

OFFICE OF THE RAMSEY COUNTY ATTORNEY

John J. Choi, County Attorney



345 Wabasha Street North, Suite 120 • St. Paul, Minnesota 55102  
Telephone (651) 266-3222 • Fax (651) 266-3010

MEMORANDUM

**DATE:** December 11, 2017

**TO:** John Choi, Ramsey County Attorney

**FROM:** John Kelly, First Assistant Ramsey County Attorney and  
Richard Dusterhoft, Criminal Division Director

**SUBJECT:** In the Matter of the Death of Cordale Quinn Handy  
CA File No. 062-0373014

**I. Summary**

On March 15, 2017 in the early morning hours, Markeeta Nicole Johnson-Blakney used her cellphone to audio and video record a disturbance in her Apartment No. 209 located at 795 East 6<sup>th</sup> Street in Saint Paul. The recording was later recovered from the cellphone and established that Ms. Johnson-Blakney and her boyfriend Cordale Quinn Handy, age 29, were the only two persons inside the apartment during the disturbance. That same recording also revealed that during the disturbance Mr. Handy fired 16 gunshots in the apartment. Because of prior felony convictions in Illinois, Mr. Handy was ineligible to be in the possession of a firearm.

As a result of the disturbance in Apartment 209, a neighbor in the apartment building called 911. Ms. Johnson-Blakney also called 911. At approximately 2:21 A.M., Officers Mikko Norman and Nathaniel Younce of the Saint Paul Police Department ("SPPD") responded to the 911 call. The dispatcher notified the officers that a female was "screaming for help" and said the disturbance "sounded physical."

Shortly after their arrival, both officers noticed Ms. Johnson-Blakney and her friend and neighbor J.M., running towards the first-floor exit/entrance apartment door leading to the parking lot. Ms. Johnson-Blakney and J.M. were attempting to follow Mr. Handy who seconds earlier exited the building holding a pistol in his hand. Accompanying Mr. Handy was a large, white colored pit bull named "Vendetta."

The officers quickly caught up to the women outdoors in the apartment building parking lot. Both women appeared to be visibly upset and frightened. J.M. eventually told both officers that Mr. Handy was in possession of a firearm. J.M. specifically told Officer Younce that Mr. Handy had a gun but that it was unloaded. During her 911 call placed at 2:23 A.M., Ms. Johnson-Blakney told the operator and presumably the officers that Mr. Handy had a gun

that was unloaded and he was high on drugs. She urged the officers to not hurt him. Both women told the officers that Mr. Handy and Vendetta were walking northbound on Sinnen Street towards East Seventh Street.

Video captured from a nearby community center's security camera showed Mr. Handy and Vendetta walking northbound on Sinnen adjacent to the easterly sidewalk. Mr. Handy had a pistol with an extended magazine in his right hand and he was very unsteady and erratic in his physical movements. He also appeared to look back twice as if he was aware he was being pursued. Approximately seven seconds later, that same video showed the officers proceeding northbound on Sinnen Street in foot pursuit of Mr. Handy.

The community center security camera video showed both officers proceeding northbound on Sinnen along the westerly side of the street. Officer Norman proceeded on the westerly sidewalk of Sinnen while Officer Younce eventually moved across the street to the easterly sidewalk. As he moved closer towards Mr. Handy, Officer Younce could see that he had a gun with an extended magazine in his right hand and that his movements were very erratic and inconsistent with a person who was sober. At this point Officer Younce said he identified himself as a police officer and ordered Mr. Handy to drop to the ground. Officer Norman said that when he observed a gun in Mr. Handy's right hand, he yelled the following command at him: "Police, stop, drop the gun, get on the ground!"

From their respective positions approximately 50 yards away, both officers observed Mr. Handy appear to unintentionally "flop" down onto his buttocks and lay on his back on the curb. Vendetta then ran southbound on Sinnen towards Ms. Johnson-Blakney who was following the officers. Both officers then ran to get closer to Mr. Handy to better assess the situation.

At respective distances of approximately 35 yards, Officers Norman and Younce observed Mr. Handy sit upright and briefly raise the pistol towards Officer Norman before lowering it. Both officers again ordered him to drop the gun. Instead Mr. Handy again raised the pistol and pointed it in the direction of Officer Norman. At that time, Ms. Johnson-Blakney was approximately 15 yards behind Officer Norman. At approximately 2:27 A.M., Officers Norman and Younce fired three and four shots respectively at Mr. Handy from their Glock 17 9mm pistols, fatally wounding him. An unloaded black, Glock 21 .45 caliber pistol with an extended magazine was found approximately 10 feet from his body. Mr. Handy's DNA and fingerprints were found on the pistol and magazine. That pistol was later determined to have been stolen in 2013.

