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## **Prosecuting Attorney Determines July 14, 2023, Officer-Involved Shooting Legally Justified**

The Indiana State Police conducted an investigation regarding the July 14, 2023, shooting involving Deputy Lemon of the Madison County Sheriff's Department. That investigation has been submitted to the Madison County Prosecutor's Office for review and a legal determination of the use of deadly force.

### **Statement of the Facts**

In the early morning of July 14, 2023, three (3) individuals were positioned around two (2) vehicles by the gas pumps at Jackson Mart located at 501 Jackson Street when an unknown vehicle heading eastbound on 5<sup>th</sup> Street opened fire on the three (3) individuals. One of the three (3) individuals returned fire at the unknown vehicle.

In the midst of the shooting, Deputy Robert Lemon of the Madison County Sheriff's Department was heading south on Jackson Street and was stopped at a red light at Jackson Street and 5<sup>th</sup> Street in Anderson when he heard 10-20 gunshots in his immediate vicinity. Unaware that shots had been fired by a vehicle traveling eastbound on 5<sup>th</sup> Street, Deputy Lemon exited his vehicle and observed two (2) individuals positioned around the two (2) vehicles at Jackson Mart. Deputy Lemon further observed that one (1) of the subjects was armed with a handgun.

Deputy Lemon took cover behind his vehicle and began issuing loud, verbal commands to the individuals. When one of the individuals failed to follow his verbal commands and continued moving behind a vehicle, Deputy Lemon fired five (5) shots, advised dispatch that shots were fired, and resumed giving loud, verbal commands. Shortly thereafter, additional officers arrived on scene and the three (3) individuals were detained and questioned regarding the incident. One (1) of the three (3) individuals had received a gunshot wound to the lower left leg and was treated at a nearby hospital and released.

Per policy regarding officer-involved shootings, Madison County Sheriff John Beeman requested the Indiana State Police conduct the investigation. During that investigation, the following evidence was collected: four (4) 9mm shell casings which were located around the intersection of Jackson Street and 5<sup>th</sup> Street, consistent with being fired from the unknown vehicle; thirteen (13) .45 caliber shell casings were located around the two (2) vehicles by the gas pumps at Jackson Mart; five (5) .40 caliber shell casings were located around Deputy Lemon's vehicle; and two (2) firearms were located near the two (2) vehicles at Jackson Mart, a .45 caliber handgun, and a .22 caliber handgun. Investigators also collected video surveillance from Jackson Mart.

The injury to the individual's lower left leg contained both an entrance and exit wound. Because no projectile was located, it cannot be determined with certainty whether the injury was inflicted by an individual from the unknown vehicle or by Deputy Lemon. However, given the location of the injury on the individual's leg and the necessary trajectory of the projectile to cause such an injury, it is likely the injury was inflicted by an individual in the unknown vehicle in the early moments of the shooting.

