




OFFICE OF THE RAMSEY COUNTY ATTORNEY  
JOHN J. CHOI, COUNTY ATTORNEY

TO: John Choi, Ramsey County Attorney

FROM: John Kelly, First Assistant Ramsey County Attorney   
Hao Nguyen, Trial Division Director *H. Q. N.*

DATE: July 10, 2023

RE: ***In the Matter of the Death of Howard Peter Holliday Johnson***  
RCAO File No. 062-0550549 (Saint Paul Police Department Sergeant Cody Blanshan)  
BCA File No. 2022-1110

**I. Introduction**

On the evening of December 5, 2022, Sergeant Cody Blanshan of the Saint Paul Police Department (“SPPD”), used deadly force when responding to a domestic violence incident in Saint Paul, Minnesota, that resulted in the death of Howard Peter Holliday Johnson, age 24. The Minnesota Bureau of Criminal Apprehension (“BCA”) conducted the investigation of the circumstances regarding the death of Mr. Johnson and presented its investigative file to the Ramsey County Attorney’s Office (“RCAO”) on April 20th, 2023. The RCAO reviewed the BCA’s investigative file to determine the lawfulness of the deadly force used by Sergeant Blanshan against Mr. Johnson.

This Memorandum describes the relevant evidence gathered by the BCA during its investigation of the shooting of Mr. Johnson. As set forth below, such evidence includes statements given by law enforcement officers and other witnesses; physical evidence, including DNA and ballistics evidence; and audio and video recordings taken from private security cameras in the area, law enforcement squad cameras, and the body worn cameras (“BWCs”) worn by the officers involved in the incident, including Sergeant Blanshan. This Memorandum then applies the above-referenced evidence to the legal standard used to determine whether the use of deadly force by Sergeant Blanshan was justified under Minnesota Statutes, Section 609.066.

Based on our review of the evidence presented to us by the BCA, and for the reasons explained in this Memorandum, it is our opinion that the use of deadly force by Sergeant Blanshan against Mr. Johnson was justified by Minn. Stat. § 609.066, subd. 2(a)(1)(i-iii), (2) and (b). Accordingly, we recommend that no criminal charges be brought against Sergeant Blanshan related to this incident.

## II. Case Summary

### A. Summary of Facts

At approximately 6:04 PM on December 5, 2022, I.S.R. called 911 to report that she had been the victim of a domestic assault that occurred on Earl Street, near Hudson Road, in Saint Paul, Minnesota. I.S.R. said that she had been assaulted in her car, by Mr. Johnson in the presence of her three children, two 4-year-old twin sons, and an 8-year-old son. Mr. Johnson is the father of the twin sons.

I.S.R. told the responding officers that she and Mr. Johnson were parked in front of a convenience store, with the three children in the rear passenger seat, when their verbal argument turned violent after Mr. Johnson spit on her and then struck her multiple times in the face with his hand. I.S.R. also told the officers that Mr. Johnson had a .40 caliber handgun with “a big extended clip” in his pants. I.S.R. informed the officers that after Mr. Johnson assaulted her, he said he was going to return to her home later that night and kill her. I.S.R. said that Mr. Johnson then left her vehicle and began walking north on Earl Street.

SPPD officers immediately established a perimeter in the area near where I.S.R. was assaulted, to search for Mr. Johnson. Among the responding officers were SPPD Sergeants Blanshan and Todd Ludvik. The officers who responded to the domestic assault call, including Sergeants Blanshan and Ludvik, were informed by the dispatcher, that Mr. Johnson, was a black male, wearing a light-colored jacket and a backpack, who was in possession of firearm. Dispatch also informed the responding officers that there was an outstanding felony arrest warrant issued against Mr. Johnson for a previous domestic assault in which I.S.R. was the victim.

Numerous responding SPPD officers observed that Mr. Johnson was moving on foot throughout the perimeter area, carrying a firearm. This information was shared with other responding officers, including shared with other responding officers, including Sergeants Blanshan and Ludvik, who were riding together in a fully marked SPPD vehicle, driven by Sergeant Blanshan. Evidence also shows that Mr. Johnson was aware that he was wanted by the police because shortly after leaving I.S.R.’s car, he called his current girlfriend, A.B., to ask that she pick him up because “he got into some stuff,” and if she did not do so, “he was going to go to jail.”

SPPD Officers Jesse Makela and Josephine Antonich observed Mr. Johnson, with a gun in his hand, in an alley near Wakefield Avenue. As the officers exited their squad vehicle, video and audio taken from their respective BWCs establish that both officers gave multiple loud and clear verbal orders for Mr. Johnson to drop his gun. Mr. Johnson disregards the orders and flees by running westbound down the alley with the officers in foot pursuit. While pursuing Mr. Johnson, Officer Antonich shares with dispatch that she and Officer Makela are in foot pursuit of a fleeing and armed Mr. Johnson. Eventually, the two officers lose sight of Mr. Johnson.

Approximately one minute later, as Sergeant Blanshan turned eastbound on Hudson Road, he saw Mr. Johnson walking eastbound on the north side of the sidewalk of the road with a handgun in his right hand. From his position in the front passenger seat, Sergeant Ludvik also saw Mr. Johnson walking on the sidewalk with a gun in his right hand. Both Sergeants Blanshan and Ludvik then saw Mr. Johnson leave the sidewalk and walk into the middle of Hudson Road and toward a Honda Pilot SUV, driven by S.O., that was traveling westbound on the road.

S.O. had briefly stopped at the Mounds Liquor Store on Hudson Road. Almost immediately after leaving the store and driving away, S.O. said that Mr. Johnson was "walking in the middle of the road right towards me." S.O. said that Mr. Johnson was "pointing his gun right towards me, and he was yelling something like 'Get out of the way!'" S.O. described his gun as a "black handgun with something big sticking out from its bottom." S.O., fearing that Mr. Johnson might carjack her, temporarily froze and stopped her SUV in the middle of the road. Security camera video from a neighboring business corroborates Mr. Johnson moving towards Hudson Road carrying a gun in his right hand, approximately ten seconds before he approached S.O.'s vehicle.

Both Sergeants Blanshan and Ludvik also said they saw Mr. Johnson with a handgun in his right hand. They both also said that they saw him raise his gun toward S.O.'s vehicle. They believed that Mr. Johnson was going to carjack S.O. At 6:40:48 PM, Sergeant Blanshan radioed "He's [Mr. Johnson] got the gun in his right hand. He's pointing it at the car. He's trying to carjack right now." Approximately 4 seconds later, believing that he needed to immediately intervene to save S.O.'s life, Sergeant Blanshan accelerated his vehicle toward Mr. Johnson with the intention to strike him with the front of his vehicle.

Both Sergeants Blanshan and Ludvik said they saw Mr. Johnson turn towards their moving police vehicle. They both also said that as they approached Mr. Johnson, he pointed his gun at them, and they both believed he fired a shot at them. Audio taken both from a security system owned by an adjacent business, and from the camera and audio system in SPPD Officer Chad Brouwer's

squad car parked near the intersection of Hudson Road and Earl Street, clearly captures the sound of a gunshot while the police vehicle is moving towards Mr. Johnson.

Security camera video from another adjacent business shows the driver's side front bumper of the police vehicle striking Mr. Johnson causing him to fall and slide on the street, with a muzzle flash coming from his gun. The impact causes both of Mr. Johnson's shoes to leave his feet, and he ultimately landed a few feet outside of the driver's door of the police vehicle with his back facing the door.

Security camera video further shows that as Sergeant Blanshan begins to open his car door, Mr. Johnson quickly gets to his knees, grabs his backpack with his left hand, turns and points his gun with his right hand towards the police vehicle. Immediately thereafter, a second muzzle flash is seen coming from the barrel of Mr. Johnson's gun. Sergeant Blanshan said that as he opened his car door, he saw Mr. Johnson pointing his gun at his face. Audio taken from his BWC, Sergeant Blanshan is heard telling Mr. Johnson, "Don't do it! Don't do it! Video from Sergeant Blanshan's BWC shows Mr. Johnson now standing on his feet, with his back facing Sergeant Blanshan, but with a gun in his right hand pointed across his upper torso, towards the sergeant. The BWC video shows a third muzzle flash coming from Mr. Johnson's gun.

Within a span of two seconds, Sergeant Blanshan then fired ten rounds at Mr. Johnson until he fell to the ground. After placing handcuffs on Mr. Johnson, Sergeant Blanshan, and other SPPD officers immediately began performing life-saving emergency first aid measures on him until Saint Paul Fire and Emergency Medical Services ("EMS") arrived on the scene approximately four minutes later, at 6:45 P.M. EMS professionals continued performing life-saving measures on Mr. Johnson and transported him to Regions Hospital at 6:49 P.M. After additional life-saving measures were undertaken by Regions Hospital emergency medical professionals, Mr. Johnson was declared deceased at 7:05 P.M.

The autopsy completed on December 6, 2022, by the Ramsey County Medical Examiner, finds that Mr. Johnson was struck eight times by gunfire. Ten spent 9mm caliber cartridge casings fired from Sergeant Blanshan's handgun were recovered at the scene by the BCA.

Testing conducted by the BCA on the .45 caliber Glock handgun found next to Mr. Johnson's body, showed that his DNA was found on the grip, slide, and trigger of the gun. Three spent .45 caliber cartridge casings from Mr. Johnson's handgun were also recovered at the scene.

### **III. Summary of Relevant Evidence**

**A. Interviews of Material Lay Witnesses And Law Enforcement Officers and the Written Statements of Sergeants Blanshan and Ludvik**

**1. Lay Witness Interviews:**

Interview of I.S.R.

On December 5, 2022, I.S.R. asked Mr. Johnson to do her a favor by picking up her three children from her home, while she was at work. I.S.R. and Mr. Johnson are the biological parents of two four-year-old twin boys. I.S.R. also asked Mr. Johnson to pick up her eight-year-old son, who was not Mr. Johnson's biological child.

I.S.R. was apprehensive of being near Mr. Johnson due to her concern that he was still actively using drugs such as meth and fentanyl. Because I.S.R. had taken out a harassment restraining order against Mr. Johnson and received full custody of their twins, she had not seen Mr. Johnson for a long period of time. She and Mr. Johnson had been romantically together on and off again for about five years. I.S.R. was also aware that there was an active warrant for Mr. Johnson's arrest for a previous domestic assault where he harmed her. Despite her apprehensions about Mr. Johnson, I.S.R. said that she needed his help on that day because she couldn't leave work early and had "a lot going on" at the time.

At about 5:40 PM, Mr. Johnson along with the children arrived to I.S.R.'s work, in a vehicle owned by her to Mister Carwash and waited for her to clock out of her shift. After she got into the car, she and Mr. Johnson got into a verbal argument about why he parked where he did. During the argument she felt that he must have relapsed again, her rationale being the argument was unnecessary given the issue of parking was in her opinion not a big deal. As he drove them towards her apartment the three children in the back began to cry. She told Mr. Johnson that they needed to stop the argument because it was upsetting the children. This upset Mr. Johnson, who then responded by spitting and slapping her face followed by punching her several times. Mr. Johnson then grabbed onto her and held her. I.S.R.'s eight-year-old son, who was sitting in the back of the vehicle, put Mr. Johnson in a choke hold to stop Mr. Johnson from assaulting his mother. I.S.R. then bit Mr. Johnson in order to make him let go of her.

They drove to her home where Mr. Johnson went into the residence and retrieved something underneath the couch cushions. I.S.R. did not know what he retrieved but believed it could have been a gun. She saw a gun fall from his pants several times while they

were at her house. Mr. Johnson told her that the gun was too heavy and that's why it kept falling out of his pants. He said it was a .40 caliber pistol. She saw that it had an extended magazine.

While at the house I.S.R.'s eight-year-old son told her that he was afraid that she and Mr. Johnson were going to get into an argument and that he also saw Mr. Johnson with a gun. I.S.R. was afraid of Mr. Johnson and no longer wanted to be near him. She considering dropping him off. She estimated that they weren't at her house for longer than about five minutes.

They all got back into the car, and Mr. Johnson drove them to the M and A Market. Once at the store I.S.R. got out of the vehicle and tried getting the kids out of the vehicle as well, asking the kids if they wanted her to buy them something to drink from inside the store. When the kids refused her offer, I.S.R. re-entered the vehicle.

Once inside the vehicle Mr. Johnson started another argument with I.S.R., this time it was about a stain on the car title that she kept in the glove compartment. She said Mr. Johnson then told her that he was going to have someone beat her up saying that his buttons were always being pushed by her. He then told her that he would come back later in the night and kill her.

Mr. Johnson then tried to punch I.S.R. again, but this time she was able to dodge the assault. In response her 8-year-old son again put Mr. Johnson into a headlock. I.S.R. saw how angry Mr. Johnson was and begged her son to let go of him. She yelled at Mr. Johnson to leave the car and get all his belongings out of the vehicle. Mr. Johnson said he wouldn't leave and refused to get out of her car. She determined she needed assistance and so she exited the car to call 911 for help. Mr. Johnson remained in the car.

I.S.R. quickly called 911 but had to hang up because Mr. Johnson exited the car shortly thereafter. She last saw Mr. Johnson walking down Earl Street before driving away with the kids so she could meet up with responding police officers.

#### Interview of M.M.

On December 5, 2022, at about 6:00 PM, M.M. said she had just left the M and A Market and was walking back to her nearby apartment. She saw numerous police cars in the area and received an emergency automated alert on her phone from her cell carrier letting her

know to shelter in place. M.M. saw several officers and two squad cars parked in the area. She also saw two other squads driving the streets.

As M.M. was walking back to her residence, she saw a male who was later identified as Mr. Johnson. She described him as a younger, black male who looked like he was in his early twenties. The male looked like he was in a hurry. She saw him holding a dark colored handgun standing near a sports utility vehicle that was located just in front of the Saloon Bar. She was unsure if he had just gotten out of the vehicle or not. She described him as being in a rush and from her observations felt he was trying to avoid law enforcement. She saw him hold the black handgun up in the air and fire the weapon once. She thought he looked angry.

After hearing the shot, M.M. took cover in her residence and heard multiple shots being fired thereafter. She then called 911 to report the gunfire.

#### Interview of S.O.

S.O., told investigators that on the evening of December 5, 2022, at around 6 p.m., she decided to stop at the Mounds Liquor before heading home. S.O said she lives in the area and is familiar with neighborhood. She parked her Honda Pilot on the north side of Hudson Road in front of the liquor store and the Saloon Bar. After leaving the liquor store, S.O. noticed numerous police vehicles in the area. She saw police vehicles with their emergency lights on, parked at both ends of the block. As a long-time resident of the neighborhood, she was aware that the area has a high crime rate, she also felt that something bad was happening at the Saloon Bar. Beyond the two squad cars she also saw several other squads driving in the area and felt that police were setting up a perimeter. As S.O. pulled away onto Hudson Road driving westbound., she saw a black male, later identified as Mr. Johnson, walk from the sidewalk out onto the street.

S.O. thought Mr. Johnson was leaving the Saloon Bar but couldn't be sure. She saw Mr. Johnson walk directly towards her, yelling something at her. She couldn't make out what he was saying to her but felt that he was probably trying to warn her to get out of the way or to leave. She did not immediately think she was in danger, but as Mr. Johnson got closer to her, she saw that he was holding a handgun, with an extended magazine on it. When she saw the gun she froze, she didn't know what to do. She then saw Mr. Johnson point the gun directly at her face. He was screaming at her to move. She was afraid and terrified that she would be killed. S.O. said that she was confused and in shock.