This Memorandum contains a summary description of the relevant evidence gathered by the Minnesota Bureau of Criminal Apprehension ("BCA") during its investigation of the shooting of Mr. Handy. As set forth below, this evidence includes statements given by officers and other witnesses; physical, DNA and ballistics evidence; audio and video recordings taken from the cellphone of Ms. Johnson-Blakney; and video from private security cameras.



Based on our review of all of the presented evidence and for the reasons explained in this Memorandum, it is our opinion that the use of deadly force by Officers Norman and Younce in this incident was justified by Minn. Stat. §609.066, subd. 2(1)-(3). Accordingly, we recommend that no criminal charges be brought against those officers related to this incident.

## **II. Events of March 15, 2017 and BCA Investigation**

### **A. Disturbance in Apartment 209**

#### **1. Recorded Evidence of the Disturbance**

Video and audio of a disturbance or altercation involving Mr. Handy and Ms. Johnson-Blakney in the early morning hours of March 15, 2017, was recorded by Ms. Johnson-Blakney on her cellphone and later recovered by investigators. The altercation took place in Apartment 209 of 795 East Seventh Street in Saint Paul, a small studio apartment comprised of a small bathroom and single combined living/dinette/sleeping area containing a sleep-sofa and two closets. The length of the recording taken from Ms. Johnson-Blakney's cellphone is 14 minutes and 4 seconds. The recording showed that at all times relevant, the only occupants in Apartment 209 were Ms. Johnson-Blakney and Mr. Handy. Neighbors described Mr. Handy as a boyfriend of Ms. Johnson-Blakney. Also present in the apartment was Vendetta.

The video begins with Mr. Handy holding a black pistol with an extended ammunition magazine in his right hand while also holding a cellphone with his left hand. Mr. Handy is seen furtively looking around the apartment while appearing to speak into his cellphone. Ms. Johnson-Blakney appears to be capturing the cellphone video and audio while sitting on the mattress of the sleep-sofa in the living room. Mr. Handy appears to be both extremely suspicious and nervous as he frequently waves the pistol. Ms. Johnson-Blakney is heard telling Mr. Handy, "Come here nigger. If you fucking shoot me nigga, it's gonna be a fucking problem!"

Ms. Johnson-Blakney can then be heard asking Mr. Handy "who is calling" him. His response is inaudible. She then asks "why are the police calling you, G?" She then begins a monologue in which she describes Mr. Handy's behavior as follows: "Whoa. This nigga just raised a gun to me. Aimed it at me. Aimed a gun at me. Look at you....Saying you being set up. Looking in the bathroom. You been here the whole time but now you looking in closets. You tweaking, G. Stay off that Molly." Her reference to "Molly" appears to be to a controlled substance.

Ms. Johnson-Blakney told Mr. Handy that he "needs to stay off drugs." She also repeatedly assured him that there was no other person in the apartment other than the two of them. Mr. Handy remains visibly suspicious and asks her to open the closet. While speaking into his cellphone to someone named "Kim" he mentions the name "Dante" and says that he "does not feel safe" prompting Ms. Johnson-Blakney to ask him "who is Dante?" While crouched low to the floor as if he is concealing himself, Mr. Handy then asks "where they at?" Ms. Johnson-Blakney says that he thinks

someone is either in the closet or behind the sleep-sofa where she is sitting. He then suddenly rises from his crouched position and points the pistol towards Ms. Johnson-Blakney.

Ms. Johnson-Blakney begins yelling multiple times at Mr. Handy to “not shoot” in the apartment and screaming at him to “get the fuck away from me, G! You need to get away from me, far!” She then attempts to prove to him that there is no one else in the apartment by walking behind the sleep-sofa. She also opens the closet door to show him that no one is inside. As she is walking throughout the apartment, her cellphone video camera captures the image of a large clear plastic bag containing white powder and two slightly smaller clear plastic bags containing marijuana on a small table.

