



*Equal Justice for All*

# Lewis County Prosecuting Attorney's Office

January 7, 2015

Chief Robert Berg  
Centralia Police Department  
P.O. Box 609  
Centralia, WA 98531

## I. FACTS<sup>1</sup>

On December 10, 2014, Phillip Pinotti, a defendant in a Chehalis Theft case, failed to appear as ordered in the Chehalis Municipal Court. As a result of his failure to appear, a warrant was issued for his arrest. Mr. Pinotti was scheduled to appear in the Centralia Municipal Court on December 16, 2014 where he was facing a Driving Under the Influence (DUI) charge.

On December 16, 2014 Mr. Pinotti drove his blue 2005 Subaru Forrester to the Centralia Municipal Court. Also in the vehicle was Miguel Martinez (front passenger seat) and Kayla Burlison (rear seat). Mr. Pinotti parked his vehicle on Maple Street, west of the city building where court is conducted. Mr. Pinotti parked his vehicle behind a vehicle later identified as belonging to Joseph P. Enbody.<sup>2</sup> It is estimated that Mr. Pinotti parked his vehicle several feet behind Mr. Enbody's vehicle near the entrance to Sign Pro located on Maple Street.

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<sup>1</sup> The facts as outlined in this document are a summation of the witness statements, police reports, and evidence gathered in this matter. The facts outlined involve only the events leading up to, including, and immediately after the point where Officer Howard fired his weapon. While many significant events occurred after Officer Howard fired his weapon, this analysis is to determine if any criminal charges are appropriate against Officer Howard. As a result, any events after Officer Howard, firing his weapon are irrelevant to the analysis undertaken here.

<sup>2</sup> Mr. Enbody was allowed to leave before the arrival of the Lewis County Sheriff's Office. Fortunately, a photograph was obtained from The Chronicle showing the location of Mr. Enbody's vehicle.

Mr. Pinotti exited his vehicle and went towards the city building. Mr. Martinez and Ms. Burleson went north into the gravel parking lot across from The Chronicle building. Mr. Pinotti entered the city building and went through the security check point. Working the security check point was Officer Steven Howard, a Limited Commissioned Officer for the city of Centralia. The two exchanged pleasantries and Mr. Pinotti entered the courtroom. Mr. Pinotti also saw Jaelynn Pluard. Ms. Pluard and Mr. Pinotti sat together in the courtroom.

Mr. Pinotti's case was called and he was informed that he was going to be taken into custody on his Chehalis warrant. Officer Howard was instructed by Judge James Buzzard to take Mr. Pinotti into custody on his warrant. Mr. Pinotti was removed from the courtroom and taken to the entry way of the building. As Officer Howard was preparing to place Mr. Pinotti into handcuffs, Mr. Pinotti fled the building.

Mr. Pinotti ran west on Maple towards The Chronicle building with Officer Howard in pursuit. Mr. Pinotti entered his vehicle and Officer Howard took a position on the driver's side front of Mr. Pinotti's vehicle. Mr. Pinotti locked his door and started his car. Officer Howard gave repeated commands to Mr. Pinotti to stop and surrender. Mr. Pinotti and other witnesses indicated that Officer Howard struck the driver's side window of his vehicle with his drawn firearm. Officer Howard does not recall striking the window.

Mr. Pinotti indicated that he put the vehicle into reverse, backed down Maple Street until he turned around and fled the area. Officer Howard indicated that prior to backing up, Mr. Pinotti's car lurched towards him, causing Officer Howard to fear for his own safety. What is not clear is how far forward the vehicle is believed to have traveled. Officer Howard fired his weapon one time, striking the driver's side window and shattering it. The driver's side window fell out as Mr. Pinotti was fleeing the area.

## II. WITNESSES<sup>3</sup>

### MARY JACKSON<sup>4</sup>

Mary Jackson works in The Chronicle building. Ms. Jackson heard someone say something to the effect of “I’m gonna to shoot you or I’m gonna kill you.” She saw the officer holding a gun towards the ground and the vehicle backing up. She did see something fall off of the vehicle during that time.

