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FOR IMMEDIATE RELEASE

From: Eric M. Hoffman, Prosecuting Attorney
Date: November 4, 2025

**PROSECUTOR FINDS AUGUST 3, 2025
POLICE ACTION SHOOTING LEGALLY JUSTIFIED**

Muncie Indiana - The Indiana State Police (ISP) has concluded its investigation into the events and circumstances surrounding the August 3, 2025 police action shooting involving officers from the Muncie Police Department (MPD). The officers involved completely cooperated with the investigation as did the entire administration of the MPD. The investigation was submitted to the Delaware County Prosecutor's Office for review. That review is now complete. This review included statements from civilian witnesses, statements from law enforcement witnesses, statements from the officers involved, police reports, a voluminous amount of police body camera footage, photographs, videos, diagrams, autopsy reports, forensic firearms analysis, and the physical evidence

Given the fact that this was an officer involved shooting that resulted in the death of another person and in the interest of transparency, I will outline the factual findings, the applicable law, and the ultimate conclusion. The officer involved in the shooting is identified as Officer # 2. When criminal charges are not filed against a person, it is the general policy and practice of this Office to not publicly name the person or persons. Similarly, it is the general policy and practice of this Office not to refer to civilian witnesses by name.

The facts demonstrate conclusively and without a doubt that when MPD Officer # 2 discharged his firearm which ultimately resulted in the death of Jessie L. Robinson (white male age 35) he did so in self-defense, in the defense of others and to effectuate a lawful arrest. Officer #2's actions are objectively reasonable. Consequently, the officer's actions are completely and legally justified.

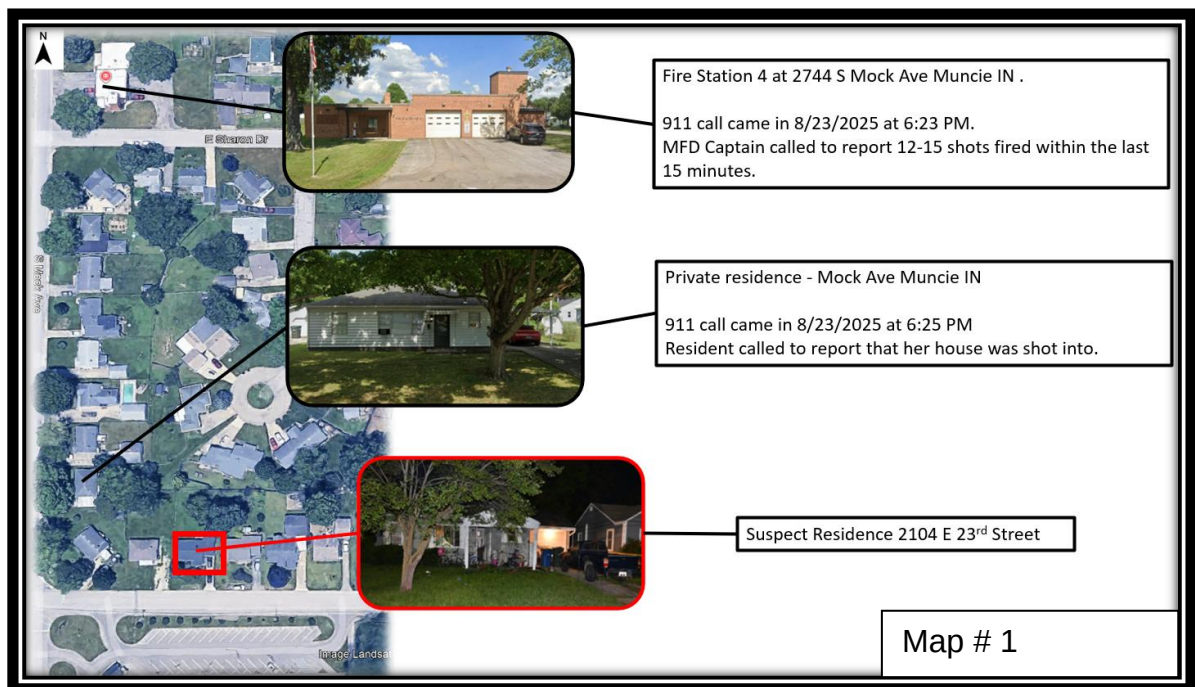
Additionally, throughout the August 3, 2025 incident, the MPD deployed and utilized the department's special weapons and tactics team (SWAT). For obvious reasons I will not describe nor disclose any weapons, equipment, methods of operation, and techniques of the MPD SWAT team.

I would like to thank ISP Detective Ronald Halbert as well as all of the ISP detectives and crime scene Investigators for conducting a very thorough and professional investigation of this case.