As Ms. Johnson-Blakney continues her efforts to convince Mr. Handy to put his gun down, he suddenly yells “Hey, oh shit!!” as he believes that someone is hiding under the sleep-sofa. She offers to close the sleep-sofa for him and says “G, you scaring me and you gonna make me leave. I’m gonna get the fuck away from you though!” She then tells him that she is “fittin’ to get my gun out.” He remains convinced that someone is under the sleep-sofa saying “there’s a nigga’ under the futon.” Ms. Johnson-Blakney then closes the sleep-sofa and tells him “Tell Kim the nigga’ is dead now. He got smushed.”

Next, Mr. Handy begins screaming very loudly. Most of what he screams is indecipherable but he can be heard saying “they’re gonna kill me!!” prompting Ms. Johnson-Blakney to loudly scream “If you that trigger happy, I’m gonna leave....” She then screams his name multiple times including “Cordale, stop!!” Throughout this exchange Vendetta is barking loudly.

Mr. Handy fires the first of sixteen gunshots inside the apartment at the 9:45 mark of the cellphone video/audio. He fired his last gunshot at the 10:39 mark. In between the gunshots the apartment’s smoke detector alarm can be heard and Mr. Handy can be heard yelling among other things, “Hell no, Bitch!!”, while Ms. Johnson-Blakney is screaming “Cordale!!” multiple times. After the final gunshot, Ms. Johnson-Blakney asks Mr. Handy to “give me the gun!” He responded “just get away Bitch!” His voice then seems to move outside the apartment into the hallway.

Ms. Johnson-Blakney, presumably using Mr. Handy’s cellphone, is then heard saying “Oh my God, Kim...your fucking son is fucking crazy as hell,...he just unloaded the whole fucking clip in the house....I gotta go...This Nigga’ lost his motherfucking mind...He lookin’ for a Nigga’ in Waukegan named Dante...Molly, G.” Ms. Johnson-Blakney then can be heard saying “Did he get that gun?” as Mr. Handy’s voice can be heard outside of the apartment. The remainder of the cellphone audio contains distant, loud screaming, yelling and loud thumping sounds outside of the apartment.



2. 911 Call Made by Neighbor D.H.

At approximately 2:18 A.M., D.H. called 911 to report a disturbance coming from Apartment 209. D.H. lived in the apartment directly above Apartment 209 and, according to his recorded 911 call, he heard a female screaming for help and that it sounded to him as though a male in the apartment “was beating the hell out of her.”

3. 911 Call Made by Ms. Johnson-Blakney

At 2:23 A.M., Ms. Johnson-Blakney called 911 from the rear entry/exit door of the apartment building. The duration of her recorded 911 call was 1 minute, 38 seconds. She began her call by telling the 911 operator the following:

“I know you have been alerted to an incident at 795 East 6<sup>th</sup> Street. Okay there has been an incident here. There have been shots fired. But I am with the person who has the gun. And when the police arrive the gun is unloaded. Please do not shoot him...He has taken drugs. He is a little out of his mind right now. He has a weapon but fucking it is not loaded. For sure. Could you please let them know...”

As her 911 call proceeds, Ms. Johnson-Blakney’s voice trails off somewhat as she then appears to begin speaking to her friend and apartment neighbor J.M. at the same time she is speaking to the 911 operator. The following is the audible portions of that segment of her 911 call:

**Ms. Johnson-Blakney** - “[J.M.] it is okay...”

**911 Operator** - “Hello? What is your name? What is your name? What is your name?”

**Ms. Johnson-Blakney** - “My name is Markeeta Blakney. He’s running down the street right now...[inaudible]...Listen. Listen. Listen. Listen...”

Next, Ms. Johnson-Blakney’s conversation with the 911 operator noticeably breaks off as she appears to direct her comments instead to someone nearby. The following is the audible portions of that final segment of her 911 call:

**Ms. Johnson-Blakney** - “This is my boyfriend. This is...[inaudible]...”

**911 Operator** - “I can’t hear you anymore your phone just went away.”

**Ms. Johnson-Blakney** - “It’s empty. It is an empty weapon. Listen. Listen, Sir, sir, sir, sir!!!...[inaudible]...The gun is unloaded. For sure. Completely [inaudible]. Sir, sir, sir sir!...[inaudible]...”