## **2. Law Enforcement Written Statements**

### Written Statement of Sergeant Blanshan

Sergeant Cody Blanshan provided a written statement to BCA investigators. The following is a summation of his statement. Sergeant Blanshan has been employed with the Saint Paul Police Department since January 28, 2013. He was assigned to the Eastern and Central district in the patrol division working these areas as a patrol officer for eight and a half years. In 2016 he joined the SWAT team and worked in that unit for five years until 2021 when he was promoted to Sergeant of patrol.

On December 5, 2022, he began his shift at noon. Around 6:30 P.M., he was at the Eastern District station when he heard 911 dispatch sending officers to a domestic assault related call for service. Dispatchers told officers that a black male had just assaulted the 911 caller. The caller was a female and reported that the male was carrying a gun and left on foot in the area of interstate 94 and Earl Street. There was also information that the male had an outstanding felony arrest warrant for domestic assault. Having been made aware of the information Sergeant Blanshan and his partner Sergeant Todd Ludvik drove to the area of Earl Street and interstate 94. He was driving while Sergeant Ludvik was in the passenger seat. While enroute to the area officers radioed that the male (later identified as Mr. Johnson) was being tracked by a K9 unit. Mr. Johnson was spotted by officers and was fleeing the area on foot through a residential neighborhood near Wakefield Avenue. As they got closer to the area, Sergeant Blanshan heard officers' radio that Mr. Johnson had pointed a gun at officers.

When they arrived at the area of Hudson Road and Cyprus street, Sergeant Blanshan saw Mr. Johnson walking eastbound in the alley south of Wakefield and North of Hudson Road. It was at that time he turned the squad car around and headed eastbound on Hudson Road where he again saw Mr. Johnson. He observed Mr. Johnson walking on the north side of Hudson Road on the sidewalk. Sergeant Blanshan saw the Mr. Johnson was armed with a black handgun in his right hand. The handgun did not look like a typical handgun as it appeared to be equipped with an extended magazine.

Sergeant Blanshan saw Mr. Johnson walk into the middle of the street walking eastbound toward a sports utility vehicle (SUV) which was driving westbound on Hudson Road. Sergeant Blanshan saw Mr. Johnson raise the gun with his right hand, pointing the gun directly at the windshield and the driver of the SUV. Seeing this Sergeant Blanshan believed that Mr. Johnson was about to shoot at the driver of the SUV, easily killing her. Sergeant Blanshan aired over the radio, telling others that Mr. Johnson was about to carjack the SUV.



Sergeant Blanshan believed he needed to immediately intervene to save the driver's life. Sergeant Blanshan then made the decision to accelerate his squad car towards the male with the intention to strike Mr. Johnson with the front of his squad. Sergeant Blanshan reported that it was his intention to disable Mr. Johnson and arrest him.

While accelerating towards Mr. Johnson, Sergeant Blanshan saw Mr. Johnson turn towards his squad car. Sergeant Blanshan saw Mr. Johnson turn away from the driver of the SUV, focusing instead on he and Sergeant Ludvik. He saw Mr. Johnson point a gun directly at him and his partner. Sergeant Blanshan believed he heard Mr. Johnson fire at him and his partner at least once while they drove at him. As the squad car continued to accelerate it struck Mr. Johnson with the front left bumper. For a moment Mr. Johnson fell to the ground and out of Sergeant Blanshan's sight.

Sergeant Blanshan believed at that point Mr. Johnson was disabled and perhaps had been ran over by the squad. Sergeant Blanshan placed the squad in park and opened the driver side door to exit so as to place Mr. Johnson under arrest. Sergeant Blanshan opened the door with his left hand and with his right he unholstered his duty weapon a Glock 17 Generation Five 9-millimeter handgun. The gun contained 17 rounds in the magazine with one round in the chamber. As he exited the squad, he took cover behind the door. Sergeant Blanshan then saw Mr. Johnson pointing a gun directly at his face. Sergeant Blanshan thought he and his partner Sergeant Ludvik were going to be shot and believed he was about to die.

While Mr. Johnson continued to point his gun directly at him and Sergeant Ludvik, Sergeant Blanshan fired multiple rounds at Mr. Johnson. During the exchange Sergeant Blanshan estimated that he heard Mr. Johnson fire at least twice, making it a total of three times Mr. Johnson fired his gun at them. The first shot was fired when they were driving towards him when he pointed his gun at S.O. and two more shots during the exchange of gun fire at the squad car. After being hit multiple times, Mr. Johnson fell backwards on the ground.

Sergeant Blanshan saw Mr. Johnson's gun drop to the left side of his body. The gun landed close enough to him that Mr. Johnson could still reach and start firing again. To safely apprehend Mr. Johnson, he approached him and put his knees on the back side of Mr. Johnson's legs. Sergeant Blanshan then put on blue medical latex gloves and gave verbal commands to Mr. Johnson to place his hands behind his back. Sergeant Blanshan then placed him under arrest while Sergeant Ludvik provided cover.

Sergeant Blanshan then immediately provided life-saving measures to Mr. Johnson, rolling him onto his side into the recovery position. Sergeant Blanshan then told fellow officers to retrieve medical kits and to apply emergency care. A tourniquet was applied to Mr. Johnson to control his bleeding. Sergeant Blanshan then attempted to locate bullet wounds on Mr. Johnson's body to stop any bleeding. Sergeant Blanshan stated he did everything he could to address Mr. Johnson's medical needs. Sergeant Blanshan made sure that an ambulance was enroute and stepped back from the scene while other officers continued to provide medical aid.

Sergeant Blanshan said that when he fired his weapon at Mr. Johnson, he could specifically see Mr. Johnson's handgun. He knew that Mr. Johnson had pointed the gun at officers earlier and believed that just seconds earlier Mr. Johnson was just about to shoot an innocent bystander, S.O., and steal her vehicle so he could flee from the police. Additionally, Sergeant Blanshan also stated he knew that Mr. Johnson had just fired a shot at he and Sergeant Ludvik's squad car no more than a second before their squad struck him.

Finally, Sergeant Blanshan reiterated that he did not fire a shot at Mr. Johnson until after he opened the squad door and saw Mr. Johnson pointing a gun directly at his face. Sergeant Blanshan concluded that there was no doubt in his mind that he had to shoot Mr. Johnson in order to save his own life, the life of Sergeant Ludvik and the lives of those in the community that evening.

#### Written Statement of Sergeant Ludvik

Sergeant Todd Ludvik provided a written statement to BCA investigators. The following is a summation of that statement. On December 5, 2022, at about 6 P.M., he was on duty and assigned to the Eastern District as a supervisor of the patrol unit. He was with his partner Sergeant Cody Blanshan. He heard patrol cars being dispatched to a call for service related to a domestic assault wherein the person being assaulted reported the suspect (later identified as Mr. Johnson) was in possession of a gun.

Sergeant Ludvik said he continued listen to the police radio for updates and learned that squads had arrived at the scene and setup a perimeter in order to locate the suspect. Sergeant Blanshan radioed that they were headed to the area. Sergeant Blanshan was driving, while he was in the front passenger seat. When they arrived at the scene, he saw a perimeter squad car that had emergency lights activated at the intersection of Earl and Wakefield Street. While speaking with these officers he heard officers' radio that a K9 was beginning to do a track of the suspect.

Updated information aired over the radio said Mr. Johnson was running through yards in the area of Wakefield Street with additional information Mr. Johnson was in the alley way between Wakefield Street and Hudson Road. After a short time, he and Sergeant Blanshan ended up in the area of Hudson Road and Cypress Street. It was at about that moment when he heard Sergeant Blanshan say something to the effect of "there he is." At that moment Sergeant Ludvik said he looked and saw Mr. Johnson walking down the sidewalk, he saw that Mr. Johnson was carrying a backpack and wearing a jacket. This information matched the description that he had earlier heard being dispatched.

As he and Sergeant Blanshan continued to drive towards Mr. Johnson, he saw him walk off the sidewalk and out onto the Hudson Street. He recalled at that moment Sergeant Blanshan said something to the effect of "he has a gun in his right hand." After hearing this Sergeant Ludvik looked and saw the Mr. Johnson was carrying a gun in his right hand confirming that the situation was now a dangerous one. He saw Mr. Johnson continue to walk onto the roadway, now towards a vehicle that was traveling Westbound on Hudson Road. He saw Mr. Johnson raise a gun and point it towards the westbound traveling vehicle. It appeared that Mr. Johnson was attempting to stop the westbound vehicle in order to take the vehicle.

Sergeant Ludvik became concerned for the safety of the driver and occupants of the vehicle and removed his department issued handgun from his holster. He then heard Sergeant Blanshan say something to the effect of "He's carjacking that car." He then felt their squad accelerate. From his training and experience and due the fact that Mr. Johnson was pointing a gun at citizens putting them in danger, he intuitively understood that Sergeant Blanshan's plan was to strike Mr. Johnson with their squad car.

As the squad got closer to Mr. Johnson and the westbound vehicle, he could see Mr. Johnson more clearly as Mr. Johnson became illuminated by headlights coming from the westbound vehicle. It was at this point that he saw Mr. Johnson turn towards he and Sergeant Blanshan and raise a gun, pointing the firearm in their direction. For his safety he leaned to the left in his seat behind the squad's dashboard and engine block. It was at that time he heard what he believed to be a pop and a flash of light. In that moment he feared for his safety and the safety of Sergeant Blanshan because Mr. Johnson had just fired a shot at them.

Once the squad come to a stop, Sergeant Ludvik looked up and could not locate Mr. Johnson and so he opened the passenger side door and exited the squad. Once outside he

still could not locate Mr. Johnson in the front of the passenger side of the squad. He made his way towards the rear of the squad. At that time he heard multiple shoots being fired. He did not know who was firing the shots and so he used the rear of the squad for cover. Once he was able to pan around the rear bumper of the squad, he saw Mr. Johnson was laying on the ground. As he could not see both of Mr. Johnson's hands he pointed his gun at Mr. Johnson.

Sergeant Ludvik said that he saw Sergeant Blanshan approach Mr. Johnson taking control of Mr. Johnson's arms. He then saw Mr. Johnson's gun laying on the ground next to his body. After Mr. Johnson was cuffed Sergeant Blanshan began to provide medical aid to him. Several officers immediately arrived to the area and began to help administer medical aid to Mr. Johnson. Sergeant Ludvik then stood by until more supervisors arrived to take the scene over.

## **B. Summary of Crime Scene, Evidence Collection and Analysis**

### **1. Surveillance Camera Footage**

#### Mister Carwash Surveillance Video

12/05/22 5:36:55

Mr. Johnson is driving I.S.R.'s vehicle and is seen pulling up to the curb. The vehicle is parked on the westside of Kittson Street, facing northbound across from Mister Carwash I.S.R.'s place of employment.

5:41:08

I.S.R. exits Mister Carwash and walks across Kittson Street, she enters the front passenger side of the vehicle.

5:43:13

Mr. Johnson makes a U-turn on Kittson Street; the vehicle leaves the area.

#### Mounds Theater Surveillance Video

12/05/22 6:40:35

Mr. Johnson is walking southbound on the eastside of the building, near the fence. Seen wearing a jacket and carrying a backpack.

#### Mounds Liquor Store Surveillance Footage with Audio

6:40:52

S.O. is seen pulling away from the curb of Hudson Road, her vehicle is facing west as she enters the roadway she immediately stops, her break lights illuminate.

6:40:58

Mr. Johnson is seen walking from the sidewalk and then onto the roadway directly towards S.O.'s vehicle. Headlights from Sgt. Blanshan's squad car can be seen illuminated down the street. The headlights are pointing eastbound on Hudson Road. The squad is stopped and not moving.

6:41:00-6:41:06

Mr. Johnson is past the front of S.O.'s vehicle and at her driver's side window. Sgt. Blanshan's squad car begins to accelerate rapidly driving towards S.O.'s SUV and Mr. Johnson.

6:41:04

A single gunshot can be heard being fired.

6:41:05

The squad car passes narrowly by S. O.'s driver's side door, striking Mr. Johnson and pushing him into the air. Mr. Johnson's body travels about three feet west and then he lands on the ground. S.O. immediately drives eastbound away from the scene.

6:41:06-6:41:10

Mr. Johnson is on his feet, one gunshot can heard being fired. Then another two gunshots are fired, a muzzle flash can be seen coming from Mr. Johnson's firearm. The sound of 8 more gunshots can be heard being fired.

6:41:17-6:41:23

Mr. Johnson falls to the ground; inaudible screaming can be heard. Sgt. Blanshan walks over to Mr. Johnson. Sgt. Blanshan rolls Mr. Johnson onto his side. More inaudible screaming can be heard. Sgt. Ludvik is seen providing cover for Sgt. Blanshan.

#### Saint Paul Saloon Surveillance Video Footage (Front Entrance Camera)

12/05/22

6:40:53

S.O. driving her SUV pulls from the curb onto Hudson Road, she is facing westbound

6:41:00

S.O.'s break lights go on and she comes to a stop in the middle of the road, her vehicle is still facing west

6:41:04

Mr. Johnson's feet can be seen moving across and through the headlights of S.O.'s SUV.

6:41:05

Headlights of Sgt. Blanshan's squad car is seen illuminating the roadway, the headlights are getting brighter as the squad car travels Eastbound on Hudson Road towards S.O.'s still stopped vehicle.

6:41:07

The squad has now travelled completely parallel to S.O.'s vehicle, it strikes Mr. Johnson who is thrown into the air.

6:41:08

Mr. Johnson's body travels in the air falling in an easterly direction. The squad car comes to a complete stop. Mr. Johnson lands on the ground near the driver's side door of the squad car. S.O. drives away heading westbound.

6:41:10

Mr. Johnson turns and faces the squad, he's on his knees and his right arm is extended. He has a gun in his hand. It's pointed at the open driver's side door where Sgt. Blanshan is seated.

6:41:13

Mr. Johnson is off his knees, now on his feet. He aims and fires one round at Sgt. Blanshan. Mr. Johnson's right arm is extended, a gun is in his hand and a muzzle flash is seen coming out of his gun.

6:41:14

Sgt. Blanshan returns fire. Mr. Johnson falls to the ground laying on his back.

6:41:16

Sgt. Blanshan holsters his sidearm.

6:41:22

Sgt. Blanshan rolls Mr. Johnson off his back and onto his stomach.

6:41:32

Sgt. Blanshan secures Mr. Johnson. Sgt Ludvik is providing cover and using his radio.

6:41:45

A third SPPD officer arrives from the west, he is seen carrying a rifle. He kicks Mr. Johnson's gun away. The gun is equipped with an extended magazine, it is now closer to the curb and out of Mr. Johnson's reach.

6:42:06

Two more SPPD officers arrive to the scene coming from east via the sidewalk.

6:42:25

Officers search Mr. Johnson for weapons and put him into a recovery position.

6:42:36

Officers are seen putting in latex gloves and providing medical treatment to Mr. Johnson.

6:43:02

Five SPPD officers are all working to provide medical aid to Johnson while they wait for EMS to arrive to the scene.

Saint Paul Saloon Surveillance Video Footage (Front West Camera)

This Camera faces the west and captures the same events, but from a different angle.

6:40:51

S.O. Pulls her SUV from the curb and onto Hudson Road she is traveling westbound.

6:41:01

S.O. Stops her SUV in the street, the rear passenger side bumper is barely visible, but the exhaust fumes can be seen emanating from her SUV due to the cold weather.

6:41:03

The lights of Sgt. Blanshan's squad car is seen; the squad is traveling eastbound on Hudson Road. The squad car's headlights illuminate the roadway making S. O.'s rear passenger side bumper visible to the camera.

