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OFFICE OF THE PROSECUTING ATTORNEY
Audrain County, Missouri

April 19, 2022

Col. Eric T. Olson
Superintendent
Missouri State Highway Patrol
1510 East Elm Street
Jefferson City, MO 65101

Re: DDCC Troop F Investigation – Incident Number 220074390 – Death Investigation

Dear Colonel Olson:

I have received the reports from Tpr. Lawson and Troop F DDCC concerning a death which occurred in Columbia, Boone County, during an officer-involved shooting on February 13, 2022. Sheriff Carey of Boone County requested the assistance of DDCC, and upon completion of the investigation, my office was named as Special Prosecuting Attorney after the recusal of the Boone County Prosecuting Attorney's Office.

The purpose of this letter is to confirm that my office has received and reviewed this investigation, and does find that the use of lethal force in this case was justified. Deputy Verble's conduct was objectively reasonable under the circumstances, with the immediate threat Mr. Johnson presented through his pointing of a handgun at Deputy Verble, and his continued active resisting by fleeing while pointing the weapon at Deputy Verble. As Deputy Verble arrived on scene, he continued beside Johnson as Johnson fled on foot, and Johnson pointed a 9mm handgun at Deputy Verble at a range of less than ten yards. Deputy Verble fired six shots, one of which struck Johnson in the head, causing his death. Deputy Verble, and responding deputies and officers, immediately rendered aid to Mr. Johnson, but such aid was but this tragic death was in no way due to responding Deputies. Found immediately underneath Mr. Johnson's body was the 9mm handgun which Deputy Verble noted was pointed at him on more than one instance. The Johnson weapon was loaded, and was made safe by responding officers.

Upon review, I have found the use of force to be justified under Missouri law, and believe Deputy Verble's actions, and the actions of the other responding Deputies, were appropriate, proportional, swift and thorough to attempt to avoid Mr. Johnson's escalation and danger to life, body and health of citizens and officers alike. The Boone County Deputies' professional response was consistent with professional law enforcement standards and instruction.

After a thorough review of the available information, I find from the evidence that Deputy Verble did have an imminent, reasonable apprehension of immediate serious physical injury or death from the acts of Mr. Johnson. This apprehension was reasonable, and justified, in that Mr. Johnson presented a serious, substantial risk of serious physical injury or death to the public, to Deputy Verble, and to other officers. It is my conclusion that there is sufficient evidence from which a jury could find Deputy Verble was justified in his use of deadly force. Deputy Varble's use of force was proportional, as he was faced with deadly force, it was imminent, reasonable and could not have been avoided. National Prosecution Standards, and Missouri law, require a prosecutor to have a reasonable basis to believe that a conviction, beyond a reasonable doubt, is reasonably likely, and in this case, I find there is no reasonable likelihood that I could prove the elements of any crime beyond a reasonable doubt, and therefore, that no charges are warranted.

The police pursuit leading to this incident was extended, high-speed and dangerous, involving both Columbia Police and Boone County deputies. Officers were aware of Mr. Johnson's possession of weapons, and Deputy Verble's dash and body cameras, and multiple surveillance cameras, showed Mr. Johnson pointing a weapon at Deputy Verble in instances. Mr. Johnson's weapon was found, loaded, beneath his body consistent with it being in his hand at the time of the fatal shot. Although the autopsy report is not yet complete, I see no reason for those autopsy results to change the situation leading up to, and circumstances of, the shooting itself.

Mr. Johnson's death is tragic. However, the use of lethal force was justified and proper, and I will consider the investigation closed. The MSHP DDCC's investigation was thorough, complete and professional, and left no questions unanswered. All agencies involved, including the Boone County Sheriff's Office and Columbia Police Department, were cooperative and engaged with the investigation. All officers involved in this tragic outcome were also likewise professional and forthright, and should receive appropriate aftercare and counseling for post-traumatic stress.

I am providing courtesy copies of this letter to DDCC Lt. Ethan Ahern, and to Boone County Sheriff Dwayne Carey and Boone County Prosecuting Attorney Dan Knight.

Please call if you have any questions or concerns.

Sincerely,

/s/ Jacob W. Shellabarger

Jacob Shellabarger
Special Prosecuting Attorney for Boone County
Audrain County Prosecuting Attorney

Copy: Boone County Sheriff Dwayne Carey
Boone County Prosecuting Attorney Dan Knight
Lt. Ethan Ahern, MSHP DDCC GHQ