4. Statements Given by Other Neighbors

The following residents of the apartment building also gave statements to investigators describing the disturbance in Apartment 209:

a. *Statement of Neighbor D.H.*

D.H. told BCA investigators that he heard screaming back and forth between the male and female for approximately ten minutes before calling 911. He “then heard a big bang like she got thrown into the wall or something and then she said you’re going to jail. And then I figured if he’s doing something bad enough to go to jail I gotta’ call [the police].” D.H. said he also heard “popping sounds and, it

sounded like they were running around the apartment.” He estimated he heard “twelve or fifteen” popping sounds.

b. *Statement of Neighbor J.M.*

J.M. is a second floor resident and personal friend of both Ms. Johnson-Blakney and Mr. Handy. She was awakened in her apartment by the sound of Ms. Johnson-Blakney “screaming” for help in the hallway and acting “pretty hysterical.” When J.M. opened her apartment door leading into the common hallway, she saw Mr. Handy with a pistol in his left hand. They made eye contact and J.M. told him to drop the weapon. Mr. Handy did not drop the pistol and proceeded down the stairs toward the first floor.

J.M. described her encounter with Mr. Handy as making her both “scared” and “a little nervous... because he seemed a little off.” She thought Mr. Handy “was high” because “his eyes were pretty glassed over and he was kinda out of it... He was just acting hyper and kind of, it seemed like he was out of it.” J.M. described Mr. Handy’s emotional state as “euphoric” as if he had just “eaten shrooms” or taken LSD.

J.M. also saw and heard Ms. Johnson-Blakney “screaming into her” cellphone to a 911 operator. She heard Ms. Johnson-Blakney tell 911 that Mr. Handy “has a gun, it’s not loaded, please come.” She then observed Ms. Johnson-Blakney follow Mr. Handy as he exited the apartment building through the rear door. Because she was concerned for the safety of Ms. Johnson-Blakney, J.M. re-entered her apartment to grab her keys so that she could follow her.

c. *Statement of Neighbor M.N.*

M.N. was asleep in her second floor apartment when she was awakened by a voice outside of her apartment that she was sure was Mr. Handy’s, “screaming... ‘I’m gonna die I don’t want to die. I don’t want to die.’” M.N. said “...So I don’t know if he was hallucinating, freaking out I don’t know what it was going on you know ...” M.N. also heard a voice she could not identify as either male or female screaming “He’s got a gun! He’s got a gun!”

d. *Statement of Neighbor S.Q.H.*

S.Q.H. also was in her second floor apartment when she heard “like three gunshots” that were loud. She was not able to determine from where the shots were fired other than to say “...it wasn’t like it was up and down the hallways, kinda’ like I don’t know like he was shooting at or somebody at was like a wall or something. Like it was like all over the place...”

After hearing the gunshots S.Q.H. heard an unknown male voice outside her door “[s]creaming like to the top of his lungs like it was so loud. She heard the male say “...something like ‘you set me up bitch’, something like that. She then heard an unknown female voice telling the male to “put the gun down” with the male “telling her like, ‘I don’t wanna’ hurt you’...”



e. *Statement of Neighbor D.G.*

D.G. was in his third floor apartment when he heard a woman yell "help me, help me". He then heard "some scruffling around and then I believe I heard 'he's trying to kill me.'" D.G. said he saw "the policeman going outside um telling everybody to get back...then I hear "please don't shoot him, the gun's unloaded".

**B. Police Response to the Disturbance and the Shooting of Mr. Handy**

1. Arrival of Officers Younce and Norman

Officers Norman and Younce of the SPPD were dispatched to the scene and arrived at the apartment building at approximately 2:21 A.M. The 911 dispatcher notified Officers Norman and Younce as well as other law enforcement officers in the vicinity that "the comp[lainant] could hear a female screaming for help and its sounds physical."

Upon entry into the lobby, Officers Norman and Younce heard a woman screaming for help and other loud yelling that appeared to originate from the third floor. After clearing the third floor hallway, the officers then heard very loud yelling coming from near the first floor exit/entrance door leading from the rear of the apartment building into a parking lot.

The officers quickly caught up to Ms. Johnson-Blakney and J.M. outdoors in the apartment building parking lot. Both women appeared to be visibly upset and frightened. Despite the cold temperature (the recorded low temperature on that night was approximately 12°) J.M. was wearing only a bath robe and Ms. Johnson-Blakney was dressed only in her underwear and a t-shirt.

When Officer Younce asked J.M. what was happening, he felt she was somewhat reluctant to share details of what had occurred with him. J.M. eventually told him that Mr. Handy had a "weapon, but it was unloaded." Because of her reference to an "unloaded" weapon, Officer Younce assumed J.M. was referring to a firearm. J.M. told Officer Younce the weapon was "unloaded" because she was told by Ms. Johnson-Blakney that it was unloaded, and she trusted and believed her. In his interview with BCA investigators, Officer Younce explained that under these circumstances there were many reasons why he could not fully trust J.M.'s statement that Mr. Handy's firearm was unloaded, including the possibility that she could be mistaken.

