chase of four suspects. During the chase, two of the suspects in the vehicle with AK-47 rifles opened fire, causing severe damage to Deputy Baker's patrol car. This caused him to drop from the lead position in the chase. The suspect's vehicle turned a corner and stopped, and the men inside setup an ambush from inside of their car. When Deputy Baker turned the corner, the suspects opened fire, striking Deputy Baker.

One of the suspects was shot and killed the next morning after exchanging shots with officers for eight hours. The other three suspects were apprehended and sentenced to life without parole. The shooter was sentenced to life plus 100 years. The man who provided the weapons to the suspects was sentenced to 40 years in prison.

<http://www.vpc.org/studies/010917.htm>

Section Three: Selected Incidents of Law Enforcement Officers Killed in the Line of Duty by Assault Weapons, 1998 Through 2001

Date: September 17, 2001

Location: Indianapolis, Indiana

Assault Weapon: AK-47 assault rifle

On September 17, 2001, Marion County Sheriff's Deputy Jason Baker, age 24, was killed during a car chase and gun battle. On his way to a report of a domestic dispute, Deputy Baker tried to make a traffic stop. The driver refused to stop and a chase ensued. Allen Dumperth, a convicted felon, and Michael Shannon, both age 20, fired at Baker from their fleeing car. When Baker's fellow officers found him, he was dead from a gunshot wound to the head. The front and rear windows of his patrol car were shot out. After crashing his car, Dumperth was shot and killed by members of the police SWAT team. Shannon later pleaded guilty in court to shooting Deputy Baker.

Vic Ryckaert, "Role in Deputy Death Brings 40 Years; 21-Year-Old Bought the Assault Rifles Used by 2 Men Accused in Slaying of Jason Baker," *Indianapolis Star*, April 11, 2002.

<http://www.theindychannel.com/news/966564/detail.html>

TheIndyChannel.com

Sheriff's Department Mourns Fallen Deputy

Calling Hours For Baker Are Thursday; Services Friday

POSTED: 4:58 p.m. EST September 19, 2001

UPDATED: 1:50 p.m. EST September 20, 2001

INDIANAPOLIS -- The Marion County Sheriff's Department is getting some help in dealing with Monday's slaying of Deputy Jason Baker, 24.

Baker was fatally shot while pursuing four men in a car. The chase and subsequent shootouts prompted police to close off a neighborhood near 38th Street and Keystone Avenue.

One suspect was killed and two bystanders and another police officer were injured. The last suspect was accounted for when he was arrested around 7 a.m. Tuesday.

Area residents have responded to Baker's death with gestures of sympathy. The sheriff's department parked a cruiser outside of its downtown headquarters and covered it with black bunting, which members of the public started decorating the with flowers, cards and a balloon.

Calling hours for Baker were to be held Thursday from 2 to 8 p.m. at the Crown Hill Funeral Home, West 38th Street. The funeral was scheduled for Friday at Saint Luke's Methodist Church, West 86th Street, at 10 a.m.

To learn more about arrangements for Baker, get directions to the cemetery and sign a memorial guestbook, visit the Crown Hill Cemetery's Web site.

Investigators: Formal Charges To Come

Investigators on Wednesday said that they were building a criminal case against the men accused in Baker's slaying.

The county prosecutor's office said that it would file charges against the three remaining suspects within the next few days.

Sheriff's investigators said that all three have cooperated and have given statements.

Suspect Allen Dumperth, 20, of Indianapolis, was killed in the gunfire. Two other suspects, Joseph Beckman, 18, and Lance McManus, 20, bailed out of the car during the chase, police said.

Sheriff's investigators arrested McManus at his parents' east-side home just hours after the incident started. He was charged with a misdemeanor count of resisting law enforcement, and was released on his own recognizance.

Beckman, after bailing out of the car, called his mother for a ride, police said. He was arrested at his girlfriend's house in Indianapolis early Tuesday morning.

"Beckman alleges that he attempted to get out of the car but couldn't and when the car came to its final resting point, he did get out of the car and he fled and then called his mother," MCSD Investigations Deputy Chief Russ Tuttle said.

Police said that a fourth suspect, Michael Shannon, 20, had an assault rifle and fired some of the shots that struck two sheriff's vehicles, a police helicopter, and a police assault vehicle.

