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INVESTIGATIVE FINDINGS AND REPORT

BY: Dave Clark

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RE: Officer involved shooting of February 29, 2012

THE INVESTIGATION

As a result of an officer involved shooting on February 29, 2012, this office initiated an investigation into the events of the shooting at the request of Anderson County Sheriff, Paul White. The shooting involved two Anderson County deputies: Jonathan "Adam" Bryant (hereinafter, "Deputy Bryant" or "Bryant") and Corporal James Daniel "J.D." Powell (hereinafter, "Corporal Powell" or "Powell") (Powell was an Investigator at the time but now is a Corporal). This office asked the Tennessee Bureau of Investigation to be the lead agency in conducting the investigation. The response to the scene was aided by a number of agencies that provided a variety of assistance they included: the Tennessee Highway Patrol, the Clinton Police Department, the District Attorney General's office, the Oak Ridge Police Department, the Claxton Volunteer Fire Department and the Anderson County Medical Examiner's office. The investigation was thoroughly and professionally completed by Tennessee Bureau of Investigation and led by Special Agent Darren DeArmond. An investigative report has been filed with the District Attorney General. The following is the District Attorney General's conclusions and a summation of the investigative report.

SUMMARY OF INVESTIGATION

On February 29, 2012 there was a report of theft in the nature of a fuel purchase drive-off from a gas station in Lake City, Tennessee in the vicinity of an I-75 exchange. Evidence at the scene, including video surveillance footage, identified the vehicle as being a Ford truck that had been reported stolen from Indiana. The truck was occupied in Lake City by a male and female who matched the description of the Indiana theft suspects. Reports from Indiana indicated that at the time of its theft, the truck belonged to a veterinarian and contained a handgun and shotgun as well as injectable drugs. The Anderson County Sheriff's Department issued a computer and radio alert to patrolling deputies to be on the lookout for the truck as well as a warning that firearms may be present in the vehicle.

Sometime later that morning, an Anderson County citizen encountered a truck and two occupants matching the same description as those wanted in Indiana and seen at the theft in Lake City. The citizen found the truck stuck in a ditch in a residential area of rural Anderson County and assisted the male and female occupants by pulling the truck from the ditch. The citizen was sufficiently concerned by what he witnessed during this event that he called the Anderson County Sheriff's Department to report suspicious

persons. When he contacted the Sheriff's Department, the citizen reported that the individuals had displayed to him one firearm and discussed another firearm and that their physical appearance, comments and behavior were concerning. The Sheriff's Department suspected that the citizen's encounter with the truck and two passengers was the same vehicle wanted out of Indiana and responsible for the fuel theft in Lake City earlier that same morning. As a result, the Sheriff's Department alerted its officers of the last known location of the suspects and truck.

Deputy Bryant was on patrol duty at that time and responded to the last known location of the truck. While en route, Deputy Bryant encountered a vehicle headed in the opposite direction that matched the description of the wanted truck and saw that it was occupied by two individuals. Deputy Bryant turned around and began pursuing the truck while operating his marked Sheriff's Department cruiser and pursued it with his emergency equipment in operation. The truck refused to stop and a high speed pursuit occurred on Raccoon Valley Road, turning onto Clinton Highway and continuing onto West Wolf Valley Road and ending on Old Emory Road.

During the pursuit, objects were thrown from the truck. Hearing on his radio that Deputy Bryant was engaged in a high speed pursuit, Corporal Powell, traveling in his personal vehicle in the area, followed the pursuit in case Deputy Bryant needed aid. During the pursuit, the fleeing truck grazed a power pole beside the roadway thereby damaging the truck and ultimately deflating the right front tire. As a result, the pursuit speed slowed. Deputy Bryant reported that he thought the occupants in the truck were preparing to flee on foot. To prevent or deter this, Bryant pulled his pursuing cruiser alongside the suspect truck. Deputy Bryant can be heard on the radio and his in-car audio/video announcing that shots had been fired at him. At that time, Deputy Bryant's in-car video shows a hand coming out the driver's side window with a handgun and smoke coming from the gun indicating it was being fired. The shot can also be heard on Bryant's cruiser audio recording.