Officer Norman said that J.M. told him that Mr. Handy had a gun but then put her hands over her mouth as if she was not supposed to disclose that fact. Officer Norman overheard Ms. Johnson-Blakney say words to the effect that Mr. Handy had a gun, he was high on drugs and to not shoot him. Both women told the officers that Mr. Handy and Vendetta were walking northbound on Sinnen Street towards East Seventh Street.

## 2. Officers Pursue Mr. Handy

Between the 8 and 20 second marks of video captured from a nearby community center's security camera, Mr. Handy and Vendetta are seen walking northbound on Sinnen Street adjacent to the easterly sidewalk. Mr. Handy had a pistol with an extended magazine in his right hand and appeared very unsteady and erratic in his physical movements. At both the 13 and 16 second marks of the video, Mr. Handy can be seen turning to his left side and looking behind him as if he was aware that he was being pursued. Just as he exited the view of the camera at the 20 second mark it appears as if Mr. Handy noticeably picked up the pace of his walk.

The officers quickly proceeded northbound on Sinnen Street on foot in pursuit of Mr. Handy. Both officers said that they issued multiple commands ordering Mr. Handy to stop. At the 27 second mark of the community center security camera video, both officers can first be seen proceeding northbound on Sinnen along the westerly side of the street. Officer Norman activated the flashlight mounted on his Glock 17 9mm service pistol as he proceeded on the westerly sidewalk of Sinnen. Officer Younce initially continued northbound in the middle of Sinnen before fanning over to the easterly sidewalk of Sinnen at the 39 second mark of the video.

At that point Officer Younce said he could identify the silhouette of a male with a white dog. Officer Younce identified himself as a police officer and ordered Mr. Handy to drop to the ground. Since he could not yet identify Mr. Handy as being in possession of a firearm, Officer Younce kept his gun at his side. As he moved closer towards Mr. Handy, Officer Younce could see that Handy had a pistol with an extended magazine in his right hand and that his movements were very erratic and inconsistent with a person who was sober.

Officer Younce said he identified himself as a police officer and ordered Mr. Handy to drop to the ground. Officer Norman said that when he observed a gun in Mr. Handy's right hand, he yelled the following command at him: "Police, stop, drop the gun, get on the ground!"

From their respective positions approximately 50 yards away, both officers observed Mr. Handy appear to unintentionally "flop" down onto his buttocks and lay on his back on the curb. Vendetta then left Mr. Handy and ran southbound on Sinnen towards Ms. Johnson-Blakney who was following the officers. Both officers again quickly moved closer to Mr. Handy to better assess the situation.

At respective distances of approximately 35 yards, Officers Norman and Younce observed Mr. Handy sit upright and briefly raise his gun towards Officer Norman before lowering it. Officer Younce said he reluctantly held off from shooting at Mr. Handy at that time in an effort to "give him every opportunity" to drop the gun.

Both officers again ordered Handy to drop the gun. J.M., who was outside the view of the security camera, said she heard the Officers order Mr. Handy to drop the gun.



D.G. said he heard both Ms. Johnson-Blakney and police tell Mr. Handy “probably twice ...to put [his] gun on the ground.”

Instead, Mr. Handy again raised the gun and pointed it in the direction of Officer Norman. At that time, Ms. Johnson-Blakney was approximately 15 yards behind Officer Norman. Officer Younce ran to a position near a garbage dumpster to get the “best sight picture I can.” Officer Norman said that Mr. Handy “...picked the gun up again and this time...when he picked the gun up he pointed it right at me... lifted his head up and his upper torso and it looked like he was aiming down the gun at me and I thought he was gonna’ shoot me. And then I heard my partner shoot one shot.”

P.H. was inside of an adjacent business at the time of the incident and said he heard male voices of what he assumed were police officers “yelling” followed very shortly after by the sound of “seven or eight gunshots” fired in rapid succession.

Officer Younce told investigators that at the time he made the decision to shoot he was concerned for the safety of Officer Norman, himself as well as Ms. Johnson-Blakney and J.M. who were nearby, and the other residents in the vicinity.