"Shannon admitted in his statement that he had fired the assault rifle at police officers," Tuttle said.

Police said that Shannon was arrested Tuesday morning when he attempted to flee the neighborhood by hiding in the back seat of a car driven by another man, Anthony Carter, 26.

For reasons still unclear to investigators, Baker attempted to pull the suspects' vehicle over near 52nd and Allisonville Road. Police said that the suspects' car fled at high speed, and that at least one of the men fired automatic weapons at the pursuing deputy.

Sheriff's investigators said witnesses told them that during the chase, suspects stopped near a north-side apartment complex, apparently waiting for the deputy to arrive. When Baker arrived, the witnesses said, suspects fired. Baker died at the scene.

For several hours, the gunman pinned down officers from three police agencies. A sheriff's SWAT team fatally shot Dumperth. Investigators found an assault rifle beneath his body.

http://www6.indygov.org/mcsd/memorial/Jason_Baker.htm

On September 17th, 2001, Marion County Sheriff's Deputy Jason M. Baker #232 was killed in the line of Duty. Deputy Baker was enroute to a disturbance when his attention was diverted by a vehicle which he attempted to investigate. The driver of the vehicle refused to stop and Deputy Baker pursued. The chase reached the intersection of 32nd and Brouse where suspects exited the vehicle. It was at this time that Deputy Baker was fatally wounded. By early the next day all suspects were located. Three were arrested and the fourth was found dead. On February 18, 2003, Michael Shannon pleaded guilty to killing Deputy Jason Baker. In return for pleading guilty Shannon will not face the death penalty, but will be sentenced to life in prison without the possibility of parole. Because he confessed to the killing he will not be able to appeal. He also pleaded guilty to two counts of attempted murder and other charges.

<http://www.indystar.com/library/factfiles/news/2001/sep.html>

Sept. 17 - Marion County Deputy Jason Matthew Baker was shot to death in a gun battle during which two civilians and an Indianapolis Police Department patrolman were wounded. He was the first officer from that department to die in the line-of-duty since two deputies were killed during a 1981 robbery.

<http://www6.indygov.org/pros/press/shannonplea.htm>

GUILTY PLEA ENTERED IN SHANNON CASE

INDIANAPOLIS--Michael Shannon this morning pled guilty to murdering Marion County Sheriff's Department Deputy Jason Baker and accepted a sentence of life without parole. He entered the plea just before his jury trial was to have begun in Marion Superior Criminal Court 2. Judge Robert Altice accepted the guilty pleas, entered judgement of conviction and set sentence for Mar. 19.

In exchange for the guilty pleas to charges of murder, two counts of attempted murder and resisting law enforcement, the State agreed to drop its request for the death penalty and accept a sentence of life without parole. As part of the plea agreement, Shannon waived any right to appeal his conviction.

Marion County Prosecutor Carl Brizzi said Shannon's attorneys offered the guilty plea Saturday. "This was the first time," he said, "that Shannon agreed to admit full responsibility for the killing of Jason Baker in open court." Brizzi explained that they discussed the offer with the families of Baker and John Hagen, who was wounded that same night. "We considered a couple of factors before accepting the agreement," he said. "First, the Baker family wanted closure. They wanted to be able to try to go on with the rest of their lives without being subjected to what might have been endless appeals, especially for the sakes of Jason's siblings. Secondly, this plea agreement guarantees that Michael Shannon will spend the rest of his life in prison. He will never be eligible for parole. There will be no appeals. Michael Shannon will never be a danger to anyone ever again.

Jerry Baker, Jason Baker's father, said, "The plea agreement has the support of myself, my family and the police officers who were closest to Jason, especially in that Shannon was willing to stand up and admit to what he did. I believe in all my heart right now that this is the correct decision. Michael Shannon will be out of our lives forever."

Steve Randall, first vice president of Fraternal Order of Police (FOP) Lodge #86, which represents law enforcement officers in Marion County, said, "Lodge President Vince Huber and I fully support the decision to accept the plea agreement, based on all of the facts of the case, the work of the Prosecutor's Office and the full consent and understanding of the Baker family. There is also a family of law enforcement officers, and as leaders of the FOP, we will always offer our continued support to the Baker family."