Very shortly after shots were fired from the subject truck, the truck left the roadway and pulled into a gravel parking area and grass lawn at the Claxton Volunteer Fire Department location near the intersection of Old Emory Road and Blockhouse Valley Road. Immediately thereafter, Corporal Powell arrived at the scene in his private vehicle with one civilian passenger. The ensuing events were witnessed by Deputy Bryant, Corporal Powell and three civilians. The civilian witnesses included Powell's passenger, a prisoner working at the tire recycling center about 100 yards away and a motorist who was stopped in Old Emory Road at the scene. All of these persons made personal observations about all or portions of what happened at the final scene. All witnesses agree that at least two shots came from the subject truck with some of the witnesses indicating as many as six shots came from the subjects in the truck. Deputy Bryant exited his vehicle and retrieved his patrol rifle from the trunk of his cruiser and began returning fire at the truck and its occupants. Corporal Powell, who was still in uniform and armed with his duty pistol, exited his vehicle and took a tactical position nearby.

During the pursuit, the occupants of the truck refused to yield for the emergency lights and sirens. At the slower speed portions of the pursuit, the occupants of the truck refused to yield to Deputy Bryant's oral instructions over his vehicle PA system. At the scene, the occupants of the truck refused to follow Deputy Bryant's commands to show him their hands.

The female passenger fired at Deputy Bryant from the rear window of the pickup truck while the male driver was crouched down just outside the driver's door; appearing to be doing something inside the vehicle. Deputy Bryant concentrated his fire on the female passenger who was firing at him until she appeared to have been struck and was no longer firing. Moving to another location to be able to see the male driver who was hiding beside the truck, Bryant took up a second position. Along with Corporal Powell, commands were given for the male subject to also show his hands. The male subject was doing something inside the cab of the truck and then turned to run toward the Claxton Volunteer Fire Department building. Officers observed what appeared to be a handgun in the male subject's hand.

Shots were fired by the deputies at the male subject and he was incapacitated. The scene was cleared and a white female subject, later identified as Shanna Lee Richardson (DOB 08/21/1986) (hereinafter, "Richardson"), was deceased in the cab of the truck. The male subject was identified as Michael Joseph Baker (DOB 08/06/1979) (hereinafter, "Baker") who was incapacitated near the rear corner of the Claxton Volunteer Fire Department building. Subject Baker was treated at the scene and transported to a hospital where he later expired.

At the scene and within the truck was found a 12 gauge pump shotgun and 34 rounds of shotgun ammunition as well as 58 rounds of ammunition in .22 caliber. Also noteworthy in the cab of the truck was a spoon with residue which tested positive for an illegal drug commonly found in products marketed as, "bath salts".

A .22 caliber pistol was found less than two feet away from subject Baker's hand at the location where he fell. The magazine and chamber of the pistol were empty. At the scene, two spent .22 caliber cartridges were located and no spent shotgun cartridges were located. Some of the witnesses believe they heard multiple types of gunshot sounds and identified one of the sounds as being that of a shotgun. Nevertheless, no spent shotgun cartridges were located. During the gun fire, Deputy Bryant fired sixteen rounds of rifle ammunition. Corporal Powell, joining the gunfight somewhat later, fired one round of .40 caliber pistol ammunition. Deputy Bryant engaged both subjects with rifle fire and Corporal Powell engaged subject Baker with pistol fire.