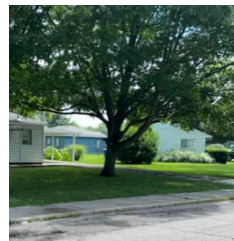
FACTUAL FINDINGS

Initial gunfire and 911 calls

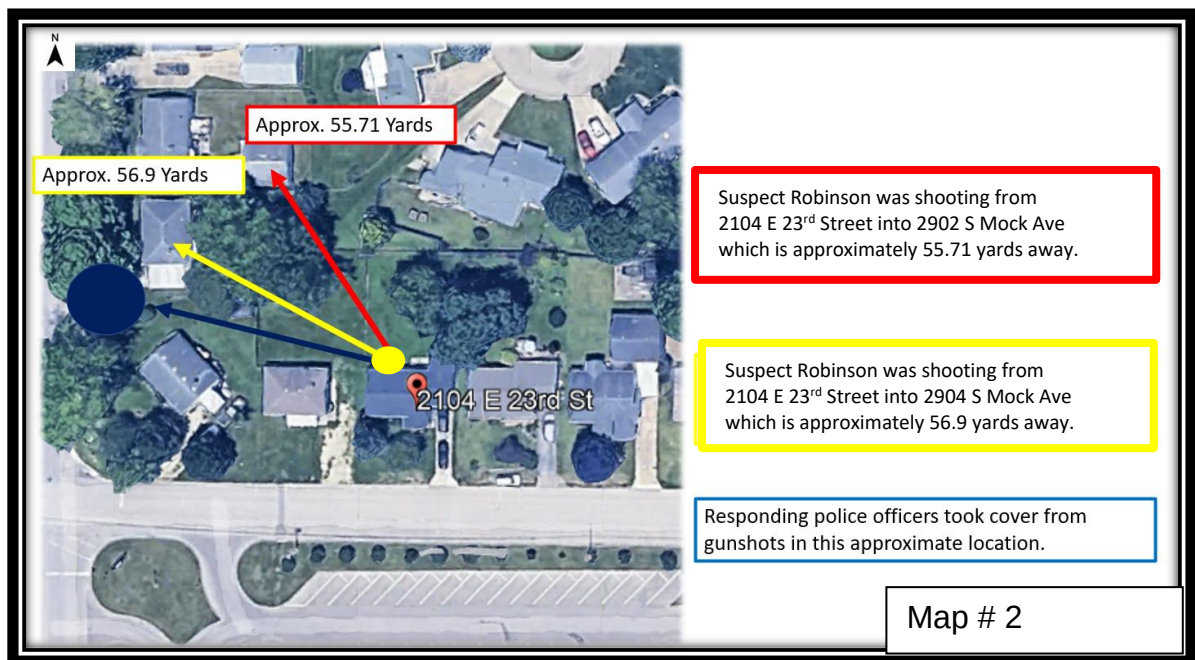
On August 3, 2025, at approximately 6:23 PM, the Muncie/Delaware County 911 Dispatch Center received a 911 call from Muncie Fire Station No. 4 located at 2744 S. Mock Avenue. The caller asked that some police officers be dispatched to the area of 23rd and Mock because he heard at least 12-15 gunshots within the last fifteen minutes. The caller advised the shots were coming from the south east; approximately at Cooley Park. At 6:25 PM a resident on Mock Avenue called 911 to report that a bullet had been shot into her home and had traveled through two (2) walls. The caller further reported that she was continuing to hear gunshots.



Consequently, multiple MPD officers responded to the scene. Several officers responded to 2904 S. Mock Avenue. Dispatch advised all officers that were arriving that one caller heard approximately 12 to 15 gunshots in the last fifteen minutes and that another caller stated their residence had been struck with a bullet. Upon arrival at approximately 6:32 PM, officers took up a position just south of the residence in a grassy area near a tree represented by the photograph below and by the blue circle in Map # 2 below.



At 6:36 PM, officers heard one (1) gunshot. Officers could not see where the shooter was positioned. At 6:38 PM, officers heard two (2) more gunshots. The officers could hear bullets hitting leaves and debris in the trees and brush around and behind them. One officer heard what he described as the “whizzing” sound of a bullet passing through the air. Other officers described the shots as being “very close” to them. At 6:41 PM, the officers heard one (1) more gunshot. At 6:42 PM, the officers heard seven (7) more gunshots in rapid succession. The officers called dispatch and requested additional officers. Ultimately, the evidence will show that Robinson fired at least twenty-eight (28) rounds from the back patio area of his 2104 E. 23rd Street. Some of those rounds struck three (3) different areas nearby. These include: one (1) round to 2902 S. Mock Avenue; four (4) rounds to 2904 S. Mock Avenue, and an unknown number of rounds to the area where police officers were staging to respond to Robinson’s actions.



Later in the investigation phase, 2104 E. 23rd Street (the residence of Jessie Robinson) was searched, pursuant to a search warrant, by detectives from the Indiana State Police. Within the garage, surrounding the exterior door to the back yard as well as directly outside of that door in the back patio area indicated above by a yellow circle in Map # 2 above, police found an empty black firearm magazine, an ammunition box containing six (6) live 9-millimeter cartridges, and a total of twenty-eight (28) spent shell casings.

A representative sample consisting of eleven (11) 9-millimeter shell casings were sent to the Indiana State Police Crime Laboratory for examination. A Forensic Scientist in the Firearms Unit of the Lab examined the eleven (11) 9-millimeter shell casings and determined that they were fired from the black Taurus pistol collected from the front yard.

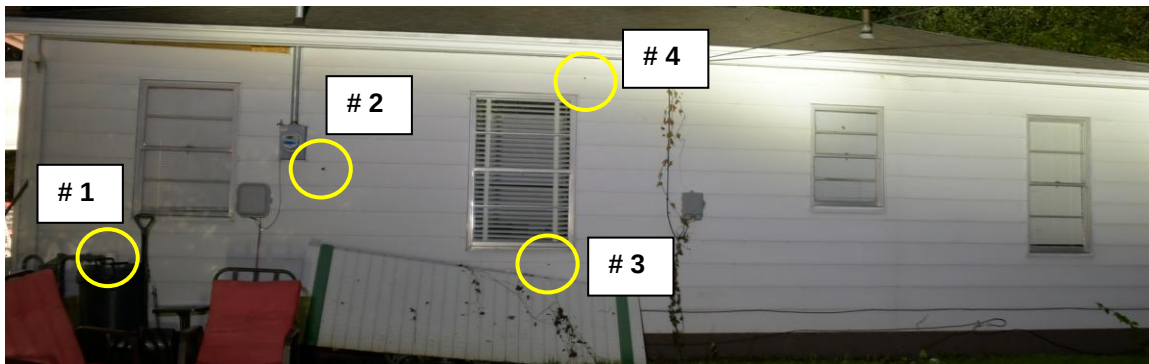
A MPD crime scene investigator examined the tree where the officers were taking cover from the whizzing bullets in the area indicated by the blue circle above in Map # 2.