The officers called in “shots fired” at 2:27 A.M. Officer Younce fired two more shots in rapid succession using his Glock 17 9mm pistol at the same time that Officer Norman fired three shots. Officer Younce then moved to a new position behind a telephone pole. He observed Mr. Handy in a sitting position “swaying back and forth” but could not tell if any of the gunshots had struck him or if he had dropped his gun. Officer Younce then saw Mr. Handy move in a manner that looked like he was “rolling back” towards the pistol, causing the officer to fire one more gunshot at him.

Because neither officer observed any movement from Mr. Handy, they both issued loud verbal commands ordering him to not move as they slowly began to approach him. Officer Younce said he saw that Mr. Handy’s gun was approximately 1-4 feet away from his body. Officer Norman then kicked the gun towards the middle of the street to keep it from Mr. Handy’s reach. Ms. Johnson-Blakney attempted to run to Mr. Handy but was restrained by Officer Younce and SPPD Officer Jordan Wild who had arrived on the scene.

## **C. BCA Investigation**

### **1. Evidence Recovered Outside Apartment Building**

The BCA processed the shooting scene and recovered an unloaded, black, Glock Model 21 .45 caliber pistol with an extended magazine within approximately 10 feet of Mr. Handy’s body. Mr. Handy’s DNA was found on the pistol. That pistol was reported stolen to Minneapolis Police in June 2013. The Glock .45 with the extended magazine had a capacity of 27 rounds.

## 2. Evidence Recovered Inside Apartment 209

The spring and end plate of the magazine, along with numerous loose .45 caliber cartridges were found on the floor of Apartment 209 indicating that, at some point prior to the last shot being fired, the magazine was damaged, the remaining live rounds spilled out the bottom, and the Glock became inoperable after Mr. Handy discharged 15 shots in the apartment.

Numerous fired bullets and expended shell casings fired from the Glock .45 were found throughout Apartment 209. Some of the expended shell casings bore the head stamp "45 Auto Hornady", while others bore the head stamp "45 Auto Federal."

A Glock ammunition magazine was also found on the couch in Apartment 209 containing ten live .45 caliber rounds. Mr. Handy's palm print was identified on that loaded ammunition magazine. A receipt from Joe's Sporting Goods dated February 16, 2017, bearing the customer name Markeeta Nicole Johnson-Blakney was found in Apartment 209. According to the receipt, Ms. Johnson-Blakney purchased a Taurus 9mm handgun, case and holster consistent with that handgun. The receipt also showed a box of Hornady 9mm ammunition consistent with the Taurus 9mm firearm along with a box of Hornady .45 caliber ammunition consistent with the Glock .45 firearm.

The Taurus 9mm handgun was found, loaded, under the couch in the apartment. Ms. Johnson-Blakney's driver's license and Minnesota Permit to Carry a Firearm were found in Apartment 209, although both showed her prior address. The handgun holster, case and original packaging were found in Apartment 209. The .45 caliber Hornady ammunition box, with a lot number consistent with having come from Joe's Sporting Goods on February 16, 2017, was found under the couch. Inside were five live .45 Auto Federal cartridges.

Mr. Handy's expired Illinois identification card was found in Apartment 209, along with a bag containing 35 grams of methamphetamine. Within the bag of methamphetamine was a smaller bag which contained N-ethyl pentylone, an illegal synthetic designer drug in the cathinone family.

Numerous holes in the walls and sleep-sofa caused by Mr. Handy's discharge of the Glock Model 21 were also found in Apartment 209. Additionally, holes caused by bullets fired from the Glock Model 21 were found in the walls of Apartments 109 and 207.

Two Glock 17 9mm pistols were collected from Officers Norman and Younce.



## D. Other Relevant Evidence

### 1. Mr. Handy's Autopsy and Toxicology Test Results

An autopsy was conducted on the body of Mr. Handy by the Ramsey County Medical Examiner's Office. That examination determined that Mr. Handy was struck by seven shots and died as a result of those injuries.

At the time of his death, Mr. Handy was positive for THC and had N-ethyl pentylone in his system. According to the autopsy report, "N-ethyl pentylone is considered a designer drug in the cathinone family that is a psychoactive substance with stimulant effects. Agitation and erratic behavior has been reported with the use of this drug."

N-ethyl pentylone is listed as an illegal controlled substance. Among the commonly known street names associated with this drug is "Molly."

### 2. Officers' Toxicology Test Results

Both officers voluntarily submitted to toxicology tests which showed that neither officer was under the influence of alcohol or controlled substances at the time of the shooting.