Shannon was charged in the Sept. 17, 2001, death of Baker, who died in a gun battle following a car chase that ended near 32nd St. and Brouse Ave. The chase started when the car Shannon was in refused to pull over for police near 52nd St. and Keystone Ave. In the melee, John Hagan, who had been sitting on the front porch of a house at 3143-B Brouse Ave., was shot through the head. Hagan recovered from his injuries. Marion

County Sheriff's Department officer Lawrence Conley, who also participated in the case, was fired upon by Shannon, but he was not hit.

The State originally charged five persons in connection with the shooting. Shannon's is the last case to be disposed. A jury found Joshua Meadows guilty of two counts of aiding a serious violent felon in possession of a firearm and false informing. He received a 40-year sentence. Meadows purchased the two assault rifles used in the shootings for Allen Dumperth, a convicted robbery who could not legally buy them. Meadows also initially lied to police when he claimed that someone had stolen the weapons.

Anthony Carter pled guilty to assisting a criminal and received two years in prison and two years on probation. Carter took Shannon away from the scene and allowed him to spend the evening in his home.

The State dismissed charges of resisting law enforcement against Lance McManus and Joseph Beckman when it was discovered that neither had taken an active role in the incident.

Dumperth was killed in the shootout.

<http://www.indystar.com/library/factfiles/news/2001/yearend/stories/justice.html>

Line of duty

The state of Indiana will try to add another inmate to its Death Row: Michael P. Shannon, accused of shooting to death Deputy Jason Baker of the Marion County Sheriff's Department.

Baker, 24, was shot in the head Sept. 17 as he chased suspects with high-powered assault rifles and flak jackets on the Near Northside. It was the department's first line-of-duty death in 20 years.

Suspect Allen Dumperth, 20, was killed in the shootout with police. Shannon, 19, is awaiting trial without bond in the local jail.

<http://venus.soci.niu.edu/~archives/ABOLISH/rick-halperin/apr03/0010.html>

Feb. 23, INDIANA:

Deputy's father OK'd deal for killer

Life without parole better than years of death penalty appeals, slain officer's dad says.

Jerry Baker battled for 17 months to make sure that the man who killed his son would pay with his life

But the night before Michael Shannon was to go on trial, Baker had a change of heart. He endorsed a plea bargain by which his son's killer would escape the death penalty but spend the rest of his life in prison

Baker had reasons of his own -- mainly to spare his family the repeated court appeals guaranteed anyone sentenced to death in Indiana. But there's also a dollars-and-cents practicality behind the increasing tendency among Indiana's prosecutors to opt for life without parole

In the decade since life without parole became an option, nearly 1/2 of death penalty cases filed and resolved statewide -- 37 of 78 prosecutions -- ended in a sentence of life without parole

Death penalty trials come with a hefty price tag. Although Shannon's trial ended before opening arguments, taxpayers spent nearly \$181,000 for his defense

Convictions often are reversed. Of 163 death penalty cases filed statewide since 1990, only 27 resulted in a death sentence

"From a practical standpoint," says Clark County Prosecutor Steve Stewart, "whenever you make a sentence as expensive and burdensome as they have the death penalty -- and when you increase the chances of reversals down the road -- you're always going to have less being filed." The death penalty has become far less likely in Indiana. Statewide, prosecutors asked for the death penalty 26 times in 1991. They asked for it four times last year

There are 41 inmates on Indiana's death row and 71 serving a sentence of life without parole

Shannon, 21, will be sentenced March 18. By pleading guilty, he waived his right to appeal

"This isn't about closure; it is about moving forward," Baker said. "This will never end if we don't end it." His son, Marion County Sheriff's Deputy Jason Baker, died Sept. 17, 2001, at the age of 24

Victims' families call the appeals process torture

Molly Winters' husband, Muncie police officer Gregg Winters, was shot five times in the head in December 1990 by a drunk he was taking to jail

Michael A. Lambert has been on Death Row since Jan. 17, 1992. Winters said she wishes the life-without-parole option had been available then

Every two or three years, Winters sits in the gallery of a court hearing and listens as defense attorneys tell a judge how Lambert has changed

Winters holds back her rage during those hearings, which last an hour or 2

Victims' families have no right to speak at these proceedings

"You watch him hug his family, look at his family photos, hear how his family goes to death row and visits him on holidays and birthdays," Winters said