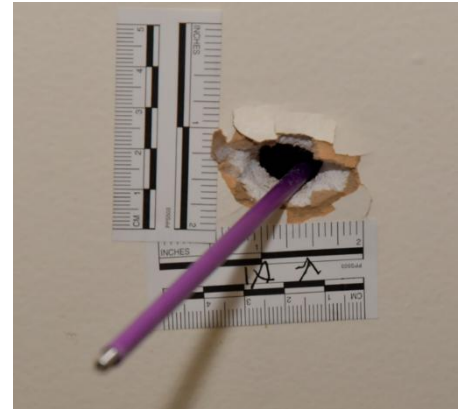
The investigator observed there to be an area of the tree bark that protruded out from the main surface of the tree. There was what appeared to be an area of the bark that had a semi-circular area of what appeared to be new/recent damage. The damaged area was on the east/northeast edge of the tree, at approximately three (3) foot above the ground level. The damaged area had the bark surface missing and the exposed inner bark was much lighter in color than the exterior bark surface.

ISP detectives spoke to the occupants of 2904 S. Mock Avenue. (the house where responding police officers were staging when they heard bullets “whizzing” past them). One occupant stated that at approximately 6:00 pm he was asleep and woke up to a loud gunshot. He heard something hit the house. He stated he walked into the living room area and saw a hole in the wall of the kitchen. He then walked to the laundry room area where his dog's kennel was. He stated he saw another hole which almost lined up to where his dog was located. He located a damaged bullet on the floor near the dog kennel. Another occupant of the same residence found a deformed bullet in a bedroom on the floor.

ISP Crime Scene Investigators examined and documented the exterior of 2904 S. Mock Avenue. Investigators observed and documented four (4) holes on the East side of the residence. The holes were consistent with being caused by a bullet striking the exterior siding of the residence.



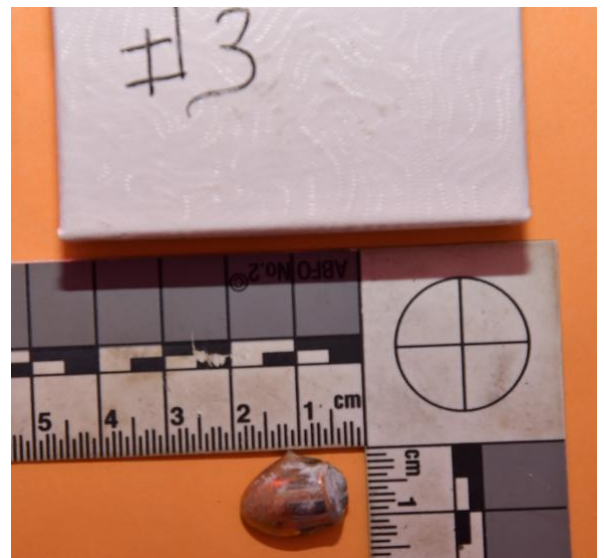
Hole # 1 was a perforating defect leading from the exterior of the residence near the natural gas main into the laundry room. ISP Crime Scene Investigators collected a deformed jacketed bullet next to a dog cage.



Hole # 2 was a penetrating defect. ISP Crime Scene Investigators were unable to determine any trajectory and nothing was recovered from this defect.



Hole # 3 was a perforating defect leading from the exterior of the residence into a bedroom where a bullet appeared to have struck a dresser before coming to rest just inside the doorway to the room where ISP Crime Scene Investigators collected a deformed jacketed bullet.

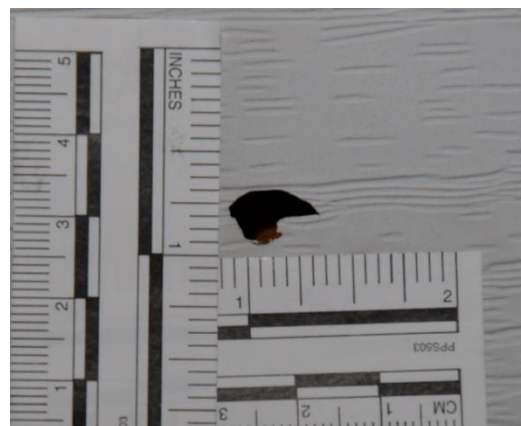


Hole # 4 was located approximately seven feet eleven inches from the ground. Upon further examination the hole contained a penetrating defect containing a jacketed bullet embedded in the exterior of the house.