6:41:07

Sgt. Blanshan's squad is seen entering the field of view of the camera. He is still traveling eastbound; the front driver's side of the squad strikes Mr. Johnson pushing his body into the air and sending him about three feet east.

6:41:08

Mr. Johnson lands on the ground and immediately is upright onto his knees, his right arm is extended, he's holding a gun and the front of his body is squarely facing Sgt. Blanshan who has just opened the driver's side door of the squad car.

6:41:12

Mr. Johnson is fully upright standing on both feet, still squarely facing Sgt. Blanshan. Sgt. Ludvik who was seated in the front passenger side of the squad is now seen outside of the squad standing at the passenger rear. Mr. Johnson is still holding a gun in his right hand.

6:41:13

Mr. Johnson rotates his body away from Sgt. Blanshan, while firing and still aiming his handgun at Sgt. Blanshan. Sgt. Blanshan returns fire. Mr. Johnson falls to the ground and lands on his back.

6:41:16

Sgt. Blanshan holsters his handgun and approaches Mr. Johnson. Sgt. Ludvik is seen moving from behind the corner passenger side of the squad towards Sgt. Blanshan.

6:41:22

Sgt. Blanshan approaches Mr. Johnson and rolls him off his back onto the left side of his body. Sgt. Ludvik is seen using his radio while providing cover for Sgt. Blanshan.

6:41:41

Sgt. Blanshan takes out latex gloves and begins to provide medical aid to Mr. Johnson. A third officer equipped with a rifle style firearm has arrived at the scene and is seen helping Sgt. Ludvik provide cover to Sgt. Blanshan while he provides medical aid to Mr. Johnson.

6:41:45

The third officer is seen kicking away the gun that fell from Mr. Johnson's hand. It's a black handgun with an extended magazine equipped to the bottom of it.

12/05/22 6:41:45-6:46:09

Several more SPPD officers arrive on scene. Some officers canvas the area while others begin securing the scene. Several officers remain with Mr. Johnson providing medical care. The ambulance arrives, several officer help EMS personnel load Mr. Johnson on a stretcher.

### **C. Toxicology Results of Mr. Johnson and Sergeant Blanshan**

Toxicology and analysis of post-mortem screened blood samples taken from Mr. Johnson showed the presence of methamphetamines, amphetamines, fentanyl, norfentanyl, 11 Hydroxy delta-9 THC, Delta-9 carboxy THC, Delta-9 THC, in his system.

Toxicology and analysis of screened blood samples taken from Sergeant Blanshan showed no presence of alcohol or other intoxicating substances.

### **D. Body-Worn Camera Evidence**

#### **1. Sgt. Blanshan's Body-Worn Camera**

12/05/22

6:37:13-6:40:46



Sgt. Blanshan is driving the squad; Sgt. Ludvik's voice can be heard coming from the front passenger side of the squad. The two of them drive the area searching for Mr. Johnson.

6:40:48

Sgt. Blanshan, can he heard saying.

"Yeah, he's right there."

Sgt. Blanshan uses his squad radio and says

"He's walking eastbound Hudson; he's got the gun in his righthand." He then puts his radio down.

The engine of the squad can he heard accelerating. He picks up the radio again and says

"He is pointing at a car; he's carjacking right now."

6:41:05

The sound of a gunshot can be heard echoing from outside the squad. The sound of the squad striking Mr. Johnson can he heard.

6:41:09

Sgt. Blanshan opens the driver's side car door and begins to exit.

6:41:10

Sgt. Blanshan says to Mr. Johnson. "Don't do it, don't do it."

6:41:11

Mr. Johnson's right hand is seen stretched across his chest, his feet are pointed away from Sgt. Blanshan, his right hand is parallel with his left shoulder as he fires two rounds towards Sgt. Blanshan. Muzzle flashes can be seen emanating from Mr. Johnson's firearm. Two gunshots can immediately be heard being fired from Mr. Johnson's gun.

6:41:12-6:41:14

Sgt. Blanshan returns fire. Eight gunshots can he heard being fired from Sgt. Blanshan's gun. Mr. Johnson's gun is in his right hand, the gun falls from his hands and then he falls to the ground landing on his back. He immediately begins to scream.

6:41:17

Sgt. Blanshan approaches Mr. Johnson his gun is now holstered. Mr. Johnson is seen laying on his back. Mr. Johnson's gun is on the ground near his right leg. The gun has an extended magazine on it.

6:41:19

Sgt. Blanshan pulls Mr. Johnson off his back and rolls him onto his stomach. Sgt. Johnson is saying

"Put your hands behind your back, put your hands behind your back."

6:41:32

Sgt. Ludvik is heard saying

"Suspect is down, suspect is down."

"Don't move don't move."

Mr. Johnson is heard saying

"I can't breathe, I can't breathe."

Sgt. Blanshan is seen putting on blue latex gloves.

Blood can be seen coming out of Mr. Johnson's mouth onto the snow. The clothing on his right arm is also saturated with blood.

Sgt. Blanshan is heard telling Mr. Johnson to

"Put your hands behind your back, put your hands behind your back now."

Sgt. Blanshan is seen cuffing Mr. Johnson.

6:42:14

Mr. Johnson is handcuffed and rolled onto his left side into a recovery position.

6:42:17

Sgt. Blanshan asks Mr. Johnson, "Where are you hit, where are you hit?"

Mr. Johnson replies, "my back, my ass, and my lungs."

6:42:28

Sgt. Blanshan is heard yelling to officers, "Somebody grab one of these med packs from the bags right now, hurry up hurry up!"

6:42:39

Officers are seen trying to locate the exact locations of Mr. Johnson's gunshot wounds. Four officers are seen providing medical aid to Mr. Johnson. One officer is seen applying a tourniquet to a wound on Mr. Johnson's right arm. Another is seen applying pressure and bandages.

6:44:08

Sgt Blanshan asks other officers if medics are coming. One officer responds and confirms that medics have been called and are on the way to the scene. Several officers are continuing to provide medical aid to Mr. Johnson.

6:45:23

Sgt. Blanshan walks away from the scene with another officer and stands by.

6:49:18

An ambulance is seen arriving on scene.

6:51:24

Sgt. McManus reads the public safety statement from a laminated card to Sgt. Blanshan

6:51:47

Sgt. McManus ask if there are any other witnesses that they should talk to other than the officers on scene. Sgt. Blanshan tells him that there was a driver of a car that Mr. Johnson appeared to be carjacking.

6:52:30

Sgt. Blanshan was directed by Sgt. McManus to turn off his body-worn camera per department policy.

## **2. Sergeant Ludvik's Body-Worn Camera**

12/05/22 6:38:09-6:38:21

Sgt. Ludvik is sitting on the passenger side of the squad. Sgt. Blanshan is driving. They stop and talk to two other officers who are off camera. They are told that Mr. Johnson is carrying a backpack, traveling on foot. They end the conversation and drive off.

6:39:42

There is radio traffic from other officers saying the suspect has a gun and is fleeing through an alley way.

6:40:49

Sergeant Blanshan tells Sergeant Ludvik  
"There he is right there."

6:40:54

Sergeant Blanshan use the radio and says  
"07 he's walking eastbound Hudson; he's got the gun in his right hand."

6:41:01-6:41:03

Sergeant Blanshan tells Sergeant Ludvik

“He’s pointing at a car; he’s trying to carjack right now.”

The awning of the Saint Paul Saloon can be seen to the left, there are squad car lights illuminated in the distance towards the east.

The engine of the squad can be heard accelerating. The buildings in view of Sergeant Ludvik’s body-worn camera are moving through the frame quickly.

6:41:06

The squad front driver’s side bumper strikes Mr. Johnson’s body. He is thrown into the air and to the left of the squad.

6:41:07

Sergeant Ludvik has his handgun out and at the ready. The gun is in his right hand. His left hand is on the inside of the passenger side door handle pulling to unlock the door.

6:41:09

The squad comes to a stop, Sergeant Ludvik immediately opens his front passenger side door and exits the squad car. Heading towards the rear bumper of the squad.

6:41:11

A single gunshot can be heard, the gunshot is not from Sergeant Ludvik’s handgun.

6:41:12

Another gunshot can be heard, again this gunshot is not from Sergeant Ludvik’s handgun.

6:41:12-6:41:15

Eight gunshots can be heard being fired in quick succession.

6:41:13

Mr. Johnson can be seen; he has fallen to the ground in the street. Sergeant Ludvik is still at the passenger side rear of the squad. Mr. Johnson is directly in front of Sergeant Ludvik and parallel to the front Entrance of the Saint Paul Saloon.

6:41:15

Mr. Johnson is laying flat on his back. Mr. Johnson’s black handgun is near his right leg and a backpack is directly next to his left arm. He is screaming in pain.

6:41:17

Sgt. Blanshan is seen approaching Mr. Johnson; his firearm is being holstered. Mr. Johnson’s shoes which just fell off his feet are on the ground and in view. Sgt. Ludvik has his handgun out and pointed at Mr. Johnson providing cover for Sgt. Blanshan.

### **3. Officer Anthony Agbara’s Body-Worn Camera**

*(Captures interaction with S.O. driver of Honda Pilot)*

6:45:49

Officer Agbara walks up to the intersection of Hudson Road and Cypress a Honda Pilot can be seen parked in the middle of the road with one female driver occupant. An officer is talking to the driver.

6:45:31-6:46

The female is screaming "I didn't know what he was doing, I didn't realize that he had a gun until he was that close."

6:46:09-6:20

Officer Agbara asks the driver to put her vehicle in park. She is too distraught to do so and continues to wail and cry. He walks around to her front passenger side door, opens it, and puts the vehicle into park for her and then returns to her driver's side window.

6:46:32

Officer Agbara asks the driver what her name is. She identifies herself.

6:46:34-6:47

"I didn't realize it was a gun until it was too late, I was just trying to drive me and my baby."  
"We just live down the block, I was just driving to the liquor store to get something so we could."

6:47:03-6:47:20

"Who's gun was that his bullet that I heard? As soon as he pointed at me one of you guys came up and I drove out the way and I heard a shot."

6:47:27-6:48:23

"He was yelling at me, and I was scared there were cops on both sides and then I realized there was a big gun."

"I'm just not in a good state of mind right now everybody gets killed in my family to have a gun pointed at me."

6:49:09-6:53:14

"As soon as I got in my car, there was a guy I watched him come out of it looked like the Saloon, I saw him. No first I saw a car pull up behind me it was a police car. Pull up behind me, and I said oh my god they are blocking the street I got to go. Because they are always blocking the street, I know.

"And then I was like wait somebody is yelling at me, he's coming up to me saying get out the way, get out the way, get out the way. And then I was like I thought he was like

somebody like you guys maybe he worked in the Saloon, then I realized he was pointing a gun right at me and getting closer, and then I didn't even notice the police was right there, and then they swerved and hit him, and I heard a gunshot, and I don't know who shot."

Driver calls her husband and tells him what happened.

"I don't who he was, he just came just came out of the Saloon and I was pulling out of the liquor store and he was yelling at me to get out of way, they had already called the police on him because the police were in the middle blocking off the street right when it happened.

Driver makes another call

7:07:01-7:07:56

"I've never had no stranger walk up on me with a gun. They just started blocking the street off and this guy came up and out of the Saloon and started yelling at me and pointing a gun at me. And he was just walking to my car and started saying faster and I heard a gunshot and I tried to swerve out of the way and I crashed into the corner by the laundromat. I think it's okay I got it out.

07:09:16-7:09:32

"He was wearing one of those guns with a big thing on the bottom, what is that? What's the big thing on the bottom of the gun."

07:13:25

She drives away to the police station; a squad car follows.

## **E. Firearms and Ballistics Evidence**

Mr. Johnson was found with a Glock Model 30 .45 caliber pistol. He was the only one on scene who had this type of handgun and .45 caliber rounds. A trace of the serial number of the firearm showed that it was purchased on June 24, 2012, in Eden Prairie, Minnesota at a local retailer. The purchaser was not Mr. Johnson. Investigators spoke to the purchaser of record and learned that the firearm was stolen during the winter of 2020.

Three .45 auto caliber cartridges were forensically identified and ballistically tested as being fired from Mr. Johnson's pistol. These fired cartridges were found on Hudson Road, located near Mr. Johnson's body and near the area where Mr. Johnson pointed his gun at S.O. while she was in her vehicle. A backpack belonging to Mr. Johnson was also located inches from his body. A search of the backpack yielded a silver Samsung cellphone, various clothing items, personal care products and a certified birth certificate belonging to Mr. Johnson.

Sergeant Blanshan was equipped with an SPPD issued Glock Model 17 Generation Five 9-millimeter caliber Luger pistol. A bullet jacket fragment located on the window of the Saint Paul Saloon was collected and analyzed. Six bullets, and ten 9-millimeter cartridge cases were also collected from the scene. These items were located between Sergeant Blanshan's squad and the curb of the Saloon Bar. The items were identified and ballistically tested and found to have been fired from Sergeant Blanshan's pistol.

## **F. Autopsy Results**

Ramsey County Medical Examiner Kelly Mills, M.D., performed the autopsy on the body of Mr. Johnson. Dr. Mills determined that Mr. Johnson died from multiple gunshot wounds. There was a total of 8 gunshot wounds located. One shot entered the left side of the chest, a second shot entered the back, a third also entered through the back, a fourth entered through the right buttock, a fifth also entered the right buttock, a sixth struck the right arm, a seventh also struck the right arm, and an eighth shot entered Mr. Johnson's left thigh.

In addition to sustained injuries from multiple gunshot wounds, there was evidence of blunt force trauma. A 2-inch linear red abrasion was observed on the right side of Mr. Johnson's abdomen. A 2 ½ inch vertical red abrasion was observed on the left side of his abdomen. Several 4-inch linear abrasions can be observed on the left side of the abdomen. Also observed was a 1/8-inch red abrasion on the right forearm with adjacent purple contusions. There were quarter inch red abrasions on the left elbows and 1 ½ by ¾ inch red abrasion on the left forearm with adjacent red contusions. Finally, there were ½ inch red abrasions located on the left knee accompanied by purple contusions.

## **G. Other Relevant Evidence**

### **1. Training Records of Sergeant Blanshan**

Sergeant Blanshan joined the SPPD as an Officer in 2013, and he was promoted to the rank of Sergeant in 2021. A review of Sergeant Blanshan's training records since 2013, list numerous completed trainings in a variety of areas, such as use of force, ethics, firearms, cultural diversity, SWAT, and mental health/Crisis Intervention Training. His most recent completed use of force trainings occurred in 2021, 2019, and 2016.

### **2. Expert Opinion – Jeffrey Noble**

To help us better understand whether the tactics and use of deadly force against Mr. Johnson by Sergeant Blanshan was objectively reasonable under the specific facts and circumstances

presented in this matter, the RCAO sought the opinion and perspectives of the following independent and highly experienced retired peace officer who is an expert in police training, tactics, and use of force.

*a. Jeffrey Noble*

Mr. Noble was a licensed peace officer in California for 28 years, rising to the rank of Deputy Chief of Police prior to his retirement in 2012. He is a widely published author of articles, chapters for textbooks and a textbook on police practices, tactics, and use of force. A copy of his letter dated May 15, 2023, describing his observations and perspectives of the relevant evidence related to the tactics and use of force used by Sergeant Blanshan in this matter, are attached to this Memorandum as Attachment "A."

While the opinion provided to us by Mr. Noble describes his own observations and perspectives in detail, and is deserving of its own independent close reading, we note for summary purposes only, that based on his review of the relevant evidence, Mr. Noble concluded that the tactics and use of deadly force used by Sergeant Blanshan was objectively reasonable and consistent with generally accepted police practices.