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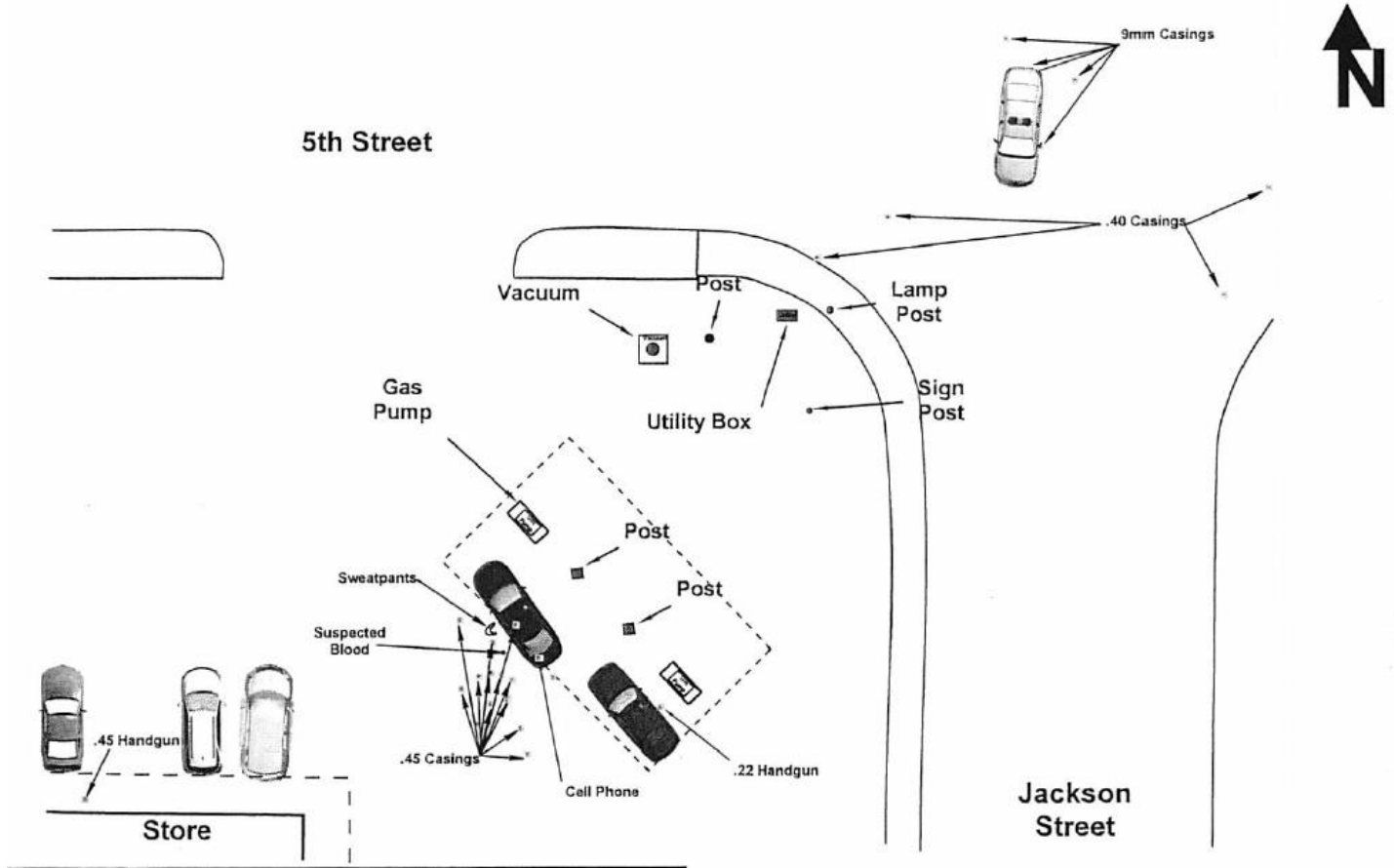
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A diagram of the evidence is included below:



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### Statement of the Law

Indiana Code section 35-41-3-2(c) provides “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” and the person is “justified in using deadly force” and “don’t not have a duty to retreat” if the person reasonably believes that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony.”

Furthermore, “A law enforcement officer is justified in using reasonable force if the officer reasonably believes that the force is necessary to enforce a criminal law or to effect a lawful arrest. However, an officer is justified in using deadly force only if the officer: (1) has probable cause to believe that that deadly force is necessary: (A) to prevent the commission of a forcible felony; or (B) 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...” Ind. Code § 35-41-3-3(c). In the words of the Supreme Court of the United States, “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...” *Graham v. Connor*, 490 U.S. 386, 396 (1989).

### Legal Determination

In the early morning hours of July 14, 2023, Deputy Lemon unknowingly entered the crossfire of a drive-by shooting. Because Deputy Lemon was unaware that shots had been fired from a vehicle driving eastbound on 5<sup>th</sup> Street, it was reasonable for Deputy Lemon to believe the two (2) individuals, which he observed positioned around two (2) vehicles by the gas pumps at Jackson Mart, were either shooting at each other or at his person. When one (1) of the individuals whom Deputy Lemon had observed to be armed with a handgun failed to follow his loud, verbal commands, Deputy Lemon’s use of deadly force was justified under the law to effectuate an arrest of a person who he reasonably believed posed a threat to himself and others.

The investigation regarding the drive-by shooting remains ongoing. Anyone with information regarding the shooting should contact Detective Anthony Klettheimer of the Indiana State Police (765) 778-2121.

Respectfully,

Rodney J. Cummings  
Prosecuting Attorney, Madison County