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June 5, 2026

Colonel Greg Holley  
Utah Highway Patrol  
4501 South 2700 West  
Salt Lake City, UT 84129

RE: UHP Sergeant Jeremy Matthews’s Use of Deadly Force  
Incident Location: 4455 South 2700 West, Taylorsville, Utah  
Incident Date: February 26, 2026  
SLCPD Case No.: 26-48735  
SJPD Case No.: 26-5573  
UHP Case No.: N/A  
DA Case No.: 26INV000170

Dear Colonel Holley:

This letter addresses the February 26, 2026, use of deadly force by Utah Highway Patrol (“UHP”) Sergeant Jeremy Matthews against Tyler Traveon Mhaka.

Sergeant Matthews’s discharge of his firearm constitutes the “use of a ‘dangerous weapon,’” which is defined under Utah law as “a firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury to a person.” Utah Code § 76-2-408(1)(a), (f). As a result, pursuant to Utah State law and an agreement among participating law enforcement agencies called the “Officer Involved Critical Incident” (“OICI”) Investigative Protocol (*see* Utah Code § 76-2-408(2)-(3)), an investigative task force was called in to investigate the use of deadly force. The investigative task force was led by the Salt Lake City Police Department (“SLCPD”) protocol team and comprised of law enforcement officers employed by agencies other than UHP.<sup>1</sup> On April 7, 2026, the task force presented its findings to the Salt Lake County District Attorney’s Office (“DA’s Office”), which has the constitutional and statutory mandate to screen such matters for possible criminal charges.<sup>2</sup>

<sup>1</sup> A South Jordan Police Department detective who is a member of the SLCPD protocol team led the team’s investigation.

<sup>2</sup> Utah Const. Art. VIII, section 16; Utah Code § 17-18a-203; *see also id.* at § 77-2-2(4) (defining “screening” as the “process used by a prosecuting attorney to terminate investigative action, proceed with prosecution, move to dismiss

The DA's Office has conducted an independent review of the facts developed from the protocol investigation and has reached its findings and conclusions in this matter pertaining to Sergeant Matthews's use of deadly force. However, Mr. Mhaka has been charged with criminal offenses allegedly related to this OICI and the case is currently pending in the Utah Third Judicial District Court in the matter of *State of Utah v. Tyler Traveon Mhaka*, Case No. 261903140.

Because Mr. Mhaka is presumed innocent of criminal wrongdoing, and to endeavor to protect his due process rights and presumption of innocence (including the right to a fair trial based on evidence introduced in court, subject to confrontation, cross examination, and procedural due process safeguards), this letter outlines our findings, analysis, and conclusions. While this letter contains fewer facts, analysis, and conclusions than we would otherwise include, we believe it contains sufficient information to accomplish our purpose of reporting our findings, decision, and rationale of the officers' use of deadly force, while at the same time safeguarding the rights of a person accused of criminal wrongdoing but not yet adjudicated. Notably, in matters in which the subject of an OICI has not been charged with unadjudicated criminal wrongdoing and not subject to the presumption of innocence, we will proceed as we have done previously and present a comprehensive factual narrative and a comprehensive analysis, along with evidence that illustrates the factual narrative and provides context to our analysis and conclusions.

### SUMMARY OF FACTS AND FINDINGS

The following summary of facts—which is limited to provide context for our analysis of Sergeant Matthews's use of deadly force—is taken from the allegations set forth in the statement of probable cause accompanying the charging document in the criminal case against Mr. Mhaka,<sup>3</sup> as well as evidence developed from the OICI protocol investigation into Sergeant Matthews's use of force; all persons accused of wrongdoing are presumed innocent unless and until convicted in a court of law. Should additional or different facts subsequently come to light, the opinions and conclusions contained in this letter may likewise be different.

On the afternoon of February 26, 2026, off-duty UHP Sergeant Jeremy Matthews was walking into the State Liquor Store at 4455 South 2700 West in Taylorsville when a black Dodge Challenger quickly pulled into the parking lot. The driver of the Dodge Challenger, who was later identified as Tyler Traveon Mhaka, exited his vehicle and immediately began firing a handgun towards the driver of another vehicle who had just parked and gotten out, a male who we refer to as M. S.