#### **IV. Legal Analysis and Recommendation**

##### **A. Applicable Law**

Minnesota Statutes, Section 609.066, subdivision 2(a)(1)(i)-(iii) and (2), provides that the use of deadly force<sup>1</sup> by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary:

(1) to protect the peace officer or another from apparent death or great bodily harm, provided that the threat:

(i) can be articulated with specificity by the law enforcement officer;<sup>2</sup>

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<sup>1</sup> Minnesota Statutes, Section 609.066, subdivision 1, defines "deadly force" as "force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm, other than a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force."

<sup>2</sup> An Order dated December 17, 2021, from Chief Judge Leonardo Castro, Second Judicial District, in Case No. 62-CV-21-3582, Minnesota Chiefs of Police Assoc., et al.v. Gov. Timothy Walz, et al., struck the words "by the law enforcement officer," as unconstitutional.



(ii) is reasonably likely to occur absent action by the law enforcement officer; and

(iii) must be addressed through the use of deadly force without unreasonable delay;  
or

(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 to another person under the threat criteria in clause (1), items (i) to (ii), unless immediately apprehended.”

Additionally, Minn. Stat. Sec. 609.066, subd. 2(b) also requires that:

“...[a] peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (a), clause (1), items (i) to (iii).”

In 2020, the Minnesota Legislature, pursuant to Minn. Stat., Section 609.066, Subd. 1a(1)-(4), declared the following to be the legislative intent regarding the authorized use of deadly force by peace officers:

“(1) that the authority to use deadly force, conferred on peace officers by this section, is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law;

(2) as set forth below, it is the intent of the legislature that peace officers use deadly force only when necessary in defense of human life or to prevent great bodily harm. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case;

(3) that the decision by a peace officer to use deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the

benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using deadly force; and

(4) that peace officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers."

When interpreting the meaning of a statute, a court's primary goal is to "interpret and construct laws so as to ascertain and effectuate the intention of the legislature." Lietz v. Northern States Power Co., 718 N.W.2d 865 (2006)

To bring charges against a peace officer for using deadly force in the line of duty, a Minnesota prosecutor must be able to prove beyond a reasonable doubt that the use of force was not justified.<sup>3</sup>

The United States Supreme Court has recognized in the case of Tennessee v. Garner, 471 U.S. 1 (1985) that the use of deadly force by a peace officer is justified where the officer has probable cause to believe that the suspect poses a threat of serious bodily harm either to the officer or to others. In Graham v. Connor, 490 U.S. 386 (1989), the Court further held that an objective reasonableness standard should be used to evaluate an officer's use of force. The determination of reasonableness requires "careful attention to the facts and circumstances of each particular case."

In Graham, the Court outlined a non-exhaustive list of factors for balancing an individual's rights versus an officer's rights. Among the factors identified by the Court include: 1) the severity of the crime at issue; 2) whether the suspect poses an immediate threat to the safety of the officers or others; and 3) whether he is actively resisting arrest or attempting to evade arrest by flight. The Court also made clear that whether an officer used reasonable force "must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." The Court held that allowance must be made for the fact the law enforcement officers are often required to make split-second judgments in circumstances that

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<sup>3</sup> RCO charging guidelines provides that charges should only be filed in any criminal case "when credible admissible evidence creates a reasonable probability of obtaining a conviction at trial." This is similar to both the American Bar Association's Minimum Requirements for Filing and Maintaining Criminal Charges 3-4.3(a) ("A prosecutor should seek or file criminal charges only if the prosecutor reasonably believes that the charges are supported by probable cause, that admissible evidence will be sufficient to support conviction beyond a reasonable doubt, and that the decision to charge is in the interests of justice) and the National District Attorneys Association Charging Standard 4-2.2 ("a prosecutor should file charges that...[the prosecutor] reasonably believes can be sustained by admissible evidence at trial").

are tense, uncertain, and rapidly evolving. See also, City and County of San Francisco v. Sheehan, 575 U.S. 600, 615, 135 S.Ct. 1775, 1776-77 (2015).

**B. Analysis and Recommendation – The Use of Deadly Force by Sergeant Blanshan Against Mr. Johnson Was Justified Under Minnesota Law**

There were two separate instances in this case, where “deadly force,” as defined in Minn. Stat. Sec. 609.066, subd. 1, was used by Sergeant Blanshan.

The first instance was when Sergeant Blanshan struck Mr. Johnson with his police vehicle to prevent Mr. Johnson from carjacking, or otherwise doing harm to S.O. Based on the video evidence and the medical examiner’s report, Mr. Johnson’s death was not caused by being struck by Sergeant Blanshan’s vehicle. The second instance was the ten shots fired by Sergeant Blanshan at Mr. Johnson, with eight of those shots striking him, causing his death.

After carefully considering the evidence presented in this case and the objective legal standard recognized by the U.S. Supreme Court and Minnesota law, we believe, for the following reasons, that the instances where deadly force by Sergeant Blanshan was used against Mr. Johnson was objectively reasonable, necessary, and therefore justified, under each of the situations set forth in Minnesota Statutes, Section 609.066 subdivisions 2(a)(1)(i)-(iii) and (2).

1. Minnesota Statutes, Section 609.066, Subdivision 2(a)(1)(i)-(iii)

The deadly force used by Sergeant Blanshan, occurred during his response to a 911 complaint made by I.S.R., alleging that Mr. Brown had physically assaulted her in her car in the presence of her three children. Prior to his arrival at the scene, together with Sergeant Ludvik, the evidence presented to our office shows that Sergeant Blanshan knew the following information:

- He knew that a male, identified by name and physical description as Mr. Johnson, was the suspect in a domestic assault complaint made a few minutes earlier by I.S.R., and that he was armed with a firearm, and was eluding police on foot through a populated neighborhood comprised of personal residences and commercial establishments.
- He also knew that there was an outstanding felony warrant issued against Mr. Johnson for an additional domestic assault.

Between the time of the arrival of Sergeants Blanshan and Ludvik at the incident area, and Sergeant Blanshan's shooting of Mr. Johnson, the evidence presented to our office also supports the following findings:

- Sergeant Blanshan heard a police radio report that other officers who responded to I.S.R.'s 911 call, reported that Mr. Johnson was seen moving on foot through the neighborhood with a gun in his hand, and that he had pointed the gun at some of the officers.
- Sergeant Blanshan was driving a SPPD SUV, with Sergeant Ludvik riding in the front passenger seat. Both sergeants were wearing SPPD uniforms, and their SUV was clearly identifiable as a police vehicle.
- Based on police radio reports describing the direction that Mr. Johnson was moving, Sergeant Blanshan anticipated that Mr. Johnson was walking towards Hudson Road, so he, with Sergeant Ludvik, drove south on North Cypress Street to Hudson Road. After they turned and began to slowly drive eastbound on Hudson Road, both sergeants observed Mr. Johnson walking eastbound on the northern sidewalk of Hudson Road. At 6:40:50 P.M., Sergeant Blanshan is heard calling out on the police radio— "He's right there."
- A few seconds later, Sergeant Blanshan is also heard calling out: "He's walking eastbound Hudson; he's got the gun in his right hand." Written statements from both Sergeant Blanshan and Ludvik also say that they saw that Mr. Johnson was carrying a handgun in his right hand. Sergeant Blanshan described Mr. Johnson's handgun as having an extended magazine.
- Shortly before he was spotted by Sergeants Blanshan and Ludvik, Mr. Johnson was pursued on foot by SPPD Officers Jesse Makela and Antonich. Both officers observed a gun in Mr. Johnson's hand, and both officers ordered him to drop it, which he refused to do. Ultimately Mr. Johnson evaded the officers by running through the backyard of private residence.
- At 6:41:01 P.M., both sergeants then observed Mr. Johnson walk into the middle of Hudson Road and point his handgun at the vehicle being driven by S.O. Sergeant Blanshan is heard calling out - "He's pointing it at the car he's trying to carjack right now!" According to their respective statements, both Sergeant Ludvik and S.O. shared Sergeant Blanshan's belief that Mr. Johnson was attempting to carjack S.O. at gunpoint. Both sergeants and S.O. also stated that they all believed that Mr. Johnson would shoot S.O.
- At that same time, Sergeant Blanshan made the decision to immediately intervene to save S.O.'s life by accelerating his police SUV towards Mr. Johnson to strike him with

the front of the vehicle. According to his written statement, Sergeant Blanshan wanted “to disable the suspect and arrest him.” Although Sergeant Blanshan did not tell him his plan, Sergeant Ludvik said that he implicitly understood that given the danger posed by Mr. Johnson to S.O., that Sergeant Blanshan was planning to strike Mr. Johnson with their vehicle.

- As Sergeant Blanshan drove towards Mr. Johnson, both sergeants said that they saw him point his gun in their direction. Sergeant Ludvik said that he began to lean to his left to gain some protective cover provided by their vehicle’s dashboard and engine block. Both sergeants also said that they heard a gunshot before their vehicle struck Mr. Johnson. Audio evidence confirms that a single gunshot was heard before the police vehicle struck Mr. Johnson.
- At 6:41:05 P.M., Mr. Johnson is struck by the front driver’s side of Sergeant Blanshan’s vehicle, causing him to fall and tumble on the street in an easterly direction. Mr. Johnson ultimately landed a few feet outside of the driver’s door of the police vehicle with his back facing the door. Mr. Johnson, with the gun in his right hand, quickly rose to his knees and grabbed his backpack. He then rises to his feet.
- At 6:41:09 P.M., video evidence shows Sergeant Blanshan open his driver’s side vehicle door to exit. Video shows Mr. Johnson pointing his gun towards Sergeant Blanshan. Sergeant Blanshan said he saw Mr. Johnson pointing his gun at his face. Sergeant Blanshan loudly says to Mr. Johnson – “Don’t do it! Don’t do it!”
- At 6:41:11 P.M., video and audio evidence clearly establish that Mr. Johnson, with his feet pointed away from the police vehicle and a handgun in his right hand extended across his chest, fired two rounds at Sergeant Blanshan. Two muzzle flashes can be seen coming from Mr. Johnson’s gun, and two gunshots can be heard.
- Between 6:41:12 P.M. and 6:41:14 P.M., Sergeant Blanshan returns fire. Ten gunshots can be heard coming from Sergeant Blanshan’s SPPD-issued Glock Model 17 Generation Five, 9 mm Luger pistol. Mr. Johnson was struck 8 times by gunfire, causing him to fall backwards on the street. After securing Mr. Johnson with handcuffs, Sergeant Blanshan and other SPPD officers begin lifesaving efforts on Mr. Johnson, until SPFD EMTs arrive and takeover. Mr. Johnson was taken to Regions Hospital where he was declared deceased at 7:05 P.M.
- The handgun found next to Mr. Johnson’s body was identified as a .45 caliber Glock, with an extended magazine. DNA testing conducted on the gun by the BCA show Mr. Johnson’s DNA on the grip, slide, and trigger of the gun. Three spent .45 caliber cartridge casings from Mr. Johnson’s gun were recovered at the scene of the shooting.

None of the foregoing findings and observations or statements by witnesses were contradicted by any known other evidence. To the contrary, statements from police and lay witnesses, and other physical evidence, including video and audio evidence, corroborate the violent and threatening behavior engaged in by Mr. Johnson as he approached S.O. in her car and raised his gun towards her, compelling Sergeant Blanshan to quickly intervene to protect S.O. by driving his SPPD vehicle at him.

Moreover, within the past few minutes Mr. Johnson had been pursued on foot by two SPPD officers who both ordered him to drop his gun and now a clearly marked SPPD vehicle was driving towards him. These were just two opportunities where Mr. Johnson could have dropped his gun as instructed and peaceably surrendered. Instead, he responded by continuing his lethal behavior by firing a gunshot at the approaching police vehicle.

After being struck by the police vehicle, Mr. Johnson quickly regained his footing and pointed his gun at Sergeant Blanshan. As Sergeant Blanshan opened his car door, and despite him ordering "Don't do it! Don't do it!," Mr. Johnson again fired two more shots at Sergeants Blanshan and Ludvik at fairly close range. Facing this imminent threat of death or great bodily harm, Sergeant Blanshan reasonably responded by rapidly firing 10 rounds at Mr. Johnson, striking him eight times.

Additionally, according to independent police training and use of force expert, Jeffrey Noble, Sergeant Blanshan's use of deadly force against Mr. Johnson was objectively reasonable under Minnesota law and consistent with generally accepted police practices. Specifically, Mr. Noble opined as follows as to the two instances of deadly force used by Sergeant Blanshan:

"Sergeant Blanshan said he saw Johnson pointing his handgun at S.O. and believed he needed to immediately intervene to save S.O.'s life, so he accelerated his vehicle toward Johnson with the intention to strike Johnson with the front of his vehicle. As he approached, Johnson turned and pointed his gun directly at Sergeant Blanshan and Sergeant Ludvik. Sergeant Blanshan and Sergeant Ludvik said they believed that Johnson fired at least one round toward them before Sergeant Blanshan struck Johnson with the left bumper of his vehicle.

S.O., Sergeant Ludvik, and surveillance video evidence, all corroborate Sergeant Blanshan's statement that Johnson was pointing a handgun at S.O.

Sergeant Blanshan made his use of deadly force decision under tense uncertain circumstances as he confronted an armed man in less than 5 seconds after he saw Johnson point his handgun at S.O. A reasonable police officer in these circumstances, based on the totality of the evidence known to Sergeant Blanshan at the moment he used deadly force would have believed that he, Sergeant Ludvik and S.O. were all at imminent risk of death or serious bodily injury due to Johnson's actions.

I believe that Sergeant Blanshan's use of deadly force by intentionally striking Johnson with his vehicle was objectively reasonable and consistent with generally accepted police practices....

Sergeant Blanshan said he drew his handgun as he opened his driver's door and saw that Johnson was pointing his gun at his face. Sergeant Blanshan said he fired multiple rounds at Johnson as Johnson continued to point his gun in his direction. Sergeant Blanshan said that he believed that Johnson fired at least two rounds at him.

Video evidence shows that Johnson fired at least one round at Sergeant Blanshan and his muzzle flash is visible in the surveillance video.

Surveillance video shows that after Johnson was struck by Sergeant Blanshan's vehicle, he fell to the ground and immediately rose to his knees a few feet from Sergeant Blanshan's driver's door. As Sergeant Blanshan opens his driver's door, Johnson is pointing his right hand which is holding the handgun in Sergeant Blanshan's direction. Sergeant Blanshan immediately yells, 'Don't do it,' then he fires 10 rounds at Johnson until Johnson falls to the ground.

I am of the opinion that Sergeant Blanshan's life was at imminent danger of death or serious bodily injury at the moment he used deadly force by shooting Johnson as Johnson pointed a handgun at him and fired at least one round at Sergeant Blanshan. A reasonable police officer in these circumstances, knowing all the facts known to Sergeant Blanshan at the moment of the shooting would have used deadly force to protect their own life.

I believe Sergeant Blanshan's use of deadly force by shooting Johnson was objectively reasonable and consistent with generally accepted police practices."

For all the foregoing reasons, it is our opinion that the observations and beliefs specifically articulated by Sergeants Blanshan and Ludvik, that Mr. Johnson posed a threat to the life of S.O., and to their own lives, and other persons in the immediate area, are reasonable, based on the totality of circumstances in this case, as supported by the evidence presented to this office.