### Shelleen Lundeen<sup>5</sup>

Ms. Lundeen works at Sign Pro, which is located in The Chronicle building. Ms. Lundeen heard yelling and heard something like “I’m going to shoot.” She saw the officer lower his weapon and fire one shot. Although she also heard a different voice yelling during this time, she could not make out what was said.

### Christopher Brian Watson<sup>6</sup>

Mr. Watson works at The Chronicle building. Mr. Watson was standing at his desk when he heard a “pop”. This caused him to look out his window where he saw a vehicle matching the description of Mr. Pinotti’s. He observed the vehicle backing up and saw the officer standing with a firearm in front of the vehicle. Mr. Watson also noticed a male and female across the parking lot directly north of the building. The female had been throwing up prior to the incident, and both the male and female began walking away from the area when the shooting occurred.

### Christine Fossett<sup>7</sup>

Ms. Fossett also works at The Chronicle building. Ms. Fossett indicated that she heard a revving car engine and then heard a gunshot. She looked at her window and saw an officer in front of the vehicle with his firearm out. She witnessed the vehicle go in reverse down Maple Street. Ms. Fossett also saw some debris come off the vehicle.

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<sup>3</sup> Witness summations were taken from reports as well as taped statements. Only witnesses with pertinent information are included within this summary.

<sup>4</sup> 2015-OIS Cent. PD-1/000015.

<sup>5</sup> 2015-OIS Cent. PD-1/000015-16.

<sup>6</sup> 2015-OIS Cent. PD-1/000016.

<sup>7</sup> 2015-OIS Cent. PD-1/000016; 2015-OIS Cent. PD-1/00006-69.

Ms. Fossett also noticed a male and female in the parking lot to the north of The Chronicle building.

**Bob Berg**<sup>8</sup>

Chief Bob Berg is the chief of the Centralia Police Department. Chief Berg was at his desk located in the city building where the Centralia Municipal Court is conducted. Chief Berg was alerted to the situation by a staff member. Chief Berg heard a voice shouting “stop” outside of his window. From his office, Chief Berg saw Officer Howard pursuing Mr. Pinotti. Chief Berg saw Mr. Pinotti opening the door to his vehicle. Chief Berg then ran out of his office to the scene. As he emerged from the city building, Chief Berg saw the vehicle backing down the street and saw Officer Howard with a firearm in his right hand lowered to the ground. Chief Berg indicated that Officer Howard told him that the car started to come towards him when he fired a shot.

**Sarah Gee**<sup>9</sup>

Ms. Gee had provided a ride to the Centralia Municipal Court to a friend, Jaelynn Pluard because Ms. Pluard had court. Ms. Gee saw the court officer come out of the courtroom with Mr. Pinotti. She saw the officer look away and saw Mr. Pinotti run for the door. She saw the officer run out of the building after Mr. Pinotti. Ms. Gee could hear screaming, but could not make out the specific words, but believes the officer told Mr. Pinotti to stop. She saw Mr. Pinotti get into the driver seat of his vehicle. She saw the officer have a weapon in his hand. Ms. Gee said “the car to my eyes immediately goes backward, goes towards the middle of the street driving backward down the middle the street....” Ms. Gee saw glass on the ground, but did not hear a gunshot.

**Kayla Burleson**<sup>10</sup>

Ms. Burleson was the female seen vomiting in the parking lot north of The Chronicle building. Ms. Burleson initially denied being at the scene. She eventually admitted to being at the scene. Ms. Burleson then denied seeing the incident. However, she then

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<sup>8</sup> 2015-OIS Cent. PD-1/000059-62.

<sup>9</sup> 2015-OIS Cent. PD-1/000070-82

<sup>10</sup> 2015-OIS Cent. PD-1/000085-101.

admitted to seeing Mr. Pinotti in the car and seeing the officer outside, but denied seeing the window being damaged.