"When my children and I want to visit Gregg, we go to the mausoleum." Life without parole didn't exist as a sentencing option until 1993

The change came as a compromise after the Indiana Supreme Court adopted rules designed to protect the rights of death penalty defendants

The additional safeguards, which included hiring two qualified defense attorneys, significantly increased the costs of a death penalty trial

A life sentence was offered as an alternative that protects the public without breaking the bank

Stewart, recognized statewide as an authority on death penalty issues, says the laborious and expensive court process hinders justice

"I guess it just (ticks) me off more than anything about how the system has failed miserably," Stewart said

"In the vast majority of cases, life without parole would satisfy me and the general public, but there are a certain few that deserve nothing less than the death penalty."

Marion County Prosecutor Carl Brizzi won office last year with tough talk about making criminals pay. He says the death penalty is still "an arrow in our quiver." "Two of the best lawyers in my office have been working on this case for over a year and a half," Brizzi said of Shannon's prosecution

"We drove Michael Shannon to the conclusion that he had to accept responsibility for his crime." When it comes to capital crimes, Brizzi said, each case must be weighed separately. While he will make the final call, Brizzi said, the wishes of the victims will always carry great weight in death penalty and other cases

"My office will continue to be a victim-centered office, always putting the needs of the victims and their families first in everything we do," he said

Brizzi's predecessor, former Marion County Prosecutor Scott Newman, said victims deserve to have a say in how crimes are resolved

"For so many years, victims were shunted aside as just another witness in the case," Newman said

"Victims feel powerless when their loved ones are taken. Prosecutors, by the way they handle the case, can help give some of that power back to them." Winters figures she will wait another seven to 10 years before Lambert exhausts his appeals. He came to the end of his state appeals last year but still has options in the federal courts

When Gregg Winters died from his wounds on Jan. 8, 1991, one of his children was 3; the other was 10 months

Winters said they will be young adults before justice is served

She sat next to the Baker family Tuesday as Shannon pleaded guilty

The killer told how he shouldered an assault rifle, fired until the magazine was empty, then reloaded and fired again, a total of 30 shots. She told Baker he made the right decision

"I am very much for the death penalty," Winters said later. "This is a very hard decision that you have to make and a very hard decision that you have to live with." But life without parole is an option that she wishes prosecutors had after her husband's death

"If we would have had the opportunity for life without parole, I probably would have said let's go for that," Winters said. "I would have been done with him." Jerry Baker said he supports the death penalty and believes Shannon deserves to die

He accepted life without parole for the sake of his surviving children. He doesn't want 13-year-old Wes, 14-year-old Gabrielle, or Sarah, 24, to face the appeals

"This was certainly a death penalty case," said Baker, a career police officer and former police chief in Albion, Mich. "I still believe when you weigh things out, I did the right thing." But he feels he might have let down his colleagues in law enforcement

"If it was just me, as a police officer, we would cast our lot and go forward," Baker said. "If there ever was a case that deserved the death penalty, this was it

"The decision to not go forward, as a police officer, will haunt me forever." (source: Indianapolis Star)

<http://www.carlbrizzi.com/news/display.php3?NewsID=70>

Man Pleads Guilty in Deputy's Death

Agreement halts Michael Shannon's murder trial; he faces life in prison without parole.

By Vic Ryckaert, vic.ryckaert@indystar.com, February 18, 2003

Sealing a deal to avoid the death penalty, 21-year-old Michael Shannon confessed in a crowded courtroom Tuesday that he repeatedly fired and reloaded an assault rifle to gun down a Marion County sheriff's deputy.

Surviving relatives of Jason Baker endorsed the plea agreement, which abruptly ended the murder trial just as opening statements were to begin. Shannon pleaded guilty to murder and faces a sentence of life in prison without parole.

"In this case, this is the best outcome that we would have gotten if we would have gone to trial," said the slain deputy's father, Jerry Baker.

"By doing this, he's out of our life forever."

Superior Court Judge Robert Altice accepted the agreement by which Shannon also pleaded guilty to two counts of attempted murder and one count of resisting arrest. Altice scheduled a sentencing hearing for March 19.

By pleading guilty, Shannon waived his right to appeal.