As M. S. ran into the liquor store while being pursued by Mr. Mhaka who was actively firing at him, Sergeant Matthews returned fire from just inside the store. Mr. Mhaka dropped his

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a prosecution that has been commenced, or cause a prosecution to be diverted"). "Commencement of prosecution" is defined as "the filing of an information or an indictment." *Id.* at § 77-2-2(1).

<sup>3</sup> See Information filed March 13, 2026, in *State of Utah v. Tyler Traveon Mhaka*, Case No. 261903140 (Utah Third Judicial Court).

weapon—a loaded Glock 19 9mm pistol—in the entry door vestibule and began running away. Sergeant Matthews pursued Mr. Mhaka into the parking lot and detained him. Mr. Mhaka was taken into custody and received medical treatment for his injuries. M. S. also received medical treatment for his injuries. Mr. Mhaka was subsequently charged for his alleged actions.

During the protocol investigation, Sergeant Matthews refused to be interviewed about his decision to use deadly force, as is his constitutional right.<sup>4</sup> Investigators interviewed Mr. Mhaka, M. S., and other witnesses about the incident, documented the scene and examined physical evidence, reviewed surveillance camera recordings and body-worn camera recordings (of officers who arrived after the shooting incident), and examined Sergeant Matthews’s weapon.

As we discuss in more detail below, we believe the facts of this matter, taken together with the reasonable inferences derived from those facts, support a conclusion that if a criminal charge was filed against Sergeant Matthews for his use of deadly force, and a jury (or other finder of fact) was called upon to determine whether his use of deadly force constituted a criminal act, a jury would likely determine that he reasonably believed the “use of deadly force [wa]s necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.” Utah Code § 76-2-404(2)(c). Consequently, we believe that Sergeant Matthews’s use of deadly force would likely be subject to the affirmative legal defense of justification under Utah law,<sup>5</sup> and we decline to file a criminal charge against him.

### RELEVANT LEGAL STANDARDS

As relevant here,<sup>6</sup> law enforcement officers are legally justified in using deadly force when:

- (b) effecting an arrest or preventing an escape from custody following an arrest, if:
  - (i) the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and

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<sup>4</sup> Sergeant Matthews has a constitutional right to remain silent and to be presumed innocent of any wrongdoing.

<sup>5</sup> A jury is instructed that if the evidence in a case supports an affirmative defense, they must find the person charged “not guilty” of the alleged offense.

<sup>6</sup> Also relevant, but less so given the officer’s status as a law enforcement officer, is the articulation of “justification” in Utah State law that applies to individuals more generally, including civilians, as provided in Utah Code § 76-2-402(2):

- (a) An individual is justified in threatening or using force against another individual when and to the extent that the individual reasonably believes that force or a threat of force is necessary to defend the individual or another individual against the imminent use of unlawful force.
- (b) An individual is justified in using force intended or likely to cause death or serious bodily injury [*i.e.*, deadly force] only if the individual reasonably believes that force is necessary to prevent death or serious bodily injury to the individual or another individual as a result of imminent use of unlawful force, or to prevent the commission of a forcible felony...

- (ii) (A) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or
- (B) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect if apprehension is delayed; or
- (c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.

Utah Code § 76-2-404(2) (emphasis added).

Based on this statute, the legal defense of justification, then, may be available where a law enforcement officer “reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury<sup>7</sup> to the officer or an individual other than the suspect.” Utah Code § 76-2-404(2)(c). That affirmative defense may also be available where a law enforcement officer “reasonably believes that deadly force is necessary” to prevent a suspect’s escape and the officer had probable cause to believe the suspect posed “a threat of death or serious bodily injury to the officer or to others if apprehension is delayed.” Utah Code § 76-2-404(2)(b). In determining whether the use of deadly force was “justified” under Utah law, several factors may be considered, including: (i) the nature of the danger; (ii) the immediacy of the danger; and (iii) the probability that the unlawful force would result in death or serious bodily injury. *See* Utah Code § 76-2-402(5).