**Stephen Howard**<sup>11</sup>

Officer Stephen Howard was in the Army as a military policeman, spent nearly 2 years with the San Jose Police Department, spent approximately 12 years with the California State police until its merger with the California Highway Patrol in 1995, where he remained until he retired in 2009. During his law enforcement career, Officer Howard held the rank of sergeant for the last 14 years of his employment with the California Highway Patrol. In addition, Officer Howard was a field training officer, as well as a field training officer supervisor. This is in addition to his other training. Officer Howard indicated that he spent 90% of his time actively on patrol. Officer Howard, at the time of this incident, had been employed by the Centralia Police Department for approximately 3 months.

Officer Howard was hired as a court security officer one day per week for the Centralia Municipal Court as a limited commission officer. Officer Howard indicated that he got to work on December 16, 2014 at approximately 7:30 AM. Officer Howard recognized Mr. Pinotti from his previous court appearances. Officer Howard described that he and Mr. Pinotti spoke and exchanged small talk and even discussed the custody status of Mr. Pinotti's girlfriend.

Officer Howard indicated that he heard Judge Buzzard inform Mr. Pinotti that he had a warrant out of the Chehalis Municipal Court. Mr. Pinotti and the judge had a discussion about the warrant. Officer Howard approach Mr. Pinotti and escorted him outside of the courtroom. Officer Howard intended to confirm the existence of the warrant. As Officer Howard was removing his handcuffs from its holder, Mr. Pinotti ran.

Officer Howard gave chase. While attempting to put away his handcuffs and call out the chase on the radio. At one point, Officer Howard had to stop to wait for a gray Jeep to pass before resuming the pursuit. Officer Howard saw Mr. Pinotti get into his car. Officer Howard indicated that he was yelling at Mr. Pinotti the whole time telling them

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<sup>11</sup> 2015-OIS Cent. PD-1/000105-120.

to stop running. Officer Howard indicated at one point, he told Mr. Pinotti “it’s just a fucking warrant.” Officer Howard attempted to open Mr. Pinotti’s door, but it was locked. Officer Howard said “as soon as I hear the car start my mind kinda shifted gears. I go if he starts the car and starts driving I’m going to get hit by the car. I pulled my weapon. I’m pulling my weapon and I’m yelling at him, don’t fucking do it. I will shoot you. And I see him reach up and put the car in drive. I watched him pull all the way down and in the car jerked forward. I fired one round. As soon as that round went off. I saw him do this and I went fuck. I hit him. But as soon as he ducked the car reversed and he looked backwards and then he, not making a joke, but it was pretty good EVOG driving.”

Later in his statement Officer Howard said, “I didn’t, when he started the car, put it in drive I, and they pulled my weapon and told him I will shoot you, that car jerked forward and I told him well I told you myself. I go I was, I thought I was going to get hurt. I thought I was going to get it.” “... If he goes forward I’m gonna get hit. I’m gonna get hurt.... I’ll get hurt. I’ll get killed. Out whatever but it scared the shit out of me. I mean, it did. I don’t want to get hit by a car.”

When asked about striking the door, Officer Howard indicated “I tried the door. I would say I didn’t. I don’t consciously remember hitting the door with my gun. I don’t think I would have. I did that many many many many years ago to my detriment. I severed the tendon in my finger.” Officer Howard did not fire a second shot because the threat (the vehicle and Mr. Pinotti) was going away from him.

### **Miguel Martinez**<sup>12</sup>

Mr. Martinez is the boyfriend of Kayla Burleson. Mr. Martinez indicated that he and Ms. Burleson Road **[rode]** to court with Mr. Pinotti. When Mr. Pinotti went into the court, he and Ms. Burleson walked to the parking lot north of The Chronicle building. According to Mr. Martinez, Ms. Burleson vomited in the parking lot. Mr. Martinez heard a big commotion and saw Mr. Pinotti run to his car with an officer right behind him. Mr. Martinez indicated that the officer tried “busting out the window.” Mr. Martinez also

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<sup>12</sup> 2015-OIS Cent. PD-1/000121-131.

heard the officer say “stop or I’ll shoot.” Mr. Martinez said that Mr. Pinotti “peeled out and I heard a gunshot and then I just seen [Mr. Pinotti] zoom, zoom off.”