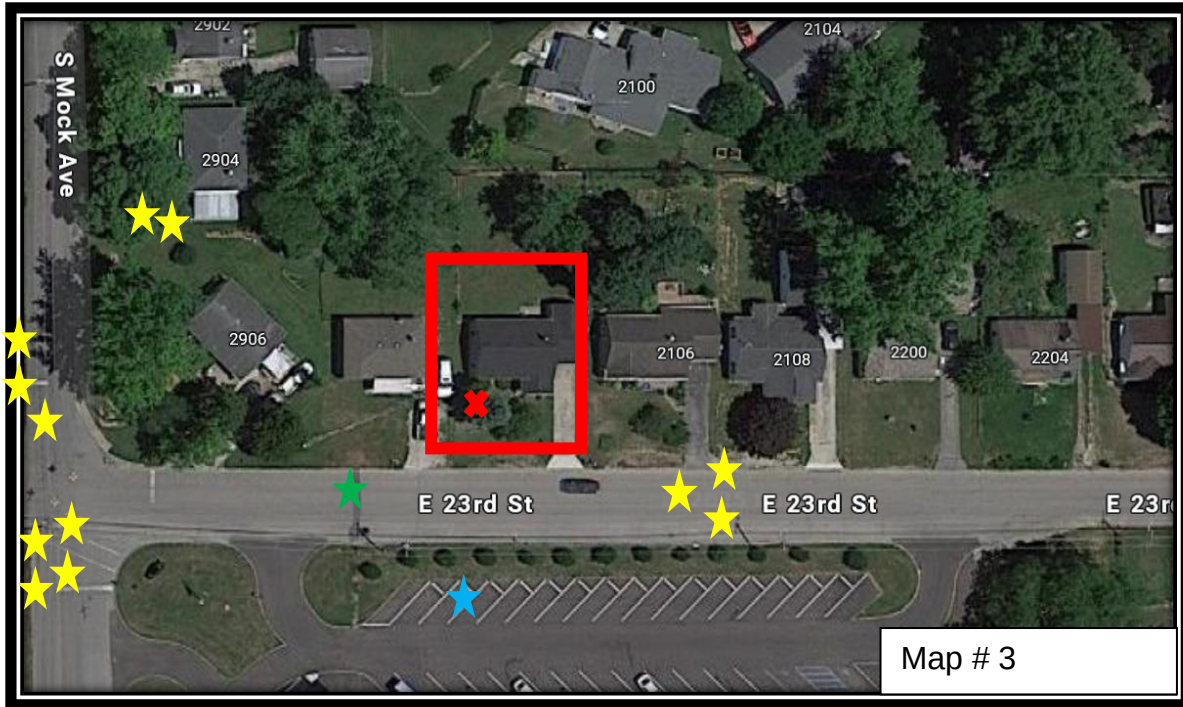
The bullet recovered from hole # 4 was collected as evidence and sent to the ISP laboratory for analysis. A Forensic Scientist from the Firearms Unit of the Lab examined the bullet and determined that it had been fired from a black Taurus handgun that was located in the front yard of 2104 E. 23rd Street (the residence of Jessie Robinson), next to Jessie Robinson's body.

ISP Crime Scene Investigators processed 2902 South Mock Avenue for potential evidence. This house was on the east side of Mock Avenue and had a detached garage to the east of the house. On the south side of the garage, below the window, there was a hole with a penetration defect consistent with that of a bullet hole. The crime scene Investigators were unable to determine the trajectory of the defect. Nothing of evidentiary value was collected from this residence.



Police response

Police officers from various departments and jurisdictions arrived on scene and took up various positions surrounding 2104 E. 23rd Street.



In Map # 3 above, 2104 E. 23rd Street is indicated by the red box. The yellow stars indicate the approximate location of where law enforcement officers were positioned. The number of stars does not indicate how many officers were in that particular location, simply that there were officers positioned in those locations. All of the officers were in uniform and all of the law enforcement vehicles were clearly marked. The green star indicates the approximate location of Officer # 1. The blue star indicates the approximate position of Officer # 2 at the time he/she fired their duty rifle. The red X indicates the approximate location of where Robinson was positioned during most of the time that law enforcement officers were on scene and his approximate location at the time, he sustained a gunshot wound. Directly across the street from the residence is Cooley Park. During this incident there were multiple innocent citizens standing in properties recording the events on their cell phones¹ despite repeated warnings by police officers to retreat and take cover so as not to risk being shot by Robinson. Robinson was firing a 9-millimeter handgun that fires a projectile that travels 1,000 feet per second and has a range over 500 yards. Any of those citizens were at grave risk of being shot and killed by Robinson at any time.

¹ I have reviewed all of the civilian cell phone videos that were able to be preserved and provided to me to view.

Officer # 1 fully cooperated in this investigation. Officer # 1 voluntarily gave a videotaped interview to ISP Detective Ronald Halbert. During that interview, Officer # 1 stated that among his other duties with MPD he is a firearms instructor, defensive tactics instructor, and the commander of the MPD SWAT team. On August 3, 2025, Officer # 1 was called to the area of 23rd Street and Mock Avenue on a call of an “active shooter.” While in route, Officer # 1 was monitoring the police radio traffic and heard that officers who were on scene were reporting that they heard gunshots fired, that they were fired close to the officers, and that debris was coming off trees around them indicating that live rounds were being fired in their direction. Officer # 1 activated the MPD SWAT Team and proceeded to 2104 E. 23rd Street. Officer # 1 and multiple other officers took up a position in and around the SWAT Team’s armored Humvee as indicated by the green star in the Map # 3 above. A second team of officers took a position in and around a second armored Humvee on 23rd Street approximately in the area indicated by the cluster of three yellow stars on the right side of the Map # 3 above.