Jerry Baker, a former police chief in Albion, Mich., said that by avoiding the years long appellate process that accompanies death-penalty cases, he won't have to see Shannon in any more courtrooms -- watching him grow older with the knowledge that his son died at 24.

"We don't have to think about him. We don't have to worry about a hearing," he said, surrounded by his wife, two daughters and younger son. "It's not fair. It's not equal, but there's nothing that anyone can do in the judicial system that will give us back what we want, and that's my son."

A deputy for two years, Jason Baker was shot to death during a car chase Sept. 17, 2001. It's unclear why he began pursuing the 1983 Chevrolet Monte Carlo with Shannon, Allen Dumperth, Joseph Beckman and Lance McManus inside.

As part of the plea agreement, Shannon testified for about 10 minutes Tuesday morning about what led to Baker's death. His testimony was matter-of-fact, delivered with no apparent remorse.

He said the four were heading to the home of Beckman's cousin to sell him some marijuana when Baker tried to pull them over.

Shannon testified that he once had made a pact with Dumperth, agreeing to help him if he ever got in trouble with police.

Dumperth, a convicted robber, had skipped visits with his probation officer. Since the 9/11 terrorist attacks the week before, he had begun toting two assault rifles in his car.

When Baker's lights came on, Dumperth hit the gas. He slowed to let McManus jump out before any shots were fired. Beckman tried to leave but did not have enough time. "I picked up the AK-47 put it on the back of the seat and fired at the police officer," Shannon told the packed courtroom -- about 30 shots, he said.

He reloaded about halfway through the pursuit. "I knew what I was doing," Shannon said. Dumperth, 20, was killed in the shootout with police.

Marion County Prosecutor Carl Brizzi said Shannon's attorneys approached him with the plea agreement over the weekend. Brizzi thought about it, consulted with Baker's family and various law enforcement officials and decided it was the best possible outcome.

"We have a person who is 21 years old who admitted his involvement in this case and is going to spend the rest of his life in prison," Brizzi said. "He is never going to get out."

Shannon defense attorney Brent Westerfeld said no one won.

"Even if there had been a trial, no matter what the result, there still wouldn't necessarily have been any winners in the end because these people's lives have been changed forever," Westerfeld said.

"We can choose to make death the winner, and I just don't think that's good for us. There is already enough death in this world."

Shannon will be sent to one of the state's three most secure facilities: Indiana State Prison in Michigan City, Wabash Valley Correctional Facility in Carlisle or Pendleton Correctional Facility.

Call Star reporter Vic Ryckaert at 1-317-635-7592.

Billy Ray Walls & Chuck Morgan

<http://www.fbi.gov/ucr/killed/2001leoka.pdf>

Law Enforcement Officers Killed and Assaulted 2001

On November 13, two law enforcement officers with the Jessamine County Sheriff's Office were killed and one officer was wounded while attempting to arrest a man who had made threats against members of his own family. Approximately 9 a.m., the three officers arrived at the individual's house and served the warrant. They then escorted the suspect, who appeared to be finally cooperating with the deputies, into his home to get clothes and shoes. Suddenly, the man reached under his bed and pulled out a .30-caliber semiautomatic rifle and began firing at the officers. A 28-year-old deputy, with nearly 8 years of law enforcement experience, was shot in the chest and stomach. The fatal bullet entered the victim officer's chest through the armhole or shoulder area of his body armor. The second officer, a 51-year-old captain, was shot in the stomach. The captain, with nearly 12 years of law enforcement experience, was transported to a local hospital where he succumbed to his wounds on November 28. The third officer, who was seriously wounded during the encounter, shot the 75-year-old man. The suspect, who had no prior criminal history, died at the scene. The injured deputy eventually recovered from his wounds.

