

## Melby, Cyndy

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**From:** Choi, John  
**Sent:** Monday, July 28, 2025 3:37 PM  
**To:** Kelly, John; Nguyen, Hao Q  
**Cc:** Gerhardstein, Dennis; Melby, Cyndy  
**Subject:** In re: NON-FATAL SPPD Police Shooting Incident involving Mr. Earl Bennett on 10/28/24

Dear John and Hao,

I have reviewed the most relevant video, and your written memorandum dated July 25, 2025, involving the October 28, 2024, shooting incident involving Earl Bennett and four Saint Paul police officers who all employed deadly force against him, resulting in non-fatal injuries.

I agree with your conclusion that the use of deadly force by Saint Paul Police officers Sgt. LaMichael Shead and Officers Shawn Marlowe, Chase Robinson, and Blake Steffen was justified under Minnesota law and that no criminal charges can be brought against the police officers in this incident.

The video evidence, totality of the situation, and facts known to the officers at the time of this incident are very clear. It occurred in a busy intersection at a time of day when it was heavily occupied by pedestrians and motorists going about their regular lives. The threat posed by Mr. Bennett was real and imminent. The officers followed their training, made numerous reasonable attempts to deescalate the situation, and when Mr. Bennett pointed his handgun at the officers, they were left with no other reasonable choice to stop the threat posed by Mr. Bennett under these circumstances.

With the decision now made, I would ask we execute on the following next steps:

1. Contact the Minnesota Bureau of Apprehension to notify them that we expect the public portions of the investigative file be released to the public upon when appropriate.
2. Please reach out to the attorneys representing the officers involved in this incident to inform them of our decision and answer questions. Please also communicate our decision to Saint Paul Chief Axel Henry.
3. I understand that Mr. Bennett is presently a defendant in a criminal case being prosecuted by the Hennepin County Attorney's Office. I further understand that Mr. Bennett is represented by legal counsel in that criminal case, which of course prevents us from contacting him directly. Please work with the BCA to make sure that either the BCA or the HCAO notifies the attorney for Mr. Bennett our decision, so that it can be shared with him.
4. I have also copied our public information officer to begin work on the public release of our decision and the written material associated with it, including your 37-page staff memorandum.

Thank you both for your hard work and dedication to conduct a thorough and impartial review and provide me with an extensive and detailed memorandum setting forth your conclusions and recommendation.

John Choi