Officer # 1 stated that the ultimate goal was to give Robinson the opportunity to surrender peacefully. Multiple officers repeatedly gave loud verbal commands for Robinson to drop the gun, put up his hands, come forward and he would not be hurt. The second armored Humvee was equipped with a loudspeaker. While Robinson was in the front yard of 2104 E. 23rd Street, a police officer made the following commands to Robinson over the loudspeaker:

- “Jessie, this is the Muncie Police Department. We are not leaving. Could you please come down to the road with your hands up and empty.”
- “Jessie, nobody wants to harm you. We want this to end peacefully. Please step down to the road with your hands up, open and empty. You’ll be given further instructions. You will not be harmed.”
- “Jessie Robinson, please step down to the road with your hands up, open and empty. You will not be harmed.”
 - Robinson verbally responded “Fuck that.”
- “Jessie, step down to the road with your hands up, open and empty. We are not going to harm you. We want this to end peacefully.”
- “Jessie Robinson, step down to the road with nothing in your hands, hands up and empty. You’ll be given further instructions. You will not be harmed.”
- “Jessie, this is the Muncie police SWAT team. We are not leaving. Please step down to the road with your hands up and empty. We will be giving your further instructions”

Robinson disregarded each and every one of the commands that he was given. Additionally, there were trained MPD hostage negotiators on scene. They were able to obtain Robinson's cell phone number. A negotiator called Robinson a total of eight (8) times. Robinson never answered his cell phone.

Officer # 1 observed Robinson start and run a chain saw, start a fire using gasoline as an accelerant, and walk around the front yard. Below, on the left is a still photo from Officer # 1's body worn camera showing the fire Robinson started. On the right is the chainsaw that Robinson operated that was photographed at a later time when the scene was secure. Officer # 1 could see that Robinson had a handgun tucked in the back of his pants. Robinson took the handgun out of his pants, put it on the ground, picked it back up and put it back in his waistband.



As time progressed it became readily apparent to Officer # 1 that Robinson posed a threat to anyone who may be in the residence of 2104 E. 23rd Street, the people that were taking shelter in the neighboring houses, the multiple onlookers who refused to leave the scene, and the many responding police officers. Officer # 1 stated that the "environment was very dangerous, there were opportunities everywhere for people to get hurt." Additionally, Officer # 1 had great concern that Robinson would enter a neighboring house to hurt the residents or use them as hostages or enter a vehicle and try to flee the scene. While watching Robinson, Officer # 1 was mentally going through all of the possible scenarios and what responses and options that the police had available.

Officer # 1 observed Robinson drop to his knees in the front yard. Robinson retrieved the handgun from his waistband and placed it on the ground yet still within his reach. Robinson then picked up the handgun, removed the magazine, and "racked" or pulled back the slide of the semi-automatic handgun. With the magazine out of the handgun, the slide could be locked back exposing the chamber of the handgun. A live round could then be manually placed in the open chamber. Once the chamber is loaded and the slide is closed, the pistol would be read to fire. The chamber of a handgun is where a live round would sit ready to

be fired. The handgun is ready to be fired once either (1) a live round is manually placed into the open chamber while the slide is locked in the back position or (2) a magazine containing at least one live round is placed or seated into the grip of the handgun and the slide is pulled back and released placing a live round in the chamber. Once a round is placed into the chamber, the firearm is ready to fire. Officer # 1 saw Robinson take a live round and manually place it in the chamber. At that point, the firearm was ready to be fired. In Officer # 1's many years of extensive experience with firearms, he has had occasion to load a semi-automatic the very same way Robinson did. Officer # 1 told Detective Halbert in his interview:

I've done that several times in law enforcement, is it takes, fine motor skills. You have to kind of be in control. You can't really be very excited, high, and pull that off...so he's loading the gun back. He's still manipulating the gun. But also, if he can do that slow enough and calm enough, then he can acquire the sights and he can depress and the trigger and deploy around.

Officer # 1 went on to say that "defensive action was needed to stop [the] threat [Robinson posed], ...a gun in hand is a gun in use." Officer # 1 then observed Robinson raise the handgun. As SWAT commander, Officer # 1 gave oral authorization over the radio to Officer # 2 to shoot Robinson and eliminate the immediate threat.

Officer # 2 fully cooperated in this investigation. Officer # 2 voluntarily gave a videotaped interview to ISP Detective Ronald Halbert. During that interview, Officer # 2 stated that among his other duties with MPD he is a field training officer, a firearms instructor, and a member of the MPD SWAT team. On August 3, 2025, Officer # 2 was called to the area of 23rd Street and Mock Avenue on a call of an "active shooter." While in route, Officer # 2 was monitoring the police radio traffic and heard that the shooter had fired shots into a neighbor's residence. Officer # 2 took a position directly across Mock Avenue from the shooter approximately forty (40) yards away as indicated where the blue star is on the map above. While there, he was able to observe Jesse Robinson in the front yard of 2104 E. 23rd Street. Officer # 2 heard the other officers giving the loud verbal commands as described above. Robinson did not respond or comply with any of the commands. Officer # 2 observed Robinson use gasoline to start a fire in the front yard, go in and then back out of the house, take a handgun out from behind his back, remove and then reinsert the magazine into the handgun, place the handgun in the small of his back, and start a chainsaw. Officer # 2 observed Robinson kneel down. Robinson retrieved the handgun from the small of his back. Robinson took the magazine out and unloaded the handgun. Robinson took a live round and started to manually put the live round into the chamber of the handgun. It is at that point Officer # 2 believed there was an imminent threat to the many police officers and civilians in the area. Officer # 2 heard Officer # 1's authorization to neutralize the threat. Officer # 1 concurred that Robinson presented a clear and present danger. At

approximately 7:56 PM Officer # 2 fired one shot from his duty rifle from an elevated position. After the shot was fired, the duty rifle remained in the location where Officer # 2 was positioned. ISP crime scene Investigators recovered the rifle as well as one (1) spent rifle casing in the area from which Officer # 2 fired the shot.

