



**Office of The Prosecuting Attorney of Randolph County, Indiana**

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The Randolph County Prosecutor's Office has received the police reports and body camera recordings from the Indiana State Police investigation of the shooting that occurred on October 24, 2023 in which Brayden Barnhouse died. The prosecutor, in the State of Indiana, is responsible for reviewing information and reports of conduct which may support the filing of criminal charges. It is not the function of the prosecutor to pass judgement on those facts except in determining if they warrant the filing of charges.

The body camera videos show that Deputy Kouns approached Brayden Barnhouse, who was also approaching Kouns. Mr. Barnhouse, for no apparent reason, without provocation, pulled a concealed handgun from underneath his shirt and shot Deputy Kouns, striking him in the face, with a glancing injury. The officers (Deputy Kouns and Sgt, Miller) responded and shot Mr. Barnhouse. As Mr. Barnhouse was on the ground, he made furtive movements and appeared to be reaching from behind his back to his front after being shot. He was shot a second time and still appears to be reaching for a gun when Sgt. Miller was finally able to restrain him.

From the officers' perspective, these events occurred very quickly. Mr. Barnhouse's actions, while on the ground support a reasonable belief that Mr. Barnhouse still posed a threat to the officers. His gun was lying within arm's reach and his actions could be interpreted as threatening. In his interview, Sgt. Miller said that he believed Mr. Barnhouse was reaching for the gun, even after being shot. He said that he was in fear that if Mr. Barnhouse got the gun, he would be shot. Deputy Kouns said that when Mr. Barnhouse shot at him, he believed that he (Mr. Barnhouse) was going to kill him. He thought Mr. Barnhouse was still reaching for the gun even after being shot. In my opinion, what is depicted on the videos, supports the officers' statements that they were in fear for their safety even after Mr. Barnhouse had been shot for the second time.

In a criminal prosecution, the State must disprove, beyond a reasonable doubt, any defense, including the use of deadly force for self-defense or the defense of a third party. I do not believe that the officers' use of deadly force under the circumstances to be unreasonable.

I do not find that the facts in this case warrant the filing of criminal charges against the officers. I do not find that their actions taken in response to the actions of Mr. Barnhouse to be criminal. For the foregoing reasons, I am declining to file charges against either of the two deputy sheriffs involved in the shooting.

David M. Daly

Randolph County Prosecuting Attorney