### 3. Mr. Handy's Ineligibility to Possess a Firearm

Mr. Handy was convicted of felony Possession of a Controlled Substance in Waukegan, Illinois in 2005. He was convicted of felony Attempted Vehicle Highjacking with a Firearm in Waukegan, Illinois in 2007. As a result of those convictions, Mr. Handy was legally ineligible, for life, to possess firearms.

Mr. Handy was released from prison and placed on parole in 2012. However, because his parole supervision was never transferred to Minnesota, it was a violation of his parole to be outside the State of Illinois.

On October 16, 2016, Mr. Handy was arrested in possession of a Glock Model 23 .40 caliber handgun. The firearm was loaded and had an extended 22 round ammunition magazine. When interviewed by police, Mr. Handy provided 1219 Bush Avenue #3 in Saint Paul as his address, the same address that was on Ms. Johnson-Blakney's Minnesota Driver's License and Permit to Carry a Firearm, both found in the Apartment 209. Mr. Handy was charged with Possession of a Firearm by an Ineligible Person. During his bail eligibility interview he said he lived with his girlfriend, Ms. Johnson-Blakney, at 795 East 6<sup>th</sup> Street #209 in Saint Paul, for three months. Mr. Handy was released on bail and was awaiting trial on that charge.

### 4. Ms. Johnson-Blakney's Refusal to Be Interviewed by Investigators

Investigators made repeated attempts to interview Ms. Johnson-Blakney regarding her observations before and at the time of the shooting. Although her attorney indicated she would, at some point, be willing to be interviewed, no interview has taken place.

### III. Recommendation

Minnesota Statutes, Section 609.066, subdivision 2(1)-(3) provide that the use of deadly force by a police officer is justified only when necessary, in the following three situations:

- (1) To protect the peace officer or another from apparent death or great bodily harm;
- (2) To effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force; or
- (3) To effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

After considering both the evidence presented in this case and the objective legal standard recognized by the U.S. Supreme Court in the seminal cases of Tennessee v. Garner, 471 U.S. 1, 11 (1985) and Graham v. Connor, 490 U.S. 386 (1989), we believe that given the totality of the circumstances presented in this case, the use of deadly force by Officers Norman and Younce against Mr. Handy was objectively reasonable and therefore justifiable under all three of the situations set forth in Minnesota Statutes, Section 609.066 subdivision 2(1)-(3). Accordingly, for the following reasons we recommend that no criminal charges be brought against Officers Norman and Younce related to the fatal shooting of Mr. Handy.

Officers Norman and Younce responded to a 911 call they knew involved a woman screaming for help that sounded like it involved physical violence. Approximately only six minutes later the officers fired seven shots at Mr. Handy. During that six minute period of time, the officers told BCA investigators they heard and observed the following information:

- Upon their arrival they heard and observed an “amplified” situation according to Officer Younce in which they heard yelling and a woman screaming for help.
- When the officers first encountered Ms. Johnson-Blakney and J.M., the women were in the parking lot inappropriately dressed for the cold weather and were both visibly very upset and frightened.
- When the officers attempted to get an understanding of what had or was occurring, they were met with some reluctance by J.M. to readily share information. Eventually J.M. told Officer Younce that Mr. Handy “has a weapon, but it is unloaded.” Officer Norman said that J.M. told him that Mr. Handy had a gun but then she expressed body language that he interpreted as her regretting sharing that information with him.



- Officer Norman heard Ms. Johnson-Blakney say in effect that Mr. Handy had a gun, was high on drugs and to please not shoot him.
- In their pursuit of Mr. Handy both officers identified that he was holding a handgun with a large extended magazine in his right hand and that his physical movements were highly erratic and not consistent with the movements of a sober person.
- Officer Younce intentionally sought a position as close to Mr. Handy as possible so that he could “see everything perfectly” in the event that he needed to make a decision to fire his weapon.
- Despite Mr. Handy initially raising his gun in a way that likely would have justified his shooting him, Officer Younce showed restraint and did not shoot in an effort to “give him every opportunity” to drop his gun.
- Both officers issued multiple commands ordering Mr. Handy to drop his gun, which he did not follow.
- The second time Mr. Handy raised his gun he pointed it towards Officer Norman. In addition to the threat posed to Officer Norman, Officer Younce perceived a threat to himself and Ms. Johnson-Blakney who was approximately 15 yards behind Officer Norman and J.M. who was further behind her, as well as the other residents in the vicinity. At this point, Officer Younce fired three shots at Mr. Handy. Officer Norman, who saw Mr. Handy pointing his gun at him, perceived that he was about to be shot. Officer Norman heard Officer Younce fire one shot, before he fired three times at Mr. Handy.
- Officer Younce said he was unable to determine if any of the shots hit Mr. Handy so he moved closer to him. He said he saw Mr. Handy move as if he was “rolling back” towards his pistol, causing the officer to fire one more gunshot at him.