Although Utah statutory law does not fully differentiate standards of “reasonableness” as between law enforcement officers and civilians (*compare* Utah Code § 76-2-402 (universal application), *with* Utah Code § 76-2-404 (application to law enforcement officers only)), the United States Supreme Court did in *Graham v. Conner*, 490 U.S. 386 (1989). In *Graham*, the Supreme Court instructed that “reasonableness” for law enforcement officers must be assessed in light of a “reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Id.* at 396 (internal citations omitted). The Supreme Court held that this determination “requires a careful balancing of the nature and quality of the intrusion on the individual’s Fourth Amendment interests . . . against the countervailing governmental interests at stake.” *Id.* Finally, the *Graham* court instructed:

Because “[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application,” . . . Its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an

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<sup>7</sup> “Serious bodily injury” is defined, in turn, as “bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.” Utah Code § 76-1-101.5(17).

immediate threat to the safety of the officers or others, and whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight.

*Id.* (citations omitted and emphasis added).

### RELEVANT ETHICAL STANDARDS

The DA's Office files cases that satisfy ethical standards and considerations in addition to legal standards for filing.<sup>8</sup> Honoring ethical standards ensures that everyone affected by the criminal justice system—suspects, defendants, victims, the community, and the system itself—is treated fairly, honorably, and respectfully.

Among the ethical standards considered before the DA's Office will commence a case is whether there is a reasonable likelihood of success at trial. *See* American Bar Association Criminal Justice Standards, Prosecution Function 3-4.3. It is not enough that the technical elements of crime may be met if, when presenting those facts to a jury, the prosecution strongly believes no reasonable jury would unanimously convict the defendant based on those facts. Accordingly, any screening decision by the DA's Office includes careful consideration of the various factors a jury may consider when weighing testimony, evaluating evidence, applying the law, and rendering a verdict.

In addition to the ethical standards for filing and maintaining criminal charges, the DA's Office must also consider the unique procedural hurdles of a Utah prosecution, particularly where a defense includes a claim of a justified use of force, a claim of self-defense, or defense of others. In the 2021 General Session of the Utah State Legislature, legislators enacted a new pretrial justification process available to defendants who are charged with a crime involving the use or threatened use of force. If a defendant makes a *prima facie* claim of justification, the prosecution must disprove the justification claim by clear and convincing evidence or the case will be dismissed with prejudice. *See* Utah Code § 76-2-309. If an officer who used deadly force has a colorable claim of justification, the DA's Office has an ethical obligation to evaluate whether that claim can be disproven by clear and convincing evidence to a judge at a justification hearing and then disproven again beyond a reasonable doubt to a jury at trial.

### FACTS DEVELOPED DURING OICI INVESTIGATION

On the afternoon of February 26, 2026, off-duty UHP Sergeant Jeremy Matthews was walking into the State Liquor Store at 4455 South 2700 West in Taylorsville when a black Dodge Challenger quickly pulled into the parking lot near where a silver Subaru Impreza had just parked. As the driver of the Dodge Challenger, who was later identified as Tyler Traveon Mhaka, exited his vehicle, he immediately began firing a handgun towards the driver of the

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<sup>8</sup> Among the legal rules a prosecutor must follow is the requirement that “probable cause” must exist to believe an offense (i) was committed and (ii) was committed by the accused. *See, e.g.*, Utah R. Crim. Pro. 4(c). In making that determination, the DA's Office must evaluate all evidence that will be legally admissible for or against the accused but may disregard evidence that likely will not be admissible at trial (*e.g.*, a coerced statement).

Subaru Impreza who had already exited his vehicle, a male who we refer to as M. S.; meanwhile, the Dodge Challenger continued to roll forwards in the parking lot, striking a bollard.

M. S. ran into the liquor store while being pursued by Mr. Mhaka who was actively firing at him, and Sergeant Matthews returned fire from just inside the store. Mr. Mhaka dropped his weapon—a loaded Glock 19 9mm pistol—in the entry door vestibule and began running away. Sergeant Matthews pursued Mr. Mhaka into the parking lot, detained him on the ground, and called 911.

After additional officers arrived, Mr. Mhaka was taken into custody and received medical treatment for his injuries.<sup>9</sup> M. S. also received medical treatment for his injuries.<sup>10</sup> Mr. Mhaka was subsequently charged for his alleged actions.

During the protocol investigation, investigators located a total of 14 9mm shell casings. Eight of the casings matched the ammunition in Sergeant Matthews's handgun.<sup>11</sup> During a download of Sergeant Matthews's weapon, investigators determined that he likely fired up to eight 9mm rounds.