Jaelynn Pluard<sup>13</sup>

Ms. Pluard was in the court with Mr. Pinotti when he was going to be taken into custody. Ms. Pluard asked Mr. Pinotti if he needed anything. According to Ms. Pluard, the officer had his back to Mr. Pinotti and Mr. Pinotti ran out of the door. Ms. Pluard indicated she went to the window and saw the officer banging on the car window. Ms. Pluard indicated Mr. Pinotti put the car in reverse and left. However, Ms. Pluard did not hear a gunshot.

Phillip Pinotti<sup>14</sup>

Mr. Pinotti gave two taped statements to the officers. Mr. Pinotti admitted to being dishonest in a portion of his first taped statement. Mr. Pinotti indicated that the judge told him that he had a warrant for his arrest out of the Chehalis Municipal Court. Mr. Pinotti indicated the officer’s attention was distracted and he took that opportunity to run. Mr. Pinotti admitted that he ran to his parent’s car and he had driven to court that day.

“I get in the car, and as soon as I shut the door. I locked the door and put the key in the ignition and as soon as I start the car I looked up and the bailiff, security guard, whatever is coming around the front of the hood of my car and I see him raise his firearm at me and state, don’t do it or I’ll fucking shoot you and I froze for a second and then he said don’t you fucking move, I will shoot and I don’t know why, but my flight instincts took over and I, I just threw it in gear in reverse and hit the gas as hard as I could, but before the car could take off the bailiff had time to swing his gun twice into the side of my window breaking it and sending glass to my face. That was when I guess the firearm would’ve went off.”

Mr. Pinotti indicated that he did not put the car into drive at any time as there was a car in front of him that was too close for him to be able to get out pulling forward. Mr.

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<sup>13</sup> 2015-OIS Cent. PD-1/000140-149.

<sup>14</sup> 2015-OIS Cent. PD-1/000150-168.

Pinotti said “I was too close to the car in front of me and with the officer right there. There was no way I was getting out going forward at all. I knew the only escape was going behind me.”

Mr. Pinotti admitted he knew that he was under arrest at the time that he fled. Mr. Pinotti did not hear a gunshot. Mr. Pinotti did not realize the officer fired his weapon until he spoke with a witness after fleeing the scene.

Mr. Pinotti said that he “... Panicked and stupid as it sounds, I was desperate to see my girlfriend. She was getting out the next day and had nobody to pick her up, but me so I made the stupid choice to run, but I ran to my car and I got in and I threw it in reverse and I smashed out of there as fast as the car would let me, but I did not drive towards the officer at all.”

### **III. ANALYSIS**

Officer Howard, at the time of this event, was employed by the City of Centralia and was working his assigned detail, providing security for the courtroom. RCW 10.93.020(5) defines Officer Howard’s role as that of a “specialty officer.” As a specialty officer, Officer Howard was employed by the City of Centralia and his authority in the Centralia Municipal Code. CMC 2.15.080(E) states:

A special police officer is also authorized to: 1. Transport and hold in secure custody prisoners of the Centralia municipal court; 2. Serve Centralia municipal court warrants on individuals detained or in custody; 3. Provide law enforcement and court security services within and adjacent to the environs of the Centralia municipal court; 4. Process, catalog, document, transport, and dispose of department evidence and property pursuant to departmental policies, procedures, and judicial authorization.



I do not find CMC 2.15.080(E)(1) applicable to the case at hand. I do not believe that Mr. Pinotti was or was going to be a “...prisoner of the Centralia [M]unicipal [C]ourt...” Mr. Pinotti was not taken into custody and, even if he were, I believe he would have been a Chehalis prisoner as the Chehalis Municipal Court was the court that issued the warrant. The warrant being served in this matter was out of the Chehalis Municipal Court. As a result, CMC 2.15.080(E)(2) is inapplicable since it was not a Centralia warrant. This matter did not involve the handling of property. Therefore, CMC 2.15.080(E)(4) is also inapplicable. However, I do find that CMC 2.15.080(E)(3) does apply to the matter at hand.