<http://www.odmp.org/year.php?year=2001&Submit=Go>

<http://www.odmp.org/officer.php?oid=15865>

Deputy Sheriff Billy Ray Walls III

Jessamine County Sheriff's Department, KY

End of Watch: Tuesday, November 13, 2001

Weapon Used: Rifle; M-1

Suspect Info: Shot and killed

<http://www.odmp.org/officer.php?oid=15869>

Captain Chuck Morgan

Jessamine County Sheriff's Department, KY

End of Watch: Wednesday, November 28, 2001

Weapon Used: Rifle; M-1

Suspect Info: Shot and killed

Deputy Walls and Captain Chuck Morgan were shot and killed by an elderly man as they and another deputy were serving a warrant for making a terroristic threat. As the three deputies entered the man's 150-square-foot houseboat the suspect opened fire with a semi-automatic .30 caliber M-1 carbine rifle. Deputy Walls was killed at the scene and Captain Chuck Morgan and the third deputy were seriously wounded. Captain Morgan succumbed to his wounds three weeks later. The deputies were able to return fire and kill the suspect. Over 20 rifles and handguns were found in the man's home.

<http://www.vpc.org/studies/011113.htm>

Section Three: Selected Incidents of Law Enforcement Officers Killed in the Line of Duty by Assault Weapons, 1998 Through 2001

Date: November 13, 2001

Location: Nicholasville, Kentucky

Assault Weapon: M1 carbine

Jessamine County Sheriff's Deputies Billy Ray Walls, age 28, and Chuck Morgan, age 51, were shot and killed, and another deputy was wounded, when they tried to serve a warrant for misdemeanor terroristic-threatening to Phillip Walker, age 75, on his drydocked houseboat. Walker had threatened to kill a family member with a gun. While in the houseboat with the deputies, Walker fired 11 shots from a 30-caliber M1 carbine, killing Deputy Walls and fatally injuring Deputy Morgan. Walker was killed in the gun battle.

Greg Kocher, "Man Who Killed Deputy Fired 11 Times Police Say," Lexington Herald Leader, November 15, 2001.

http://www.enquirer.com/editions/2003/09/06/loc_kydeputies06.html

Shootout that killed two officers analyzed

The Associated Press

NICHOLASVILLE, Ky. - Kentucky State Police have released a report that offers some insight into a shootout two years ago at a Jessamine County home that killed two police officers and the man to whom they were serving a warrant

Three Jessamine County sheriff's deputies went to Phillip Todd Walker's home to serve a warrant for terroristic threatening after Walker threatened to kill his nephew and other relatives

Capt. Chuck Morgan, Billy Ray Walls and Sammy Brown entered the home peacefully Nov. 13, 2001. Morgan told Walker that the warrant "was no big deal," just a misdemeanor, and that Walker would get out of jail quickly. Walker told the deputies that they "were just doing their job." Then Walker, seated on a bed, told the deputies that he had been drinking

At that point, according to a 129-page report released Thursday by state police, Walker reached under the bed and pulled out a gun in a case. Morgan repeatedly told Walker "to leave the guns alone." Walker pulled another from beneath the bed: an M-1 .30-caliber carbine, according to the report. He pointed the semiautomatic rifle at Brown, and then pointed it in Walls' direction, and shooting began

When it stopped, Walker, 75, and Walls, 28, were dead. Morgan, 51, was wounded and died 15 days later. Brown, 29, had been shot in the shoulder, head and hip, and needed months of physical therapy before he could return to work. Later inspection of Walls' and Morgan's guns revealed that neither had been fired

The report said Walker didn't want to go quietly

"It is clear that Phillip Todd Walker had no intention of being arrested on November 13th," Kentucky State Police Detective Monte Owens wrote. "It is apparent he had a plan, and although we will never know what thoughts he possessed, he succeeded in

thwarting the successful execution of the warrant for his arrest." Brown, who shot Walker, has been honored for his bravery in the shooting

<http://www.motorola.com/LMPS/pressreleases/page2076.htm>

TULSA, OKLAHOMA, June 20, 2002-The National Sheriffs' Association (NSA) named Deputy Sheriff Sammy Brown its 2002 winner of the Deputy Sheriff of the Year at the NSA Annual Conference and Exhibition. Deputy Brown serves with the Jessamine County, Kentucky Sheriff's Office

Deputy Brown will receive the award in a ceremony during the Conference opening session on Sunday evening, June 23, 2001. Oklahoma Governor Frank Keating will present the award with NSA President, Sheriff John Cary Bittick

The distinction is bestowed upon Deputy Sammy Brown for the extreme bravery he exhibited under fire on the morning of November 13, 2001. That morning, he and two other members of the Jessamine County Sheriff's Office went to a dry-docked houseboat to serve an arrest warrant on a man who had made repeated threats against a nephew's family. While they were attempting to serve the warrant, the man pulled a .30-caliber M-1 carbine rifle from beneath his bed and began firing. Deputy Billy Ray Walls was killed instantly. Also hit was Captain Chuck Morgan, who would die from his wounds 15 days later.