All of the physical evidence, police reports from all officers present, and all body camera footage completely support and corroborate what Officer # 1 and Officer # 2 told the ISP during their voluntary interviews.

The projectile fired by Officer # 2 struck Robinson in the chest. Robinson immediately fell to the ground. Instantly, a large number of police officers converged on Robinson. Officers immediately began resuscitative measures. Officers saw Robinson's black handgun laying in the grass. Muncie EMS and Muncie Fire Department, who had been staged nearby, were called to the scene. Robinson was quickly loaded onto a cot and placed into an ambulance. Resuscitative measures were being performed during this entire time. Robinson was taken to I.U. Health Ball Memorial Hospital where he was pronounced deceased.

Robinson's handgun that responding officers observed laying in the grass was later collected by ISP crime scene Investigators. The handgun is a Taurus 9-millimeter semiautomatic handgun. In addition to the handgun itself, a magazine for the handgun was also collected. The magazine contained eight (8) live 9-millimeter rounds. Using the handgun's serial number, an ATF trace indicates that the Taurus 9-millimeter was purchased by Jessie L. Robinson on September 11, 2024 at a local retailer in Muncie.



This photo depicts the Taurus 9-millimeter handgun where it was found by law enforcement in the grass of the front yard.



This photo depicts the Taurus 9-millimeter handgun, the magazine to the handgun, and a live round as it was collected by the ISP Crime Scene Investigators.

The Taurus was collected as evidence and took it to the ISP crime lab for analysis. A Forensic Scientist in the Firearms Unit of the Lab examined it for functional defects and test fired the firearm. No functional defects were observed. The firearm operated and fired as designed.

ISP detectives found and collected other items of evidentiary value near Robinson's firearm in the yard. Those items included two (2) knives.



This photo depicts knife # 1 and the magazine from the Taurus 9-millimeter handgun where they were found by law enforcement in the grass of the front yard.



This photo depicts knife # 1 after it was collected by the ISP Crime Scene Investigators.



This photo depicts knife # 2 as it was found by law enforcement in the grass of the front yard.



This photo depicts knife # 2 after it was collected by the ISP Crime Scene Investigators.

On August 4, 2025, an autopsy was performed on the body of Jessie L. Robinson. The forensic pathologist determined that Robinson's cause of death was one (1) gunshot wound to the chest. There was an entrance wound in the mid chest and an exit wound on the left mid back. There were no other gunshot wounds. During the course of the autopsy, a blood sample was taken for toxicology analysis. The forensic toxicology report indicates that alcohol was present in Robinson's blood. The blood alcohol content was 0.199, which is twice the legal limit to operate a motor vehicle. (For the purpose of a frame of reference, the legal limit in Indiana to drive a motor vehicle after having consumed alcohol is .08).



Jesse L. Robinson had a record of prior criminal history in multiple states including the following:

Date	State	Crime	Result
7/26/2024	California	Battery of a Peace Officer, misdemeanor.	Convicted
4/25/2008	Florida	Burglary, Felony in the 3rd degree.	Convicted
11/9/2008	Florida	DUI, misdemeanor in the 2 nd degree.	Convicted
1/9/2009	Florida	DUI and property damage Misdemeanor in the 2 nd degree.	Convicted

Despite being a convicted Felon, Jesse Robinson purchased the black Taurus 9-millimeter handgun on September 11, 2024 at a local retailer in Muncie Indiana. In order to make the purchase, Robinson was required to fill out a U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives "Firearms Transaction Record." The form states that "The information you provide will be used to determine whether you are prohibited by Federal or State Law from receiving a firearm or wither Federal or State Law prohibits the sale or disposition of a firearm to you." The form contains a multitude of questions for the firearm purchaser to answer. Question 21(d) asked Robinson "Have you ever been convicted in any court, including a military court, of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation." Despite the fact that Robinson was convicted of Burglary, a Felony in the 3rd degree in Florida, Robinson checked "no" as the answer to question 21(d). The form was then signed by Jessie Robinson. When a store provides the aforementioned form to the FBI, that agency is responsible for running the necessary queries on the potential purchaser. The FBI then informs the store that they can proceed to with the purchase or deny the purchase. Any questions regarding that process as it relates to this case should be directed to the FBI.

Robinson's mother provided the ISP with Robinson's cell phone for examination. Investigators with the High Tech Crime Unit examined the contents of the phone and found no data or information relating to this event.

LEGAL ANALYSIS

The reasonableness of a police officer's actions given the totality of the circumstances known to the officer is the touchstone of any analysis of police use of force. *Graham v. Connor*, 490 U.S. 386, 395 (1989). "The reasonableness of a particular use of force must be judged from the perspective a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id.* The reasonableness inquiry is an objective one: "whether the officer's actions are 'objectively reasonable' in light of the facts and circumstances confronting them." *Id.* at 397. The law places a reasonable officer in the exact scenario that the officer actually faced. A court must consider "the information known to the officer at the time of the encounter; the duration of the encounter; the level of duress involved; and the need to make split-second decisions under intense, dangerous, uncertain, and rapidly changing circumstances." *Siler v. City of Kenosha*, 957 F.3d, 751, 759 (7th Cir. 2020); *Logan v. City of S. Bend*, 564 F. Supp. 3d 719, 728, (N.D. Ind. 2021). In seeking to understand what a reasonable officer would have done, the law assesses the totality of the circumstances confronting the officer, including what he knew at the time. *See Cnty. of Los Angeles v. Mendez*, 581 U.S. 420 (2017). This calculus includes "facts and events leading up to the climactic moment." *Barnes v. Felix*, 145 S. Ct. 1353, 1356 (2025). "[E]arlier facts and circumstances may bear on how a reasonable officer would have understood and responded to later ones...those later, 'in-the-moment' facts 'cannot be hermetically sealed off from the context in which they arose.'" *Id.*