The deadly threats created by Mr. Johnson included pointing his firearm at S.O. while he approached her car on Hudson Road. S.O.'s belief that Mr. Johnson was attempting to carjack her at gunpoint, a belief shared by both Sergeants Blanshan and Ludvik, was clearly reasonable under those circumstances, which led to their immediate intervention. Absent the use of deadly force by Sergeant Blanshan, it is reasonably likely that others,

including S.O., himself, and Sergeant Ludvik would have been injured or killed by the threat created by Mr. Johnson. It is also our opinion, that the threat posed by Mr. Johnson could have only been addressed through the officers' use of deadly force without unreasonable delay.

Accordingly, we believe that Sergeant Blanshan's use of deadly force in this matter was necessary, and thus justified, under Minn. Stat. 609.066, subd. 2(a)(1)(i-iii).

2. Minnesota Statutes, Section 609.066, Subdivision 2(a)(2) and (b)

As previously noted, Mr. Johnson approached S.O.'s vehicle while pointing a gun at her. Because they witnessed that act, Sergeants Blanshan and Ludvik needed to intervene, with Sergeant Blanshan driving his clearly marked police SUV towards Mr. Johnson in attempt to prevent him from causing death or great bodily harm to S.O.

The reason that Sergeants Blanshan and Ludvik, and numerous other SPPD officers, were in that area was to respond to a domestic assault complaint made by I.S.R approximately 32 minutes earlier against Mr. Johnson. I.S.R told police that Mr. Johnson had punched her in the face and had threatened to kill her and have someone else return to her home in the middle of the night and beat her up. Based on the information provided to police by I.S.R., Mr. Johnson's identity and physical description was made known to the responding officers, including Sergeants Blanshan and Ludvik.

Both sergeants also knew that Mr. Johnson was armed with a handgun, and that there was an additional outstanding felony domestic violence warrant for his arrest. They further knew that moments before they spotted him, that Mr. Johnson, while armed with a firearm, had fled on foot from Officers Makela and Antonich.

Audio and video evidence shows that Mr. Johnson fired his gun once at the approaching police vehicle. After being struck by the police vehicle, Mr. Johnson quickly regained his balance, stood up and fired two more shots towards the vehicle.

The foregoing acts committed by Mr. Johnson reflect an array of serious felony crimes involving the use of deadly force, including the attempted murder of two peace officers, an assault against S.O., and a domestic assault against I.S.R.

For these reasons, we also believe that the use of deadly force by Sergeant Blanshan in this matter was also necessary and thus justified under Minn. Stat. Sec. 609.066, subd. 2(a)(2).



Finally, the decision by Sergeant Blanshan to use deadly force against Mr. Johnson was not based on any known, or reasonably observed, acts or statements reflecting a "danger posed to self" by Mr. Johnson. The deadly force used by Sergeant Blanshan was solely directed to stop the direct threat posed by Mr. Johnson against S.O., and others, including himself, and Sergeant Ludvik, as described above. Moreover, at no time during the incident, did Mr. Johnson, either by his words or actions, express any intent to commit suicide, or to otherwise harm himself. Accordingly, we also believe that Minnesota Stat. Sec. 609.066, subd. 2(b) is not implicated in this case.

# NOBLE

Consulting and Expert Witness Services, LLC

May 15, 2023

John Kelly  
First Assistant County Attorney  
Office of the Ramsey County Attorney  
345 Wabash Street North, Suite 120  
St. Paul, MN 55102-1432

Re: Officer Involved Shooting Death of Howard Johnson

Dear Mr. Kelly:

At your request, I have reviewed materials relating to the December 5, 2022, officer involved shooting death of Howard Johnson (see Attachment A for list of materials). After reviewing the materials, I am of the opinion, based on the totality of the circumstances, that the use of deadly force by St. Paul Police Sergeant Blanshan was objectively reasonable and consistent with generally accepted police practices.

## Incident

On December 5, 2022, I.S.R. called the St. Paul Police Department to report that her boyfriend of five years, Howard Johnson, had hit her on the face and threatened to kill her. I.S.R. told the dispatcher that Johnson had an outstanding domestic violence arrest warrant and that he was armed with a handgun. The dispatcher confirmed the outstanding felony domestic violence arrest warrant and radioed the information to responding officers. Sergeant Blanshan and his partner, Sergeant Ludvik, heard the radio call and they also responded into the area.

Officers located Johnson and when Johnson fled on foot, the officers engaged in a foot pursuit. During the foot pursuit officers radioed that Johnson was armed with a handgun. Johnson was able to elude the officers, but a few minutes later Sergeant Blanshan saw Johnson walking on the sidewalk of Hudson Road.

## *Sergeant Blanshan*

Sergeant Blanshan said he turned eastbound on Hudson and saw Johnson walking eastbound on the north side of the street and that Johnson was carrying a handgun down by his leg in his right hand. Sergeant Blanshan radioed, "He's walking eastbound Hudson, he's got the

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Attachment "A"

gun in his right hand." Sergeant Blanshan said Johnson then walked into the middle of the street and pointed his gun at the driver of an SUV or mini-van and he believed that Johnson was about to shoot the driver. Sergeant Blanshan radioed, "He's pointing it at the car he's trying to carjack right now." Sergeant Blanshan said he believed he needed to immediately intervene to save the driver's life, so he accelerated his vehicle toward Johnson with the intention to strike Johnson with the front of his vehicle. As he approached, Johnson turned and pointed his gun at Sergeant Blanshan and Sergeant Ludvik. Sergeant Blanshan said he believed that Johnson fired at least one round toward him and he hit Johnson with the left bumper of his vehicle.

Sergeant Blanshan drew his handgun as he opened his driver's door and saw that Johnson was pointing his gun at his face. Sergeant Blanshan said he fired multiple rounds at Johnson as Johnson continued to point his gun in his direction. Sergeant Blanshan said that he believed that Johnson fired at least two rounds at him.

Johnson fell to the ground and Sergeant Blanshan and other officers took Johnson into custody and began to render medical aid.

Sergeant Blanshan's version of events is corroborated by S.O., the driver of the vehicle the Johnson was apparently trying to carjack, Sergeant Ludvik, and by several video recordings of the incident.

*S.O.*

S.O. said she was parked in front of the liquor store on Hudson and as she began to pull away from the curb, she saw Johnson and believed he had exited the St. Paul Saloon. She saw multiple police cars begin to surround the area and saw that Johnson walked into the middle of the street, yelling, with a handgun in his hand. Johnson walked toward her car and pointed his gun directly at her. A police car drove at Johnson and may have hit him causing Johnson to turn away from her and she was able to drive away. As she drove away, she heard one gunshot, but she did not know who fired the gun.

*Sergeant Ludvik*

Sergeant Ludvik said he saw Johnson in the roadway raise his gun toward S.O. and he feared that Johnson was going to try to steal her car. Sergeant Ludvik said he drew his handgun while still seated in the front passenger seat of the police vehicle, and heard Sergeant Blanshan say something to the effect that Johnson was trying to carjack the vehicle. Sergeant Blanshan accelerated toward Johnson and as they got closer, Johnson pointed his gun at he and Sergeant Blanshan. Sergeant Ludvik said he believed that Johnson fired one round at them before their vehicle struck Johnson. When their car came to a stop, Sergeant Ludvik said he moved to the rear of their vehicle, but he did not see Johnson. He did hear a series of gunshots and then he saw Johnson on the ground as he panned out from behind the police vehicle.

## **Standard of Review/Police Training**

Police officers are trained about the U.S. Supreme Court's landmark decisions in *Graham v. Connor* and *Tennessee v. Garner*. Those decisions held that to determine whether the force used to affect a particular seizure is reasonable, one must balance the nature and quality of the intrusion on the individual's rights against the countervailing government interests at stake. This balancing test is achieved by the application of what the Court labeled the objective reasonableness test. The factors to be considered include in *Graham* and *Garner*: 1.) The severity of the crime, 2.) Whether the suspect poses an immediate threat to the safety of the officers or others, and 3.) Whether the suspect is actively resisting or attempting to evade arrest by flight.

Whether one's actions were objectively reasonable cannot be considered in a vacuum, but must be considered in relation to the totality of the circumstances. The standard for evaluating a use of force reflects deference to the fact that peace officers are often forced to make split-second judgments in tense circumstances concerning the amount of force required. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Police officers are trained and prepared to assess dangerous situations and respond accordingly. Police officers are trained that for their force to be appropriate the level and manner of force must be proportional to the level of resistance and threat with which they are confronted. Proportionality is best understood as a range of permissible conduct based on the totality of the circumstances, rather than a set of specific, sequential, predefined force tactics arbitrarily paired to specified types or levels of resistance or threat.

Whether or not the suspect poses an immediate threat to the safety of the officer or others is the most important of the *Graham* and *Garner* factors. There must be objective factors to justify an immediate threat, as a simple statement by an officer that he fears for his safety or the safety of others is insufficient. There is no requirement that a police officer wait until a suspect shoots to confirm that a serious threat of harm exists, but merely a subjective fear or a hunch will not justify the use of force by police. To determine if there was an immediate threat that would justify the use of deadly force, one must consider whether a reasonable police officer in Sergeant Blanshan's position, knowing only the information known at the time by Sergeant Blanshan would believe Mr. Johnson posed an immediate threat of death or serious bodily injury to Sergeant Blanshan or others.

## **Opinions**

Sergeant Blanshan used deadly force by intentionally driving his vehicle into Johnson and by firing ten rounds from his handgun at Johnson. I will address each of his uses of deadly force independently.

### *Use of Deadly Force – Motor Vehicle*

Sergeant Blanshan knew that it was reported that Johnson was wanted for an allegation of domestic violence, he had an outstanding felony arrest warrant for domestic violence, it was reported by <sup>I.S.A.</sup> [REDACTED] that Johnson was armed with a handgun, and that officers had engaged in a foot pursuit of Johnson where he displayed the handgun at uniformed officers.

Sergeant Blanshan saw Johnson walking eastbound on Hudson Road. The following was recorded on Sergeant Blanshan's body worn camera (BWC) video:

18:40:50: Sergeant Blanshan, "He's right there."

18:40:54: Sergeant Blanshan radioed, "He's walking eastbound Hudson, he's got the gun in his right hand."

18:41:01: Sergeant Blanshan radioed, "He's pointing it at the car he's trying to carjack right now."

18:41:05: Sergeant Blanshan's vehicle accelerated and impacted Johnson.

Sergeant Johnson said he saw Johnson pointing his handgun at S.O. and believed he needed to immediately intervene to save S.O.'s life, so he accelerated his vehicle toward Johnson with the intention to strike Johnson with the front of his vehicle. As he approached, Johnson turned and pointed his gun directly at Sergeant Blanshan and Sergeant Ludvik. Sergeant Blanshan and Sergeant Ludvik said they believed that Johnson fired at least one round toward them before Sergeant Blanshan struck Johnson with the left bumper of his vehicle.

S.O., Sergeant Ludvik, and surveillance video evidence, all corroborate Sergeant Blanshan's statement that Johnson was pointing a handgun at S.O.

Sergeant Blanshan made his use of deadly force decision under tense uncertain circumstances as he confronted an armed man in less than 5 seconds after he saw Johnson point his handgun at S.O.. A reasonable police officer in these circumstances, based on the totality of the evidence known to Sergeant Blanshan at the moment he used deadly force would have believed that he, Sergeant Ludvik and S.O. were all at imminent risk of death or serious bodily injury due to Johnson's actions.

I believe that Sergeant Blanshan's use of deadly force by intentionally striking Johnson with his vehicle was objectively reasonable and consistent with generally accepted police practices.

### *Sergeant Blanshan's Use of Deadly Force by Shooting Johnson*

Sergeant Blanshan said he drew his handgun as he opened his driver's door and saw that Johnson was pointing his gun at his face. Sergeant Blanshan said he fired multiple rounds at Johnson as Johnson continued to point his gun in his direction. Sergeant Blanshan said that he believed that Johnson fired at least two rounds at him.

Surveillance video shows that after Johnson was struck by Sergeant Blanshan's vehicle, he fell to the ground and immediately rose to his knees a few feet from Sergeant Blanshan's driver's door. As Sergeant Blanshan opens his driver's door, Johnson is pointing his right hand which is holding the handgun in Sergeant Blanshan's direction. Sergeant Blanshan immediately yells, "Don't do it," then he fires 10 rounds at Johnson until Johnson falls to the ground.



Video evidence shows that Johnson fired at least one round at Sergeant Blanshan and his muzzle flash is visible in the surveillance video.



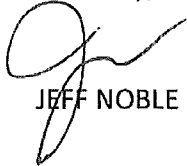
The autopsy report reveals that Johnson was shot eight times. Those shots entered his chest, the right side of his back, left flank, two wounds to the right buttock, two wounds to the right forearm, and one to the left thigh. While three of the wounds were to Johnson's back, this was due to that shooting that occurred over a total of 2 seconds and where Johnson was turning as he fired his handgun at Sergeant Blanshan.

I am of the opinion that Sergeant Blanshan's life was at imminent danger of death or serious bodily injury at the moment he used deadly force by shooting Johnson as Johnson pointed a handgun at him and fired at least one round at Sergeant Blanshan. A reasonable police officer in these circumstances, knowing all the facts known to Sergeant Blanshan at the moment of the shooting would have used deadly force to protect their own life.

I believe Sergeant Blanshan's use of deadly force by shooting Johnson was objectively reasonable and consistent with generally accepted police practices.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



JEFF NOBLE

# JEFFREY J. NOBLE

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## EXPERIENCE

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### *CONSULTANT/EXPERT WITNESS (2005 – Present)*

Provide consulting and expert witness services on a wide range of law enforcement and personnel issues including misconduct, corruption, use of force, workplace harassment, pursuits, police administration, training, police operations, criminal and administrative investigations, interviews and interrogations, civil rights violations, police procedures, and investigations.

### *FEDERAL COURT APPOINTED MONITOR*

Santa Clara, California, Sheriff's Department (March 2019 – present)

Review of policies, procedures and use of force applications in the Santa Clara County Jails as part of a federal court consent decree in the matter of *Chavez v. County of Santa Clara*.

### *DEPUTY CHIEF OF POLICE (April 2014 – January 2015)*

Westminster Police Department, California  
(Sworn 87; Civilian – 40; Population- 91,377; 10 sq. mi.)

Served as an interim Deputy Chief of Police to review Internal Affairs, auditing processes, department policies and procedures, risk management and to facilitate the efforts of a new external oversight agency.

### *DEPUTY CHIEF OF POLICE (September 1984 – July 2012)*

Irvine Police Department, California  
(Sworn – 205, Civilian – 100; Population: 217,000; 70 sq. mi.)

Served as a Patrol Officer, Narcotics Detective, Traffic Detective, Training Sergeant, SWAT sergeant and Commander, Internal Affairs, Sergeant, Lieutenant, Commander and Deputy Chief of Police. As the Deputy Chief of Police, I was responsible for all operations of the Irvine Police Department including Patrol, Traffic and Investigations.



# JEFFREY J NOBLE

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## EDUCATION

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Western State University, College of Law (Irvine, California)

J.D. with honors, 1993.

Assistant Editor, Consumer Law Journal. California State Bar, 1994, #170911.

California State University at Long Beach

B.A. Criminal Justice, 1989

Senior Management Institute for Police

Police Executive Research Forum. Boston University, Boston, Massachusetts, 2002

## PUBLICATIONS

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### **Books:**

Stoughton, S., Noble, J. and G. Alpert, *Evaluating Police Uses of Force*, New York University Press (2020).

Noble, J., and G. Alpert, *Managing Accountability Systems for Police Conduct: Internal Affairs and External Oversight*. Prospect Heights, IL. Waveland Press (2008).