Officer Howard was employed as court security and was acting in that capacity when this event occurred. As such, Officer Howard was authorized to “[p]rovide law enforcement and court security services within and adjacent to the environs of the Centralia municipal court[.]” Because Officer Howard was attempting to detain Mr. Pinotti pending confirmation of the Chehalis warrant, he was fulfilling his role of providing law enforcement “...within and adjacent to the environs....” of the court.

Because of the authority specifically granted to him under CMC 2.15.080(E), RCW 9A.16.040 must be analyzed to determine the applicability to the case at hand. RCW 9A.16.040 states in part:

(1) Homicide or the use of deadly force is justifiable in the following cases:

(a) When a public officer is acting in obedience to the judgment of a competent court; or

(b) When necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.

(c) When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; or

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(3) A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

Deadly force was used in this matter. Deadly force is defined as "...the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury."<sup>15</sup> The question becomes was the deadly force used in this case appropriate.

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<sup>15</sup> RCW 9A.16.010(2).

For clarity, the RCW will be analyzed by each section/subsection. Deadly force is authorized:

(a) When a public officer is acting in obedience to the judgment of a competent court

Having established that the force used was deadly force, I do not believe this subsection was intended to be applied to the situation at hand. Rather, I believe this subsection allows a “public officer” to carry out an order by the court to use deadly force on a person (i.e. the death penalty). The use of deadly force in this case was not justified pursuant to this subsection.

(b) When necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.

Judge Buzzard, seeing that a warrant was issued for Mr. Pinotti’s arrest, ordered Officer Howard to take Mr. Pinotti into custody. Mr. Pinotti fleeing from the courthouse was actual resistance. The question here is was the deadly force used necessary to overcome the resistance. I find that the deadly force used was not necessary to overcome the resistance. The deadly force used by Officer Howard was not to overcome the resistance. Rather, Officer Howard, in his own statement, indicated that he used deadly force out of fear for his safety. Officer Howard also admitted that he did not use deadly force a second time because the threat, Mr. Pinotti, was going away from him. This subsection of statute, in my opinion, treats both of these situations the same. Officer Howard may have believed the shot fired was necessary for the preservation of life, but it was not necessary to overcome the resistance. If it were, a second shot would have been appropriate as Mr. Pinotti was driving away from the officer.

(c) When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

I do not find that Officer Howard's use of deadly force was justified under this subsection. Officer Howard's statement admits that he was not firing his weapon in an effort to apprehend. Rather, Officer Howard fired his weapon in act of, what he believed to be, self-preservation.

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility

Officer Howard's use of deadly force is not justified under this subsection. Mr. Pinotti was not escaping from correctional facility.

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony

Mr. Pinotti, although committing the crime of Escape, was not escaping from a holding facility. Likewise, Mr. Pinotti's was crime for which he was being arrested was not a felony. Officer Howard's use of deadly force was not justified pursuant to this subsection.

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon

It may be argued that a deadly weapon (Mr. Pinotti's vehicle) was present, but there is no argument that a riot was involved. Officer Howard's use of deadly force was not justified under this subsection. RCW 9A.16.040(2) does not need to be analyzed because it is only used to further analyze RCW 9A.16.040(1)(c).

(3) A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

Malice is defined as "...an evil intent, wish, or design to vex, annoy, or injure another person."<sup>16</sup> Officer Howard discussed how, upon entering the city building, the two exchanged pleasantries and discuss the incarceration of Mr. Pinotti's girlfriend. Officer Howard's statement makes it clear that he was simply trying to take Mr. Pinotti into custody on his warrant. I find that Officer Howard was not acting with malice when he used deadly force against Mr. Pinotti.