"Law enforcement officers on the scene do not have the luxury of knowing the facts as they are known to us, with all the benefit of hindsight, discovery, and careful analysis." *Siler v. City of Kenosha*, 957 F.3d 751, 759 (7th Cir. 2020). "Officers must act reasonably based on the information they have. We must always keep in mind that encounters in the field require officers to make split-second decisions of enormous consequence." *Id.* "Field encounters often require law enforcement officers to make split-second decisions in quickly unfolding, highly stressful situations. *Manery v. Lee*, 124 F.4th 1073, 1079 (7th Cir. 2025). "Courts are particularly deferential to the split-second decisions police must make" in situations involving deadly threats." *Estate of Valverde by & through Padilla v. Dodge*, 967 F.3d 1049, 1060 (10th Cir. 2020).

The *Graham* court noted that:

[n]ot every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers violates the [Constitution]. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in

circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.

Id. at 396-97. The law is clear that “the Constitution simply does not require police to gamble with their lives in the face of a serious threat of harm.” *Elliott v. Leavitt*, 99 F.3d 640, 641 (4th Cir. 1996). Indeed, “[t]he Fourth Amendment does not require police officers to wait until a suspect shoots to confirm that a serious threat of harm exists.” *Id.* at 643. Any idea that the officers could have chosen a different path is, unfortunately, a suggestion more reflective of the peace of a judge's chambers than of a dangerous and threatening situation on the street. *Id.* (citing *Graham*, 490 U.S. at 396). “No citizen can fairly expect to draw a gun on police without risking tragic consequences.” *Id.* at 644. As the *Elliott* Court aptly said:

[n]o court can expect any human being to remain passive in the face of an active threat on his or her life... [the law] does not require omniscience.² Before employing deadly force, police must have sound reason to believe that the suspect poses a serious threat to their safety or the safety of others. Officers need not be absolutely sure, however, of the nature of the threat or the suspect's intent to cause them harm—the Constitution does not require that certitude precede the act of self-protection.

Id.

In the case at hand, it is without doubt that Officer # 2 shot and killed Jesse Robinson. However, the question becomes are their legal defenses that justify the officer's actions.

Robinson's actions were very erratic, unpredictable, and violent. He had opened fire multiple times toward and into the homes of innocent citizens. Responding officers heard bullets fired by Robinson whizzing by them. Robinson clearly posed a tremendous threat to the safety of the officers and the public at large. At the time of the police use of force, Robinson was actively and aggressively resisting arrest. He repeatedly refused lawful commands to surrender. The facts and circumstances surrounding Robinson's crimes and the police use of force were clearly tense, uncertain, and rapidly evolving.

Use of force during arrest

Indiana Code § 35-41-3-3(b) provides in pertinent part that:

a law enforcement officer is justified in using reasonable force if the officer reasonably believes that the force is necessary to effect a

² Omniscience refers to the “quality of knowing all things at once.” *American Dictionary of The English Language*, Webster, (1828).

lawful arrest. An officer is justified in using deadly force³ only if the officer:

(1) has probable cause to believe that that deadly force is necessary:

(A) to prevent the commission of a forcible felony⁴; or

(B) to effect an arrest of a person who the officer has probable cause to believe poses a threat of serious bodily injury⁵ to the officer or a third person; and

(2) has given a warning, if feasible, to the person against whom the deadly force is to be used.

It is indisputable that the officers reasonably believed that the force used was necessary to prevent the commission of a forcible felony or to effect an arrest of a person who the officer has probable cause to believe poses a threat of serious bodily injury to the officer or a third person. Robinson chose to arm himself with a firearm, fired a multitude of shots toward and into his neighbors' homes in broad daylight, acted erratically, set a fire in his front yard using gasoline as an accelerant, roamed the yard with an operational chain saw, ignored repeated commands to raise his hands, keep them empty, and walk toward the street, and just before he was shot, was holding his firearm attempting to load it. Consequently, the force used by Officer # 2 was reasonable, lawful and justifiable.

Self Defense

Separate and distinct from the right of an officer to use force to effectuate an arrest, Indiana law "recognizes the right of every citizen to reasonably defend himself against unwarranted attack." *Banks v. State*, 536, 276 N.E.2d 155, 158 (1971). The Indiana "general assembly ... finds and declares that it is the policy of this state that people have a right to defend themselves and third parties from physical harm and crime. The purpose of this section is to provide the citizens of this state with a lawful means of carrying out this policy." I.C. § 35-41-3-2(a). This "right to defend" oneself includes law enforcement officers.

³ "Deadly force" means force that creates a substantial risk of serious bodily injury. I.C. § 35-31.5-2-85.

⁴ "Forcible felony" means a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being. I.C. § 35-31.5-2-138.

⁵ "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, unconsciousness, extreme pain, permanent or protracted loss or impairment of the function of a bodily member or organ, or loss of a fetus. I.C. § 35-31.5-2-291.

Indiana Code § 35-41-3-2(c) provides that:

A person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force.

However, a person:

- (1) is justified in using deadly force; and
- (2) does not have a duty to retreat;

if the person reasonably believes that that force is necessary to prevent serious bodily injury ⁶ to the person, or a third person, or the commission of a forcible felony.