### **Book Chapters:**

Alpert, G., J. Noble and J. Rojek, *Solidarity and the Code of Silence*, Dunham, R. and G. Alpert (Eds.). *Critical Issues in Policing: Contemporary Readings*. Prospect Heights, IL, Waveland Press. Seventh Edition (2015).

Noble, J., and G. Alpert, *State Created Danger: Should Police Officers be Accountable for Reckless Tactical Decision Making?* (Updated) Dunham, R. and G. Alpert (Eds.). *Critical Issues in Policing: Contemporary Readings*. Prospect Heights, IL, Waveland Press. Seventh Edition (2015).

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### *Articles:*

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- Stoughton, S., Noble, J., and Alpert, G., *George Floyd's death shows exactly what police should not do*, The Washington Post (May 29, 2020)
- Stoughton, S., Alpert, G. and Noble, J., *Why Police Need Constructive Criticism*, The Atlantic (December 23, 2015) <http://www.theatlantic.com/politics/archive/2015/12/officer-porter-mistrial-police-culture/421656/>
- Stoughton, S., Noble, J. and Alpert G., *Better Information is the Key to Policing Reform*, The Atlantic, (September 24, 2015) <http://www.theatlantic.com/politics/archive/2015/09/better-information-is-the-key-to-policing-reform/406696/>
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- Noble, J. and G. Alpert, *Criminal Interrogations of Police Officers After Use-of-Force Incidents*, FBI Law Enforcement Bulletin (September 2013).
- Noble, J. and G. Alpert, *What Do We Really Know About American Policing?* The Journal of California Law Enforcement (Vol. 47, No. 1, 2013).
- Noble, J., *Do I Need A SWAT Team? Threat Assessments for Warrant Services*, The Tactical Edge (Winter 2013).
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- Noble, J. and G. Alpert, *Evaluating the Quality of Law Enforcement Investigations: Standards for Differentiating the Excellent, Good and Reasonable, From the Unacceptable*. The Journal of California Law Enforcement (Vol. 46, No. 1, 2012)
- Noble, J., *Police Explorers: Protecting a Valued Asset*. The Journal of California Law Enforcement (Vol. 45, No. 3, 2011).
- Noble, J., and G. Alpert, *Lies, True Lies and Conscious Deception: Police Officers and the Truth*. Police Quarterly, Volume 12, Number 2 (June 2009).
- Noble, J., *Assessing Witness Credibility*. International Association of Chiefs of Police, Training Key #597 (2006).
- Noble, J., Albertsons *Homicide: An Active "Shooter" Response*, The Tactical Edge (Fall 2004).
- Noble, J., *Police Officer Truthfulness and the Brady Decision*, Police Chief Magazine (October 2003).
- Noble, J., *The Boomerang Employee – What to do When a Fired Employee Comes Back*, The Journal of California Law Enforcement (Volume 37, No. 1, 2003).
- Noble, J., *Why Appearance Matters*, Network – California Peace Officers' Association Newsletter (August 2001).

## JEFFREY J NOBLE

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- Noble, J., *Tactical Team Basics: Warrants*, The Tactical Edge (Summer 2000).
- Noble, J., Encouraging *Interaction*, Minnesota Cities Magazine (Volume 84, Issue 11, November 1999).
- Noble, J., *Neighborhood Watch Evolves Into Community Engagement Tool in Irvine*, Community Policing Consortium. [www.communitypolicing.org/publications/artbytop/w6/w6noble.htm](http://www.communitypolicing.org/publications/artbytop/w6/w6noble.htm) (October 1999).
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- Noble, J., *Police Pursuits: Law Enforcement or Public Safety?* The Journal of California Law Enforcement (Volume 33, No.1, 1999).
- Noble, J., *Alternative Work Schedules can be an Evolution of Team Policing*, Network - California Peace Officers' Association Newsletter (December 1998).
- Noble, J., *Continuing Police Training: The Interactive Multimedia Approach*, The Journal of California Law Enforcement (Volume 29, No.1, 1995).
- Noble, J., *Environmental Advertising Claims: "Ozone Friendly"* Consumer Protection, 2 W. St. U. Consumer L.J. 95 (1993).

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### SELECTED PROFESSIONAL ACTIVITIES

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- Peer Review* – Law Enforcement Dog Encounters Training Toolkit for Law Enforcement, DOJ, Office of Community Oriented Policing Services, COPS, (December 2018)
- Presenter* – Developing or Revitalizing an Internal Affairs Unit. Public Agency Training Council: Internal Affairs Conference (December 2014)
- Presenter* – Addressing Police Misconduct: Standards to Consider. The International Association of Chiefs of Police Annual Conference (October 2014).
- Presenter* – Reducing Traffic-Related Officer Injuries and Deaths. The International Association of Chiefs of Police Annual Conference in Orlando, Florida (October 2014).
- Participant* – Reducing Violence and Improving the Rule of Law: Organized Crime, Marginalized Communities, and the Political Machine. Carnegie Endowment for International Peace. Washington, D.C. (September 2014)
- Presenter* – Preventing Corruption in Police Institutions. Police Accountability in Democracies: First International Congress on Police Internal Affairs. Los Cabos, Baja California Sur, Mexico (October 2013).
- Presenter* – Testilying: Lies, True Lies, and Conscious Deception: Police Officers' Truth and the Brady Decision. American Psychological Association Annual Conference in Honolulu, Hawaii (July 2013).
- Presenter* – Police Misconduct Issues: Police Explorers and Reasonableness of Internal Affairs Investigations, The International Association of Chiefs of Police Annual Conference in San Diego, California (October 2012).
- Peer Review* – Building and Enhancing Criminal Justice Researcher-Practitioner Partnerships, National Institute of Justice (June 2012).
- Committee Chairperson* – California Peace Officers' Association Communications Sub-Committee.

## JEFFREY J NOBLE

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- Responsible for publication of the Journal of California Law Enforcement (Jan. 2012 – present)
- Presenter* – The Lying Police Officer: Is Any Deception Acceptable? With Karen Kruger. The International Association of Chiefs of Police Annual Conference in Denver, Colorado (Nov. 2009).
- Presenter* – State-Created Danger: Should Police Officers be Accountable for Reckless Tactical Decision Making? The Academy of Criminal Justice Sciences Annual Meeting in Boston, Massachusetts. (March 2009).
- Committee Chairperson* – Major Cities Chiefs of Police Task Force in Internal Affairs. Los Angeles, California (2005-2008).
- Peer Review* – Boston Police Department: Enhancing Cultures of Integrity Technical Assistance Guide, Office of Community Oriented Policing Services #TDL 2008-371 (July 2008)
- Peer Review* – Undocumented Immigrants in U.S./Mexico Border Counties: The Cost of Law Enforcement and Criminal Justice Services, National Institute of Justice #TDL 2008- 321 (December 2007).
- Presenter* – Truth or Consequences: Dealing with the Deceitful Police Officer, with Jeffrey Schlanger and Michael Stone, The International Association of Chiefs of Police Annual Conference, Los Angeles, California (November 2004).
- Presenter* - Albertsons Homicide: An Active “Shooter” Response, The California Association of Tactical Officers Annual Conference, Palm Springs, California (September 2004).
- Presenter* – Boomerang Employees, COPS Conference, Washington, D.C. (2002).

### PROFESSIONAL AFFILIATIONS

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- California Peace Officers’ Association* – Chair, Communications Sub-Committee (2012 – 2018)
- Police Executive Research Forum*
- International Association of Chiefs of Police*
- National Tactical Officers’ Association*
- Special Olympics Torch Run* Southern California Region, Assistant Director (1997 – 2012)

### CONSULTING/EXPERT WITNESS

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- 2023 Gibson v. City of Chicago, (Defense) (Expert Report)  
Monell Allegation  
Dan Nolan, Reiter Burns, 311 S. Wacker, 5200, Chicago, IL 60606
- 2023 Estevis v. City of Laredo, TX, ((Plaintiff) (Expert Report)  
Officer Involved Shooting  
David James, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2023 Settle v. Escambia County Sheriff, FL (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Eric Stevenson, Stevenson Klotz, 510 E. Zaragoza Street, Pensacola, FL 32502
- 2023 Crosby v. Colleton County Sheriff’s Office (Plaintiff) (Expert Report)

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Updated June 15, 2023

## JEFFREY J NOBLE

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- Officer Involved Shooting  
Mullins McLeod, McLeod Law Group, 3 Morris Street, Suite A, Charleston, SC 29403
- 2023 Ramos v City of Austin (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Rebecca Weber, Hendler Flores Law, 901 S. MoPac Expressway, Bldg 1, Suite 300, Austin, TX 78746
- 2023 People v Roedema (Defense) (Expert Report)  
Criminal allegation of use of force by a police officer  
Donald Sisson, 7100 E Belleview Ave. Suite 101, Greenwood Village, CO 80111
- 2023 Assiff v Los Angeles County Sheriff's Department (Plaintiff) (Expert Report)  
Use of Force  
Thomas M. Ferlauto, 25201 Paseo de Alicia, Suite 270, Laguna Hills, CA 92653
- 2023 Beltran v City of Austin (Plaintiff) (Expert Report)  
David James, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2023 Espericueta v. Riverside County (Plaintiff) (Expert Report) (Deposition)  
Officer involved shooting  
Neil Gehlawat, Taylor & Ring, 1230 Rosecrans Ave., Suite 360, Manhattan Beach, CA 90266
- 2023 Talley/Rodriguez v. City of Austin (Plaintiff) (Expert Report)  
Use of Force  
Scott Hendler, Hendler Flores Law, 901 S. MoPac Expressway, Bldg. 1, Suite #300, Austin, Texas 78746
- 2023 Sparks v City of Seattle (Defense) (Expert Report)  
Reasonable Policies  
Tara Gillespie, Seattle City Attorney's Office, Civil Division – Torts Section, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104-7095
- 2023 Perez v City of Fontana (Plaintiff) (Expert Report)  
Detention and Interrogation  
Jerry Steering, 4063 Birch St., Suite 100, Newport Beach, CA 92660
- 2023 Augustus v LAPD, (Plaintiff) (Expert Report) (Deposition)  
High Risk Car Stop Tactics  
Brian Olney, Hadsell, Stormer, Renick & DAI, LLP, 128 N. Fair Oaks Ave., Pasadena, California 91103
- 2023 Goodale v. San Antonio, (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Patrick Toscano, Toscano Law Firm, PC, 846 Culebra Rd. Suite 500, San Antonio, Texas 78201
- 2023 McLaughlin v. San Bernadino Sheriff's Department (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Renée V. Masongsong, Law Offices of Dale K. Galipo, 21800 Burbank Boulevard, Suite 310, Woodland Hills, California 91367
- 2023 Parsa v. Lopinto (Plaintiff) (Expert Report) (Deposition)  
Use of Force

## JEFFREY J NOBLE

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- Andrew C. Clarke, The Cochran Firm – Midsouth, One Commerce Square, Suite 1700,  
Memphis, Tennessee 38103
- 2023 Sanders v. Austin (Plaintiff) (Expert Report)  
Use of Force  
Jeff Edwards, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2023 Armijo v. Adams County (Defense) (Expert Report)  
Use of Force  
Kerri A. Booth, Senior Litigation Attorney, Adams County Attorney’s Office, 4430 South  
Adams County Parkway, 5th Floor, Suite C5000B, Brighton, CO 80601
- 2022 Rodrigue Armijo v. Adams County v. Long Beach (Plaintiff) (Deposition) (Trial)  
Search and Control Hold Tactics  
Arnoldo Casillas, Casillas & Associates, 3777 Long Beach Blvd, Long Beach, CA 90807
- 2022 Bhandari v. National City (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
John Burton, The Law Offices of John Burton, The Marine Building, 128 North Fair Oaks  
Avenue, Pasadena, California 91103
- 2022 Huerta v. County of Tulare (Plaintiff) (Expert Report) (Criminal Trial Testimony) (Deposition)  
Arrest and use of force  
Doug Rothen, ACTS Law, 16001 Venture Blvd., Suite 200, Encino, CA 91436
- 2022 Bahadoran v. City of New York (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Jonathan Abady, Emery, Celli, Brinckerhoff, Abady, Ward & Maazel, LLP, 600 Fifth Avenue at  
Rockefeller Center, 10th Floor, New York, NY 10020
- 2022 Underwood v. Austin (Plaintiff) (Expert Report)  
Use of Force  
Jeff Edwards, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2022 People v. Simmonds (Prosecution) (Grand Jury Testimony)  
Officer Involved Shooting  
Anti-Corruption & Civil Rights Division, Office of the Fulton County District Attorney, Atlanta  
Judicial Circuit, 136 Pryor Street SW| 3rd Floor, Atlanta, GA 30303
- 2022 Harder v. City of Seattle (Defense) (Expert Report) (Deposition)  
Allegation of vehicle pursuit  
Tara Gillespie, Seattle City Attorney’s Office, Civil Division – Torts Section, 701 Fifth Avenue,  
Suite 2050, Seattle, WA 98104-7095
- 2022 Womble v. City of Durham (Defense) (Expert Report)  
Allegation of False Conviction  
Henry Sappenfield, Kenon Cracer, PLLC, 4011 University Drive, Suite 300, Durham, NC 27717
- 2022 Oshan v. District of Columbia, (Plaintiff) (Expert Report)  
Vehicle Pursuit  
Patrick Regan, Regan Zambri & Long, PLLC, 1919 M Street, N.W., Suite 350,  
Washington, DC 20036

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- 2022 Denk v. City of Peoria, AZ (Defense) (Expert Report)  
Officer Involved Shooting  
Amanda C. Sheridan, Senior Assistant City Attorney, Civil Litigation, City of Peoria, City Attorney's Office, 8401 Monroe Street, Suite 280, Peoria, AZ 85345
- 2022 State of Missouri v. Prichard and Brummett (Prosecution) (Deposition)  
Dion Sankar, Chief Deputy Prosecutor, Jackson County Prosecutor's Office, 415 E 12th Street  
Kansas City, Missouri 64106
- 2022 Ong v. City of Beverly Hills (Plaintiff) (Deposition)  
Traffic Control  
Stephen Johnson, Berglund and Johnson Law Group, 21550 Oxnard, Suite 900, Woodland Hills, CA 91367
- 2022 Kelley v. City of San Marcos, TX, (Plaintiff) (Expert Report)  
Use of Force  
Rebecca Webber, Hendler Flores Law, 901 S. MoPac Expressway, Building 1, Suite 300, Austin, TX 78746
- 2022 Zelaya (Juarez Cedillo) v. LAPD (Plaintiff) (Expert Witness) (Deposition)  
Use of Force  
Miguel Flores, Carrillo Law Firm, LLP, 1499 Huntington Drive, Suite 402, South Pasadena, CA
- 2022 Cullinan v. LAPD, (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Peter M. Williamson, Williamson Law Firm, 3200 Foothill Drive, Suite 4, Westlake Village, CA 91361
- 2022 Jane AM v. LAPD, (Plaintiff) (Expert Report) (Deposition) (Trial)  
Detention and Use of Force  
Laura Jimenez, Carrillo Law Firm, LLP, 1499 Huntington Drive, Suite 402, South Pasadena, CA 91030
- 2022 People v. Reynolds, Crestview, FL, (State) (Grand Jury)  
Use of Force  
Michelle G. Sandler, Assistant State Attorney, Felony Supervisor – Fort Walton Beach Office, 1804 Lewis Turner Boulevard, Fort Walton Beach, FL 32547
- 2022 Aden v. City of Bloomington, (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Eva Rodelius, Wilson Law Group, 3019 Minnehaha Ave, Minneapolis, MN 55406
- 2022 Jackson v. Nassau County, (Plaintiff) (Expert Report) (Deposition)  
Allegation of wrongful conviction  
Gabriel P. Harvis, Esq., Elefterakis, Elefterakis & Panek, 80 Pine Street, 38th Floor, New York, New York 10005
- 2022 Baugus v. Newton (Morrow County Sheriff's Department, Ohio), (Plaintiff) (Expert Report)  
Creation of danger that led to death  
Connie Gadell-Newton, Fitrakis & Gadell-Newton, LLC, 100 E. Main Street, Columbus, OH 43215