Deputy Brown was hit in the head, shoulder and hip. Despite this, he was able to fire back with his own weapon, hitting the man several times dead center. The man, whom authorities later learned was on drugs and alcohol, continued firing his rifle. Realizing that firing shots into the man's chest was seemingly having little effect, Deputy Brown aimed upwards. He put one round into the shooter's head, stopping the assault instantly. Meanwhile, Sheriff Joe Walker was on his way to the scene. He knew the deputies were there serving a warrant and became concerned when they did not respond to status checks. Then Deputy Brown alerted him to the fact that officers were down. Deputy Brown then managed to get to his cruiser and pull it onto the roadway so responding units would be able to locate the scene more easily

<http://www.courier-journal.com/localnews/2003/09/06ky/met-5-walker0906-5031.html>

Report sheds light on fatal shootout

Associated Press

NICHOLASVILLE, Ky. - State police have released a report that offers some insight into a shootout two years ago that killed two police officers and the man to whom they were serving a warrant in Jessamine County

Three Jessamine County sheriff's deputies went to Phillip Todd Walker's home to serve a warrant for terroristic threatening after Walker threatened to kill his nephew and other relatives

Capt. Chuck Morgan, Billy Ray Walls and Sammy Brown entered the home peacefully on Nov. 13, 2001. Morgan told Walker that the warrant "was no big deal," just a misdemeanor, and that Walker would get out of jail quickly. Walker indicated that he understood and told the deputies that they "were just doing their job." Then Walker, seated on a bed, told the deputies that he had been drinking

At that point, according to a 129-page report released Thursday by state police, Walker reached under the bed and pulled out a gun in a case and laid it on a small table. Morgan repeatedly told Walker "to leave the guns alone." Walker pulled another from beneath the bed - an M-1 .30-caliber carbine, according to the report. He pointed the semiautomatic rifle at Brown, and then pointed it in Walls' direction and shooting began

The shootout left Walker, 75, and Walls, 28, dead. Morgan, 51, was wounded and died 15 days later. Brown, 29, had been shot in the shoulder, head and hip, and needed months of physical therapy before he could return to work. Later inspection of Walls' and Morgan's guns revealed that neither had been fired

The report said Walker didn't want to go quietly

"From the information gathered by all those who participated in the investigation, it is clear that Phillip Todd Walker had no intention of being arrested on November 13th," Kentucky State Police Detective Monte Owens wrote. "It is apparent he had a plan, and although we will never know what thoughts he possessed, he succeeded in thwarting the successful execution of the warrant for his arrest." The report said the deputies had decided to serve the warrant inside Walker's home after they saw Betty Holman, who had lived with Walker for 15 to 20 years, leave the beached houseboat Walker lived in

Walker initially pointed the M-1 at Brown, but he did not shoot because Holman, who had re-entered the houseboat, was standing near Brown, the report said

Walker then pointed the gun in Walls' direction and shot him. As Walker continued to fire, Brown took cover behind a small stove but was shot in the left shoulder. Brown drew his .40-caliber Glock on Walker, who had opened fire on Morgan. Brown, who also had been shot twice in his right hip, then shot Walker, who continued firing. An autopsy found 15 gunshot wounds in Walker's body

After the shooting stopped, Brown asked Holman, who had run from the house, to get help. He went to the house of a neighbor, who drove Brown toward town

On the way, they met an ambulance, but Brown told Doug Johns, Walker's neighbor, to keep driving so emergency personnel could assist the fallen officers. Later, Johns flagged down a state police cruiser driven by Trooper Cindy Langer, and Brown got in with her

Brown has been honored for his bravery in the shooting

Brown had "more courage than anyone I've ever seen in 24 years," said Lt. Mark Merriman, who supervised the state police investigation. "Given the trauma and stress and the fact that he was seriously wounded at the time, and the fact that he witnessed his fellow officers go down, he could have just given up, but that man wanted to survive." Last year Brown was named National Deputy Sheriff of the Year by the National Sheriffs Association for his bravery under fire