Although I found that RCW 9A.16.040(1)(a)(b)and(c) did not justify Officer Howard's actions in this matter, I believe that he did have a good faith belief that RCW 9A.16.040 did justify his acts on December 16, 2014. Specifically, I find that Officer Howard had a good faith belief that RCW 9A.16.040(1)(b) and (c)(1) applied to the situation at hand for the reasons stated below:

(b) When necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.

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<sup>16</sup> See Washington Patter Jury Instruction (WPIC) 2.13.

(c) When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

Officer Howard's actions on December 16, 2014 show a progression that, in large part, was brought on in response to Mr. Pinotti's actions. Mr. Pinotti chose to run from court. Officer Howard gave chase and verbal commands. Mr. Pinotti chose to get into his vehicle and lock the door. Officer Howard attempted to open the door and pulled his weapon. Mr. Pinotti chose to start his vehicle. Officer Howard gave verbal commands and, according to witnesses, struck the window in an attempt to break it. Mr. Pinotti chose to put the car in gear. Mr. Pinotti indicated that he put the car in reverse while Officer Howard indicates that the car "lunged" forward. While other witnesses saw the car going in reverse, they were a good distance away and, given the angles from which they viewed the incident, I cannot determine, definitively, that either Mr. Pinotti or Officer Howard are either correct or incorrect.

Mr. Pinotti could have, in all of the excitement, shifted the vehicle into drive and surprised that the car moved forward, quickly put the car in reverse. On the other hand, Officer Howard, in all of the excitement, could have seen the sudden movement of the vehicle and perceived that it was approaching even if it was, in reality, in reverse. Either way, I cannot find that Mr. Pinotti had the intent to harm Officer Howard under either scenario.

Anyone, law enforcement and non-law enforcement alike, have to make decisions. Sometimes those decisions must be made in a very short frame of time. Colonel John Boyd created a phrase, O.O.D.A. Loop. O.O.D.A. stands for Observe, Orient, Decide and Act. Colonel Boyd used the O.O.D.A. Loop to describe the process one must go through

when reacting to a stimulus, in this case the movement of the vehicle. Before deciding to act, a person must observe the stimulus (Observe), focus on the stimulus (Orient), determine what, if any, action they are going to take (Decide) and undertake the action (Act). Here, given quickly these events transpired, I cannot say that Officer Howard did not have a "...good faith belief that such act is justifiable pursuant to this section." I find that this section does apply to the deadly force used by Officer Howard on December 16, 2014.

#### **IV. CONCLUSION**

RCW 9A.16.040 is not applicable to the general public, nor should it be. In fact, the legislature acknowledged as much when the law was modified in 1986. "The legislature recognizes that RCW 9A.16.040 establishes a dual standard with respect to the use of deadly force by peace officers and private citizens, and further recognizes that private citizens' permissible use of deadly force ... is not restricted and remains broader than the limitations imposed on peace officers."<sup>17</sup>

Officer Howard spent nearly 30 years in law enforcement before coming to serve the City of Centralia. His roles, training and experience with the Military Police, San Jose Police, California State Police, California Highway Patrol and even the Centralia Police Department all went into the decision to squeeze the trigger.

This office's role is not to determine if this chain of events could have or should have been avoided. Nor is it to determine how another law enforcement officer would have reacted in the exact same scenario. Rather, the role of this office is to determine if, under the law, Officer Howard should be charged with a crime. Given that RCW 9A.16.040(3) does apply to this case, "...a peace officer shall not be held criminally liable for using deadly force..." and, as a result, no charges will be filed in this matter.

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<sup>17</sup> Session Laws 1986 c 209 § 3.

Although no charges are being filed in this matter, I am not authorizing the release of any evidence in this matter. Mr. Pinotti is currently facing multiple criminal charges as result of his actions and evidence collected may be of value in that matter as well. Any release issues will have to be addressed through Mr. Pinotti's case.

This review and conclusion has been reviewed by others. Attorneys from within this office, as well as an attorney outside of this office reviewed and agreed with the conclusions reached. After reviewing this document, if you have any questions or concerns, do not hesitate to contact my office.

Sincerely yours,

JONATHAN L. MEYER  
Prosecuting Attorney

JLM:jlk