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- 2022 Rios v. LAPD, (Plaintiff) (Expert Report)  
High-Risk Car Stop  
Toni Jaramilla, 1900 Avenue of the Stars, Suite 900, Los Angeles, CA 90067
- 2022 Sloan v. Anderson County Sheriff, SC, (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Joshua Snow Kendrick, Kendrick & Leonard, P.C., 506 Pettigru Street, Greenville, SC 29601
- 2022 Jones v. Dupage County Sheriff's Office, (Defense) (Expert Report) (Deposition)  
Officer Involved Shooting  
Patrick R. Moran, Rock Fusco & Connelly, LLC, 321 N. Clark Street, Suite 2200, Chicago, Illinois 60654
- 2022 Brown v. Turbyfill (Spotsylvania County Sheriff's Department, VA), (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Mark J. Krudys, The Krudys Law Firm, PLC, Truist Place, 919 East Main Street, Suite 2020, Richmond, VA 23219
- 2022 Cruz v. Riverside County Sheriff's Department, (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Steven Lerman, Steven A. Lerman and Associates, LLC, 6033 West Century Blvd., Suite 740 Los Angeles, CA 90045
- 2022 Yancy v. Tillman, Clayton County Police, GA, (Plaintiff) (Expert Report)  
Entry and Use of Force  
Tanya F. Miller, DUBOSE MILLER, LLC, 75 14th Street NE, Suite 2110, Atlanta, GA 30309
- 2022 Penny v. LAPD, (Plaintiff) (Expert Report) (Deposition)  
Officer Involved Shooting  
Shaleen Shanbhag, Hadsell, Stormer, Renick Dai LLP, 128 N. Fair Oaks Ave., Pasadena, California 91103
- 2022 Herrera v. Austin, (Plaintiff) (Expert Report)  
Use of force during demonstration  
Jeff Edwards, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2022 Barragan v. LAPD, (Plaintiff) (Expert Report)  
Positional Asphyxia  
Dominique Boubion, Carrillo Law Firm, 1499 Huntington Drive, Suite 402, South Pasadena, CA 91030
- 2022 Sen v. Los Angeles, (Plaintiff) (Expert Report) (Deposition)  
High-Risk Car Stop Tactics  
Brian Olney, Hadsell, Stormer, Renick & DAI, LLP, 128 N. Fair Oaks Ave., Pasadena, California 91103
- 2022 Ibarra v. Lee (Rogers County, OK), (Plaintiff) (Expert Report) (Deposition)  
Officer involved Shooting  
Dale Galipo, Law Offices of Dale K. Galipo, 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367
- 2022 Tate v. Chicago (Defense) (Expert Report)



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- Monell Allegations  
Marion C. Moore, Chief Assistant Corporation Counsel, City of Chicago Department of Law  
Federal Civil Rights Litigation Division, 2 N. LaSalle St., Suite 420, Chicago, Illinois 60602
- 2022 Lunneen v. Berrien Springs (Plaintiff) (Expert Report)  
Use of Force  
Noah W. Drew, Spence Lawyers, 15 S. Jackson Street, Jackson, WY 83001
- 2021 Carr v San Diego County Sheriff (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Joseph M. McMullen, Law Offices of Joseph M. McMullen, 501 W. Broadway, Suite 1510,  
San Diego, CA 92101
- 2021 Mountford v. City of Santa Monica (Plaintiff) (Expert Report) (Deposition)  
Officer Involved Shooting  
Jeremy D. Jass, 4340 Von Karman Avenue, Suite 100, Newport Beach, CA 92660
- 2021 State v. Dagas (Prosecution) (Trial Testimony)  
Allegation of False Police Report  
Judy Taschner, Deputy District Attorney, Special Operations Division, San Diego County  
District Attorney's Office, East County Regional Center, 250 E. Main Street, El Cajon, CA  
92020
- 2021 Stickney v. City of Phoenix (Defense) (Expert Report)  
Use of Force  
Christina Retts, Wienenke Law Group, 1095 W. Rio Salado, #209, Tempe, AZ 85281
- 2021 Evans v City of Austin (Plaintiff) (Expert Report)  
Use of Force  
Jeff Edwards, Edwards Law, 603 W 17th St., Austin, Texas 78701
- 2021 Rennells v. Kenealy (Plaintiff) (Expert Report)  
Use of Force  
James End, First, Albrecht & Blondis, 158 N. Broadway, Suite 600 Milwaukee, WI 53202
- 2021 Johnson v Baltimore (Defense) (Expert Report)  
*Monell Allegations*  
Kara K. Lynch, Chief Solicitor, Baltimore City Department of Law, 100 N. Holliday Street,  
Room 101, Baltimore, Maryland 21202
- 2021 Brown v City of Chicago (Defense) (Expert Report) (Deposition)  
*Monell Allegations*  
Dan Nolan, Reiter-Burns, 311 S. Wacker, 5200, Chicago, IL 60606
- 2021 Gonzalez v. CHP (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Dale Galipo, Law Offices of Dale K. Galipo, 21800 Burbank Blvd., Suite 310, Woodland Hills,  
CA 91367
- 2021 Baney v City of Chapin (Plaintiff) (Expert Report)  
Use of Force  
Joshua Snow Kendrick, Kendrick & Leonard, 1522 Lady Street, Columbia, SC 29201

## JEFFREY J NOBLE

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- 2021 Washington v City of Chapin (Plaintiff) (Expert Report)  
Use of Force  
Joshua Snow Kendrick, Kendrick & Leonard, 1522 Lady Street, Columbia, SC 29201
- 2021 King v. Fontana (Plaintiff) (Expert Report) (Deposition)  
Officer Involved Shooting  
Hang Le, Law Offices of Dale K. Galipo, 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367
- 2021 Harbin v. City of Breckenridge Hills, Missouri (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Javad Khazaeli, Khazaeli Wyrsh LLC, 911 Washington Ave, Suite 211, St. Louis, MO 63101
- 2021 Green v St. Louis (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Javad Khazaeli, Khazaeli Wyrsh LLC, 911 Washington Ave, Suite 211, St. Louis, MO 63101
- 2021 Debeaubien v CHP (Plaintiff) (Expert Report) (Deposition)  
Failure to Investigate  
Stewart Katz, 555 University Avenue, Suite 270, Sacramento, CA 95825
- 2021 Love v. Chicago (Defense) (Expert Report) (Deposition)  
Officer Involved Shooting  
Marion C. Moore, Chief Assistant Corporation Counsel, City of Chicago Department of Law Federal Civil Rights Litigation Division, 2 N. LaSalle St., Suite 420, Chicago, Illinois 60602
- 2021 Groom v Paso Robles (Plaintiff) (Expert Report)  
Sexual assault by police officer  
Neda Lotfi, Taylor & Ring, 1230 Rosecrans Avenue, Suite 360, Manhattan Beach, CA 90266
- 2021 Barrera v. City of Woodland (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Neil Gehlawat, Taylor & Ring, 1230 Rosecrans Avenue, Suite 360, Manhattan Beach, CA 90266
- 2021 Shorter v. City of Greenville, MS (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Tiffany Wright, Co-Director, Human and Civil Rights Clinic, Howard University School of Law
- 2021 Andrich v. City of Phoenix (Defense) (Expert Report)  
Officer Involved Shooting  
Christina Retts, Wienenke Law Group, 1095 W. Rio Salado, #209, Tempe, AZ 85281
- 2021 Monk v. Gulick (Chesterfield, VA), (Plaintiff) (Expert Report)  
Use of Force  
Thomas Johnson, Bricker, Anderson & Johnson, 411 East Franklin Street, Suite 504, Richmond, VA 23219
- 2021 Hernandez v. City of Los Angeles (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Arnoldo Casillas, Casillas & Associates, 3777 Long Beach Blvd, Long Beach, CA 90807
- 2021 Garten v. City of Costa Mesa, (Plaintiff) (Expert Report) (Deposition)  
Detention and search.

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- Richard Herman, Law Office of Richard P. Herman, P. O. Box 53114, Irvine, California 92619-3114
- 2021 Harris v. City of Phoenix, (Defense) (Expert Report)  
Officer Involved Shooting  
Christina Retts, Wienenke Law Group, 1095 W. Rio Salado, #209, Tempe, AZ 85281
- 2021 Gagliani v. Lexington County Sheriff, SC, (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Eric Cavanaugh, Cavanaugh & Thickers, LLC, 1717 Marion St, Columbia, SC 29201
- 2021 Torres v. City of Cheyenne, WY (Plaintiff) (Expert Report)  
Use of Force  
Thomas B. Jubin, Jubin & Zerga, LLC., 2614 Pioneer Avenue, P.O. Box 943, Cheyenne, Wyoming 8203-0943
- 2021 Velez v. City of Sacramento, (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Stewart Katz, 555 University Avenue, Suite 270, Sacramento, CA 95825
- 2021 Mojarrad v. Edwards, City of Raleigh, NC, (Plaintiff) (Expert Report) (Deposition)  
Officer Involved Shooting  
Cate Edwards, Edwards Kirby, 3201 Glenwood Avenue, Suite 100, Raleigh, North Carolina 27612
- 2021 Pope v. Hill, (Plaintiff) (Deposition)  
Pursuit  
Bart Turner, Savage, Turner, Durham, Pinckney & Savage, 102 East Liberty Street, Eight Floor (31401), PO Box 10600, Savannah, GA 31412
- 2021 Rightsell v. Indiana State Police, (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Bruce Kehoe, Wilson Kehoe Winingham, 859 N Meridian St, Indianapolis, IN 46208
- 2021 Mendez v City of Chicago, (Defense) (Expert Report) (Deposition)  
Monell Allegation  
Marion Moore, Chief Assistant Corporation Counsel, City of Chicago Department of Law, Federal Civil Rights Litigation Division, 2 N. LaSalle St., Suite 420, Chicago, Illinois 60602
- 2021 Helvie v Jenkins (Adams County Sheriff, CO.), (Defense) (Expert Report)  
Use of Force  
Kerri A. Booth, Adams County Attorney's Office, 4430 South Adams County Pkwy., 5<sup>th</sup> Floor, Suite C5000B, Brighton, CO 80601
- 2021 State of Minnesota v. Chauvin (State) (Expert Report)  
Use of Force  
Steve Schlescher, Minnesota Attorney General's Office, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101
- 2021 Humphrey v. Friar (City of Millington, TN), (Plaintiff) (Expert Report) (Deposition)  
Sexual Misconduct  
Andrew C. Clarke, The Cochran Firm – Midsouth, One Commerce Square, Suite 1700,

## JEFFREY J NOBLE

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- Memphis, Tennessee 38103
- 2021 Skommesa v. City of Murrieta (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Michael R. Marrinan, Law Office of Michael R. Marrinan, 501 W. Broadway, Suite 1510  
San Diego, CA. 92101
- 2021 Dominguez v. City of Escondido (Defense) (Expert Report)  
Use of Force  
Keith Phillips, Assistant City Attorney, City Attorney's Office, City of Escondido, 201 N.  
Broadway, Escondido, CA 92025
- 2021 Brown v. Ontario (Defense) (Expert Report)  
Use of Force  
Daniel S. Roberts, Cole Huber LLP, 3401 Centrelake Dr., Ste. 670, Ontario, CA 91761
- 2021 Galloway v. Nassau County Police (Plaintiff) (Expert Report) (Deposition)  
Allegation of wrongful conviction  
Gabriel P. Harvis, Elefterakis, Elefterakis & Panek, 80 Pine Street, 38th Floor, New York, New  
York 10005
- 2021 Richards v. Las Vegas Metropolitan Police (Plaintiff) (Expert Report)  
Officer involved shooting  
E. Brent Bryson, 32302 West Charleston Blvd., Las Vegas, NV 89102
- 2021 Hall v. City of Atlanta (Plaintiff) (Expert Report) (Deposition)  
Monell Allegation  
Shean Williams, The Cochran Firm, 100 Peachtree Street NW, Suite 2600, Atlanta, Georgia,  
30303
- 2021 Drew v. Irby, Fauquier County Sheriff, VA (Plaintiff) (Expert Report) (Deposition)  
Use of Force, Arrest  
Victor M. Glasberg, 121 S. Columbus Street, Alexandria, VA 22314
- 2021 Alves v. Riverside County Sheriff's Department (Plaintiff) (Expert Report) (Deposition) (Trial)  
Use of Force  
John Burton, The Law Offices of John Burton, The Marine Building, 128 North Fair Oaks  
Avenue, Pasadena, California 91103
- 2020 VanGilder v. McClean and Beale (Plaintiff) (Expert Report)  
Failure to Render Medical Assistance  
Mark J. Krudys, The Krudys Law Firm, PLC, SunTrust Center, 919 East Main Street, Suite  
2020, Richmond, VA 23219
- 2020 Hood/Washington v. Chicago (Defense) (Expert Report) (Deposition)  
Monell Allegations  
George Yamin, The Sotos Law Firm, 550 East Devon Avenue, Suite 150, Itasca, IL 60143
- 2020 Grabbingbear v. Europe (Defense) (Expert Report) (Deposition)  
Officer Involved Shooting  
Donald Sisson, Elkus and Sisson, PC, 7100 E. Belleview Ave., Suite 101, Greenwood Village,  
CO 80111

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- 2020 Thurman v. Spokane County Sheriff's Department (Defense) (Expert Report)  
Reasonableness of Internal Investigation  
Michael Kitson, Lane Powell, 1420 5<sup>th</sup> Avenue, #4200, Seattle, WA 98101
- 2020 Dew v. City of Seaside (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Karen C. Joynt, Joynt Law, 225 S. Lake Ave., Suite #300, Pasadena, CA 91101
- 2020 Arnold v. City of Olathe, Kansas (Plaintiff) (Expert Report) (Deposition)  
Tactical Decision Making  
Ryan J. Gavin, Kamykowski, Gavin & Smith, P.C., 222 S. Central Ave., Suite 1100, St. Louis, MO 63105
- 2020 Scott and Johnson v. Detroit (Plaintiff) (Expert Report)  
Allegation of Wrongful Convictions  
Nick Bourland, Emery Celli Brinckerhoff Abady Ward & Maazel LLP, 600 Fifth Avenue, 10th Floor, New York, NY 10020
- 2020 Chinaryan v. LAPD (Plaintiff) (Expert Report) (Trial)  
High-risk car stop  
John Burton, The Law Offices of John Burton, The Marine Building, 128 North Fair Oaks Avenue, Pasadena, California 91103
- 2020 Lisner v. Huntington Park (Plaintiff) (Expert Report)  
Employment Action  
Michael J. Grobaty, Murtaugh Treglia Stern & Deily LLP, 2603 Main Street, Penthouse, Irvine, CA 92614
- 2020 Meadows v. Town of Rising Sun, MD (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Jeffrey Nusinov, Nusinov, Smith, LLP, 6225 Smith Avenue, Suite 200B, Baltimore, MD 21209
- 2020 People v. Nelson (King County, Washington) (People) (Expert Report)  
Officer Involved Shooting  
Kathy Van Olst, King County Prosecuting Attorney's Office, 516 Third Avenue, W400 Seattle, WA 98104
- 2020 Mesa v. Leon Valley, Texas (Plaintiff) (Expert Report)  
Pursuit  
Gene Toscanao, 846 Culebra Road, San Antonio, Texas 78201
- 2020 Doe v. Charlotte Board of Education (Defense) (Expert Report) (Deposition)  
Police investigation  
Lori Keeton, The Law Offices of Lori Keeton, 13850 Ballantyne Corporate Place, Suite 500, Charlotte, North Carolina 28277
- 2020 Bisetti v. City of Austin (Plaintiff) (Expert Report) (Deposition)  
Arrest and Disciplinary Action  
Jeff Edwards, The Edwards Law Firm, 1101 East 11th Street, Austin, TX 78702
- 2020 Amaral v. City of San Diego (Plaintiff) (Expert Report) (Deposition)  
Use of force