None of the foregoing observations by the officers were contradicted by any known witness or evidence. To the contrary, statements from witnesses corroborate the violent behavior engaged in by Mr. Handy in Apartment 209 that resulted in the 911 calls made by D.H. and Ms. Johnson-Blakney. Many witnesses also corroborate hearing the verbal commands of the officers ordering Mr. Handy to drop his gun.

Video and audio from Ms. Johnson-Blakney’s cellphone also fully captures Mr. Handy’s behavior in Apartment 209 including his erratic, agitated, paranoid and volatile behavior. Security camera video showed Mr. Handy walking northbound on Sinnen Street in an obviously unsteady manner with the firearm in his right hand. He can also be seen looking back towards the apartment building as if he is aware he is being pursued by someone just before he moves outside of the camera’s view.

The decisions of the officers to not fully act in reliance on the accuracy of the statements from Ms. Johnson-Blakney and J.M. that Mr. Handy's gun was unloaded was also reasonable under the circumstances.

For example, J.M.'s initial reluctance in informing the officers that Mr. Handy had a firearm, created understandable suspicion with the officers as they tried to assess a very chaotic and rapidly developing situation. Moreover, Ms. Johnson-Blakney or J.M. did not articulate any reason to the officers as to why they insisted Mr. Handy's gun was unloaded. J.M. later admitted that she only said it was unloaded because Ms. Johnson-Blakney told her it was unloaded. Additionally, since Ms. Johnson-Blakney and J.M. could not have maintained constant visual contact of Mr. Handy from the time he left the apartment building until he was shot, there was also no way they or the officers could be sure that he did not reload his gun.

Officer Younce also said he first put himself in a position where he could see "everything perfectly" as it related to Mr. Handy, in the event that it would be necessary for him to fire his weapon. Officer Younce also said he restrained from shooting Mr. Handy the first time he raised his gun in a manner that likely would have justified him shooting him, so as to give Mr. Handy "every opportunity" to drop his gun.

There is no video evidence directly showing Mr. Handy being shot, although security camera video showed Officers Younce and Norman firing their weapons. Both officers appeared to be in unprotected, vulnerable positions had Mr. Handy fired his weapon at them. The video showed that at the time Officer Norman fired his weapon he did so from a position that did not provide him any cover between him and Mr. Handy. The same video showed that at the time he fired his weapon, Officer Younce was standing near a waist-high dumpster.

For all of the foregoing reasons, it is our opinion that the beliefs expressed by Officers Norman and Younce that Mr. Handy posed a threat to their lives and those of the nearby Ms. Johnson-Blakney and J.M. as well as other persons in the surrounding neighborhood are reasonable under the facts and circumstances as presented to this office. Accordingly, it is also our opinion based on those same facts and circumstances, that the officers' use of deadly force in this matter was necessary and thus justified under Minn. Stat. 609.066, subd. 2(1).

It is also our opinion for the following reasons that the officers' use of deadly force in this matter was also necessary and thus justified under Minn. Stat. 609.066, subd. 2(2) and (3).

In addition to the above-referenced facts, Ms. Johnson-Blakney also told the 911 operator that shots had been fired in Apartment 209 and that Mr. Handy was in possession of the gun used to fire those shots. The discharge of a firearm under those circumstances is a felony crime involving the use of deadly force. This information was made known to the 911 operator acting as the conduit of critical information to SPPD before Mr. Handy was shot and would have certainly been provided to Officers Norman and Younce had time allowed. The officers would also have been told that Mr. Handy was described by Ms. Johnson-Blakney as "out of his mind" on drugs and that he had just pointed his gun at her before firing 16 gunshots in the apartment.



Based on these facts combined with the officers own observations of Mr. Handy's behavior as they pursued him, it is our opinion that it is reasonable to consider their use of deadly force as justified to effect the arrest of a person they know or have reasonable grounds to believe has committed a felony involving the use of deadly force. For this same reason, it was also reasonable for the officers to believe that Mr. Handy constituted a danger to the lives of persons he could have encountered as he fled from the police.