Autopsy results indicate that subject Baker was struck twice and subject Richardson was struck six times. It is noted that the nature of the wounds is such that one bullet may have caused more than one entrance and exit wound. Autopsy results indicate that subject Richardson had consumed marijuana and illegal chemical compounds (synthetic cathinone) commonly referred to as "bath salts". Subject Baker had within his system illegal chemical compounds (synthetic cathinone) commonly referred to as "bath salts" as well as clonazepam. Both subjects had criminal records from Indiana and histories of drug abuse. The hands of both subjects were tested for gunshot residue. Subject Richardson's hands tested positive for gunshot residue suggesting Richardson may have recently fired a gun. The test of subject Baker's hands for gunshot residue was inconclusive. Thus, the test of Baker's hands does not tend to indicate one way or another whether he may have recently discharged a firearm. It is widely recognized that gunshot residue testing of persons who are known to have fired a gun is often inconclusive.

At the scene, it was discovered that the suspect truck was in fact the truck stolen from a veterinarian in Indiana. Baker and Richardson were the suspects of the vehicle theft in Indiana. The physical appearance of Baker and Richardson also matched that of the two individuals who were involved in the fuel theft from the gas station in Lake City earlier on February 29th and also matched the physical description of the two individuals encountered by the good Samaritan citizen who helped pull the subjects' stolen truck from a ditch not long before the start of the pursuit.

At the scene, the deputies and other witnesses were separated and later interviewed. The deputies' blood was tested for drugs or alcohol, consistent with department policy. Both deputies showed no sign in their blood of the presence of alcohol or any other drugs with the exception that one deputy showed signs of a common cold medicine. Both deputies were completely cooperative in the investigation. Also at the scene, it was found that Deputy Bryant's cruiser was struck by two bullets. Ballistic analysis of the bullet damage indicates angles and locations of the shooter that are consistent with Deputy Bryant's report and the video evidence of shots being fired at him from the subjects' truck.

FINDINGS AND CONCLUSION

In light of all of the evidence collected and the report submitted to this office, the opinion and conclusion of District Attorney General Dave Clark is as follows. Baker and Richardson were both suspect persons reportedly armed and traveling into Anderson County in a stolen truck. Just after arriving in Anderson County, they stole fuel in Lake City. Alerted by a citizen, Sheriff's Department personnel located the subjects. The behavior observed by the citizen and the autopsy chemical analysis, indicate that Baker and Richardson were under the influence of multiple drugs at the time. These drugs notably included synthetic cathinone or "bath salts" that are sometimes associated with irrational and even violent behavior.

Through a lengthy high speed pursuit and failure to follow multiple commands, Baker and Richardson demonstrated indifference to police authority and disregard for the safety of other citizens. It appears Baker fired at Bryant through the truck's driver side window. Then, Richardson fired at deputies through the truck's rear window. When Richardson was shot, it appears that Baker took the handgun from the cab of the truck and ran. It is not known if Baker pulled the trigger of the gun at that time, but he did raise the gun toward deputies. The handgun was out of ammunition, but neither Deputy Bryant or Corporal Powell knew or could have known that the gun was empty of ammunition. It is likely that Baker also did not know that the gun was out of ammunition.

After they evidenced their willingness to endanger the public by driving at speeds near 100 miles per hour according to the data recorded in Deputy Bryant's cruiser, firing at Deputy Bryant and continuing to fire and/or brandishing a firearm at the deputies, the deputies had little choice but to employ the use of deadly force. The use of deadly force by Deputy Bryant and Corporal Powell did not constitute a crime and was actually consistent with Anderson County Sheriff's Department training and commonly accepted law enforcement standards in similar situations. Lethal force was not inappropriate against subject Richardson who was firing at officers from the cab of the truck. In addition, lethal force was not inappropriate against Baker who had previously fired at Bryant and later retrieved the handgun before raising the gun at officers and running with a handgun before being shot himself. Accordingly, this investigation is hereby closed.

Deputy Bryant in particular, who was the primary officer involved, should be commended in the manner of his tactical performance at the scene. It is also commendable that even though he was off-duty, Corporal Powell recognized that a nearby deputy might need aid and was willing to come to his aid.