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- Gastone Bebi, 501 West Broadway, Suite 1340, San Diego, CA 92101
- 2020 Baker v. Coburn and McHugh (Stratford, Texas) (Plaintiff) (Expert Report)  
Officer Involved-Shooting  
Jeff Edwards, The Edwards Law Firm, 1101 East 11th Street, Austin, TX 78702
- 2020 Scott v. Charlotte (Defense) (Deposition)  
Officer Involved Shooting  
Mark Newbold, Deputy City Attorney, Charlotte-Mecklenburg, 601 E. Trade Street  
Charlotte, NC 28202
- 2020 Dudley v. City of Kinston (Plaintiff) (Expert Report) (Deposition)  
Allegation of Wrongful Conviction  
David Rudolf, Rudolf-Widenhouse, 225 East Worthington Ave., Suite 100, Charlotte, NC 28203
- 2020 Taylor v. Los Angeles County Sheriff's Department (Plaintiff) (Expert Report)  
Internal Investigation, Failure to Render Medical Aid  
Arnoldo Casillas, Casillas & Associates, 3777 Long Beach Blvd, Long Beach, CA 90807
- 2020 McBean v. Peraza (Plaintiff)  
Officer Involved Shooting  
David I. Schoen, 2800 Zelda Road, Suite 100-6, Montgomery, Alabama 36106
- 2020 Hayes v. City of Portland (Defense) (Expert Report) (Deposition)  
Officer Involved Shooting  
Bill Manlove, Portland Office of the City Attorney, 1221 SW Fourth Avenue, Room 430,  
Portland, OR 97204
- 2020 Eatherton v. County of Riverside (Plaintiff) (Expert Report)  
Use of force  
Jerry Steering, 4063 Birch St., Suite 100, Newport Beach, CA 92660
- 2020 Godifay v. King County, WA (Defense) (Expert Report)  
Alleged police pursuit  
Daniel L. Kinerk, King County Senior Deputy Prosecuting Attorney, 900 King County  
Administration Building, 500 Fourth Avenue, Seattle, WA 98104-2316
- 2020 Doxator v. O'Brien, Green Bay Police Department (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Forrest K. Tahdooahnippah, Dorsey & Whitney, 50 South Sixth Street, Suite 1500, Minneapolis,  
MN 55402
- 2020 Krechmery v. City of Ontario (Plaintiff) (Expert Report)  
Use of Force  
Jerry Steering, 4063 Birch St., Suite 100, Newport Beach, CA 92660
- 2019 Taylor v. Seattle, (Defense) (Expert Report)  
Officer Involved Shooting  
Ghazal Sharifi, Seattle City Attorney's Office, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104
- 2019 Thomas v. County of Sacramento (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Stewart Katz, 555 University Avenue, Suite 270, Sacramento, CA 95825

## JEFFREY J NOBLE

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- 2019 Elifritz v. City of Portland, (Defense) (Expert Report)  
Monell allegation  
Naomi Sheffield, Deputy City Attorney, Portland Officer of the City Attorney, 1221 SW Fourth Avenue, Room 430, Portland, OR 97204
- 2019 People v. Krichovich and LaCerra (Broward County, FLA) (State) (Deposition) (Trial)  
Use of Force  
Christopher Killoran, Assistant State Attorney, Seventeenth Judicial Circuit of Florida  
Broward County Courthouse, 201 S.E. Sixth Street, Fort Lauderdale, FL 33301-3360
- 2019 Wilson v. City of Mission, TX (Plaintiff) (Expert Report) (Deposition)  
Officer Involved Shooting  
Victor Rodriguez, 121 North 10th Street, McAllen, TX 78501
- 2019 Davis v. Waller (Georgia Bureau of Investigations) (Defense) (Expert Report)  
Officer Involved Shooting  
Ron Stay, Assistant Attorney General, Georgia Department of Law, 40 Capitol Square SW,  
Atlanta, Georgia
- 2019 Yatsko v. Graziolli (Cleveland Police Department) (Plaintiff) (Expert Report)  
Officer Involved-Shooting  
Jeremy Tor, Spangenberg, Shibley & Liber, 1001 Lakeside Ave. East, Suite 1700, Cleveland,  
OH 44114
- 2019 Contreras v. City of Granger, WA (Plaintiff) (Expert Report)  
Employment  
Aaron V. Rocke, Rocke Law Group, PLLC, 101 Yesler Way, Suite 603, Seattle, WA 98104
- 2019 Doolittle v. Hickory, N.C. (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Paul Tharpe, Arnold & Smith, 200 North McDowell Street, Charlotte, NC 28204
- 2019 Slater v State of Arizona Department of Game and Fish (Defense) (Expert Report)  
Use of Force  
Timothy Watson, Assistant Attorney General, Liability Management Section, 2005 N. Central  
Ave., Ste. 100, Phoenix, AZ 85004
- 2019 Howard v. City of Durham, NC (Defense) (Expert Report) (Deposition) (Trial)  
Allegation of Wrongful Conviction  
J. Nicholas Ellis, Poyner Spruill, 130 S. Franklin, Rocky Mount, NC 27804
- 2019 Tate v. City of Seattle (Defense) (Expert Report)  
Detention and Use of Force  
Ghazal Sharifi, Seattle City Attorney's Office, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104
- 2019 McNally v. San Diego (Plaintiff) (Expert Report) (Deposition) (Trial)  
Use of Force  
Mike Marrinan, 501 W. Broadway, Suite 1510, San Diego, CA 92101
- 2019 Godinez v. Chicago (Defense) (Expert Report)  
Monell allegation  
Avi Kamionski, Nathan and Kamionski, LLP, 140 S. Dearborn, Suite 1510, Chicago, IL 60603
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## JEFFREY J NOBLE

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- 2019 Shortridge v. City of Arvada, CO (Defense) (Expert Report)  
Use of Force  
Julie Richards, Senior Assistant City Attorney, City Attorney's Office, 8101 Ralston Road  
Arvada, CO 80002
- 2019 Dunn v. City of Seattle (Defense) (Expert Report)  
Violent Persons File – NCIC  
Brian Esler, Miller, Nash, Graham & Dunn, LLP, 2801 Alaskan Way, Suite 300, Seattle, WA  
98121
- 2019 Heard v. City and County of Denver (Defense) (Expert Report)  
Use of Force  
Michele Horn, City and County of Denver, City Attorney's Office, 201 W. Colfax Ave., Dept  
1108, Denver, CO 80202
- 2019 Windle v. State of Indiana (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Zaki Ali, 522 West 8<sup>th</sup> Street, Anderson, Indiana 46016
- 2019 Wisdom v. County of Nassau (Plaintiff) (Expert Report)  
Allegation of False Arrest  
Gabriel Harvis, Elefterakis, Elefterakis & Panek, 80 Pine Street, 38th Floor, New York, New  
York 10005
- 2019 Castaway v. City of Denver (Defense) (Expert Report)  
Officer Involved-Shooting  
Wendy Shea, City and County of Denver, City Attorney's Office, 201 W. Colfax Ave., Dept  
1108, Denver, CO 80202
- 2019 Mosquera v. City of San Gabriel (Plaintiff) (Expert Report)  
Identification Procedures  
John Burton, The Law Offices of John Burton, The Marine Building, 128 North Fair Oaks  
Avenue, Pasadena, California 91103
- 2019 Harper v. Zoelling (Snohomish County Sheriff's Department), (Plaintiff) (Expert Report)  
(Deposition)  
Police Practices  
Jeff Kallis, Kallis Law, 321 High School Rd., Suite D3, Bainbridge Island, WA 98110
- 2019 Elmansoury v. Garden Grove (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Jeremy Jass, Jass Law, 4510 E. Pacific Coast Hwy., Suite 400, Long Beach, CA 90804
- 2019 Lee v. San Diego (Plaintiff) (Expert Report) (Deposition)  
Use of Force  
Mike Marrinan, 501 W. Broadway, Suite 1510, San Diego, CA 92101
- 2019 Kubiak v. City of Chicago (Defense) (Expert Report) (Deposition)  
Allegation of code of silence  
David Seery, Deputy Corporation Counsel, Administration, City of Chicago, Department of Law  
121 N. LaSalle Street, Room 600, Chicago, Illinois 60602



## JEFFREY J NOBLE

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- 2019 People v Krook (Prosecutor) (Grand Jury Testimony) (Trial)  
Officer Involved Shooting  
Richard Dusterhoft, Office of the Ramsey County Attorney, Criminal Division Director
- 2019 Roque v. Austin (Plaintiff) (Expert Report)  
Officer Involved Shooting  
Jeff Edwards, The Edwards Law Firm, 1101 East 11th Street, Austin, TX 78702
- 2019 Green v Lara (Plaintiff) (Expert Report) (Deposition)  
Officer Involved Shooting  
Victor Rodriguez, 121 North 10th Street, McAllen, TX 78501
- 2018 Estate of McIntosh v. City of Chicago (Defendant) (Expert Report) (Deposition)  
*Monell* Allegations  
Patrick R. Moran, Rock Fusco & Connelly, LLC, 321 North Clark Street Suite 2200, Chicago, Ill 60610
- 2018 Delacruz v. City of Port Arthur, TX (Plaintiff) (Expert Report)  
Use of Force  
Mo Aziz, Abraham, Watkins, Nichols, Sorrels, Agosto & Aziz, 800 Commerce, Houston, TX 77002
- 2018 Westfall v. Luna (Southlake PD, TX) (Plaintiff) (Expert Report) (Deposition) (Trial)  
Use of Force  
Grant Schmidt, Winston & Strawn, 2121 N. Pearl, Suite 900, Dallas, TX 75201
- 2018 Lyles v. Seattle (Defense) (Expert Report)  
Officer Involved Shooting  
Ghazal Sharifi, Seattle City Attorney's Office, 701 Fifth Avenue, Suite 2050, Seattle, WA 98104
- 2018 Le v. King County (WA) (Defense) (Expert Report)  
Officer Involved Shooting  
Dan Kinerk, King County Prosecuting Attorney's Office, 500 Fourth Avenue, Seattle, WA
- 2018 Sweet v. City of Mesa, AZ (Defense) (Expert Report) (Deposition)  
Reasonableness of tactics  
Christina Retts, Wienenke Law Group, 1095 W. Rio Salado, #209, Tempe, AZ 85281
- 2018 Collins v. San Diego County (Plaintiff) (Expert Report) (Trial)  
Reasonableness of Detention and arrest  
Elizabeth Teixeira, Law Offices of Robert Vaage, 110 West "A" Street, Suite 1075, San Diego, CA 9201
- 2018 Ballew v. City of Pasadena (Plaintiff) (Expert Report)  
Use of Force  
John Burton, The Law Offices of John Burton, The Marine Building, 128 North Fair Oaks Avenue, Pasadena, California 91103
- 2018 Valverde v. City of Denver (Defense) (Expert Report)  
Officer Involved Shooting  
Michele Horn, Assistant City Attorney, Civil Litigation Section, City and County of Denver
- 2018 Port Authority Police Benevolent Association v. The Port Authority of New York and New

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- Jersey (Defense) (Expert Report) (Arbitration Testimony)  
Contract Dispute  
Jason Stanevich, Littler, 265 Church Street, Suite 300, New Haven, CT 06510
- 2018 Smith v. Chicago (Defense) (Expert Report)  
Policies and practices  
Dan Nolan, Reiter-Burns, 311 S. Wacker, 5200, Chicago, IL 60606
- 2018 Carpenter v. Cleveland County Sheriff, N.C. (Plaintiff) (Expert Report) (Trial)  
Officer Involved Shooting  
Paul Tharp, Arnold & Smith, PLLC, 200 N. McDowell Street, Charlotte, NC 28204
- 2018 Courts v. Lee (Defense) (Deposition)  
Traffic Collision  
Jennifer Russel, Ford, Walker, Haggerty & Behar, One World Trade Center, 27<sup>th</sup> Floor, Long Beach, CA 90831
- 2018 Studdard v. Shelby County (TN) (Plaintiff) (Expert Report) (Deposition)  
Officer Involved Shooting  
Daniel Seward, 4510 Chickasaw Road, Memphis, TN 38117
- 2018 Farmer/Milliner v. City of Chicago (Defense) (Expert Report)  
Monell allegations  
Raoul Mowatt, Chicago Law Department, 30 North LaSalle, 900, Chicago, IL 60602
- 2018 Milke v City of Phoenix (Defense) (Expert Report) (Deposition)  
Allegation of wrongful conviction  
Christina Retts, Wienenke Law Group, 1095 W. Rio Salado, #209, Tempe, AZ 85281
- 2018 Kager v. Virginia Beach (Plaintiff) (Expert Report) (Deposition) (Trial)  
Officer Involved shooting  
Ed Brady, Brady, Fischel & Daily, LLC, 721 Melvin Ave., Annapolis, MD 21401
- 2018 Davis v. Chicago (Defense) (Expert Report) (Trial)  
Employment  
Howard Levine, Chicago Law Department, 30 North LaSalle, 1020, Chicago, IL 60602
- 2018 Williams v. King County, WA (Defense) (Expert Report)  
Officer Involved Shooting  
Dan Kinerk, King County Prosecuting Attorney's Office, 500 Fourth Avenue, Seattle, WA
- 2018 Faria v. McCarrick (Plaintiff) (Expert Report) (Deposition)  
Wrongful Conviction  
Bevis Schock, 7777 Bonhomme Ave., 1300, St. Louis, MO 63105.
- 2018 Zuniga v. CHP (Plaintiff) (Deposition) (Trial)  
Arrest and Use of Force  
Dicks and Workman, 750 B Street, 2720 Symphony Towers, San Diego, CA 92101
- 2018 Walker (Sanders) v. City of Independence, LA (Plaintiff) (Expert Report)  
Pursuit  
Neile deGravelles, deGravelles & Palmintier, 618 Main Street, Baton Rouge, LA 70801
- 2018 Espinoza v. City of Tracy (Defense) (Expert Report)

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- Reasonableness of Internal Affairs Procedures and Investigation  
Jesse Maddox, Liebert Cassidy Whitmore, 5250 N. Palm Avenue, Suite 310, Fresno, CA 93704
- 2018 Luque-Villanueva v. County of San Diego (Plaintiff) (Expert Report)  
Reasonableness of arrest  
Jerry Steering, 4063 Birch St., Suite 100, Newport Beach, CA 92660
- 2018 Flores v. San Bernardino (Plaintiff) (Expert Report) (Deposition)  
Officer Involved- Shooting  
Arnoldo Casillas, Casillas & Associates, 3777 Long Beach Blvd, Long Beach, CA 90807