No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

Indiana Court of Appeals has said:

Self-defense is a legal justification for what would otherwise be a criminal act. A person is justified in using “reasonable force” against another to protect himself from what he reasonably believes to be the imminent use of unlawful force. To prevail on a claim of self-defense, the defendant must present evidence that he: (1) was in a place he had a right to be, (2) did not provoke, instigate, or participate willingly in the violence, and (3) had a reasonable fear of death or great bodily harm.

Tharpe v. State, 955 N.E.2d 836, 844-45 (Ind. Ct. App. 2011). The amount of force which is reasonably necessary to defend oneself is determined from the standpoint of the accused in light of the surrounding circumstances. *Geralds v. State*, 647 N.E.2d 369, 373 (Ind. Ct. App. 1995). The factfinder looks from the accused’s viewpoint when considering facts relevant to self-defense. *Zachary v. State*, 888 N.E.2d 343, 347 (Ind. Ct. App. 2008); *Williams v. State*, 262 Ind. 382, 384, 316 N.E.2d 354, 355 (1974).

First, Officer # 2 was in a place where he/she had the right to be. Second, the officer did not provoke, instigate, or participate willingly in the violence. Finally, the officer had a reasonable fear of death or great bodily harm. This fear was both subjectively and objectively reasonable in light of the totality of the facts and

⁶ Serious bodily injury is defined by statute as bodily injury that creates a substantial risk of death or that causes (1) serious permanent disfigurement; (2) unconsciousness; (3) extreme pain; (4) permanent or protracted loss or impairment of the function of a bodily member or organ; or (5) loss of a fetus. I.C. § 35-31.5-2-292.

circumstances. The officer opened fire only after Robinson chose to arm himself with a firearm, fire multiple shots toward and into his neighbors' homes, acted erratically, set a fire in his front yard, roamed the yard with an operational chain saw, ignored repeated commands to raise his hands, keep them empty, and walk toward the street, and just before he was shot, was holding his firearm attempting to load it. Additionally, the amount of force used by the officer was reasonable and proportional. Officer # 2 fired one (1) time. Consequently, it is clear that officers acted in self-defense and the force used by the officers was reasonable, lawful, and justifiable.

Defense of third parties

Indiana Code § 35-41-3-2(c) provides as follows:

A person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

- (1) is justified in using deadly force; and
- (2) does not have a duty to retreat;

if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person, employer, or estate of a person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

In summary, the facts known to Officer # 2 prior to firing the shot were as follows:

- Robinson had shot a firearm toward and into multiple occupied homes.
- Robinson had shot at or in the direction of responding police officers.
- Robinson had fired multiple shots at multiple different times.
- Robinson had acted erratically by repeatedly shooting a firearm, starting a fire with gasoline as an accelerant, and running a chain saw; all in front of uniformed police officers.
- Robinson had refused to obey multiple and repeated lawful commands by the police to end the incident peacefully.
- There were multiple police officers surrounding the house that were in danger of being shot by Robinson.
- There were multiple homes with occupants surrounding Robinson that were in danger of being shot by Robinson.
- There were multiple onlookers who refused to leave the scene that were in danger of being shot by Robinson.

- Officers did not know if there were any people inside the house who may be injured or in danger.
- There were multiple homes that Robinson could have easily gained access to and acquired hostages.

Each of these facts separately or collectively justify Officer # 2's use of force to protect third parties. Officer # 2 reasonably believed that the force was necessary to prevent serious bodily injury to a plethora of third parties or the commission of a forcible felony. It is disturbing that when confronted by multiple uniformed police officers, Robinson chose to ignore lawful commands, arm himself with a deadly weapon, and contrary to police commands began to load his weapon. It is clear that at the time he acted, Officer # 2 was protecting other officers and the general public from serious bodily injury or the commission of a forcible felony. Consequently, it is clear that Officer # 2 acted in self-defense and the defense of others and the force used was reasonable, lawful, and justifiable.

CONCLUSION

The evidence demonstrates unquestionably and without any doubt whatsoever that when Officer # 2 shot Robinson he/she did so in self-defense and in the defense of others. Thus, the shooting is justified and reasonable under the law.

Had Robinson survived, he would have faced multiple felony charges including Criminal Recklessness, Pointing a Firearm, and Resisting Law Enforcement, to name a few. No criminal charges will be filed in this matter, as the only suspect is dead. A person's motive, or that which prompts a person to act, is oftentimes difficult to determine. In this case, there is no direct evidence of Robinson's motive. The only person who knows why Robinson did what he did is Robinson. Since he is deceased, the State will not speculate nor comment on his motive.

In conclusion, on August 3, 2024, Jessie L. Robinson was a menace to the people living in the area of 23rd and Mock and posed a substantial clear and present danger to the police officers as well as the public at large. This case illustrates that police officers face these dangers each and every day. They put their lives on the line so that we may live in a civilized society. Law enforcement officers have the absolute right to defend their own lives, the lives of the citizenry, and go home at the end of their shift. If you choose to pull a deadly weapon on a police officer, you do so at your own peril. But for the bravery of Officer # 2, there is no doubt that innocent civilians and police officers would have been seriously injured if not killed.

FINAL NOTE

The evidence in this case indicates that there were multiple civilians who became onlookers, watching what transpired in the front yard of 2104 E. 23rd Street. These onlookers refused multiple police officers' request that they leave the scene and seek shelter. The fact that the onlookers would not clear the area tactically complicated the matter. The mere fact that they were present and close to the scene meant that in addition to the neighbors who were pinned down in their homes, the police officers also had to be mindful of and protect the onlookers. The responding officers and those in command should not have had to deal with this extra layer of danger.

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