### *Witness Statements*

#### **Sergeant Matthews**

Sergeant Matthews refused to be interviewed by protocol investigators or make a statement about his use of deadly force. Sergeant Matthews has a constitutional right to remain silent and is presumed innocent of any wrongdoing.

#### **Mr. Mhaka**

Mr. Mhaka has been charged with criminal offenses allegedly arising out of or related to this incident in the Utah Third Judicial District Court in the matter of *State of Utah v. Tyler Traveon Mhaka*, Case No. 261903140. The matter is currently pending.

Protocol investigators interviewed Mr. Mhaka on March 17, 2026, during their investigation into the Sergeant Matthews's of deadly force. Due to the pending criminal matter, a summary of his statement is not provided at this time. Mr. Mhaka is presumed innocent of any wrongdoing.

#### **M. S.**

Protocol investigators interviewed M. S. about the incident. As set forth in the statement of probable cause accompanying the charging document in the criminal case, M. S. said that he

<sup>9</sup> Mr. Mhaka sustained gunshot wounds to his abdomen/left lower hip and his left forearm.

<sup>10</sup> M. S. sustained gunshot wounds to his left arm, back, and left lower leg.

<sup>11</sup> Seven of the matching casings were located inside the store and the other was located on the curb by a vehicle parked facing the store.

was stopped at a red light at 3500 South and 2700 West, waiting to turn right. M. S. stated that a car behind him kept honking his horn, but M. S. couldn't move because there were pedestrians in the road. M. S. stated that the guy kept honking, so M. S. flipped him off. M. S. stated that he then made the turn and drove into the parking lot of the liquor store at 4451 South 2700 West, in Salt Lake County. M. S. stated that when he got to the liquor store, he exited his vehicle and as he was walking to the entrance of the liquor store, the man M. S. flipped off, later identified as Mr. Mhaka, pulled up. M. S. thought Mr. Mhaka just wanted to fight. However, Mr. Mhaka started firing a gun at M. S., hitting him in the arm and back. M. S. ran into the liquor store and Mr. Mhaka ran in behind him, actively firing his gun. M. S. stated that a man that was already inside the store, produced a gun and fired at Mr. Mhaka. M. S. stated that he doesn't know Mr. Mhaka. M. S. suffered a gunshot wound to his arm, back, and leg.

### **Additional Witnesses**

Protocol investigators interviewed employees and customers who were inside the liquor store, as well as additional witnesses who were outside the store. Due to the pending criminal matter, a complete summary of the witnesses' statements is not provided at this time.

### ***Physical Evidence***

Protocol investigators inspected and documented the scene, reviewed 911 calls, reviewed surveillance camera recordings and body-worn camera recordings (of officers who arrived after the shooting incident), and downloaded Sergeant Matthew's weapon.

### **OICI Scene**

Protocol investigators inspected the scene located at the State Liquor Store, at 4455 South 2700 West in Taylorsville. Notably, investigators located a loaded Glock 19 Gen 5 9mm pistol in the entry door vestibule (investigators determined that it was the weapon used by Mr. Mhaka);<sup>12</sup> a total of 14 9mm shell casings, both inside and outside the store (eight of the casings matched the ammunition in Sergeant Matthews's weapon);<sup>13</sup> and multiple bullet fragments. Investigators also observed bullet damage both inside and outside the store. Due to the pending criminal matter, a complete description of the scene is not provided at this time.

### **911 Calls**

Investigators reviewed multiple 911 calls about the incident from Sergeant Matthews and other witnesses. Due to the pending criminal matter, a complete summary of the recordings is not provided at this time.

### **Body-Worn Camera Recordings**

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<sup>12</sup> The Glock 19 had one bullet in the chamber and four bullets in the inserted magazine.

<sup>13</sup> Seven of the matching casings were located inside the store and the other was located on the curb by a vehicle parked facing the store. The casings were all chrome in color and had "SPEER 9MM LUGER" on the headstamp.

Sergeant Matthews was not wearing a body-worn camera at the time of the incident.<sup>14</sup> However, investigators reviewed body-worn recordings from officers who arrived after shots were fired. They are mentioned here for the purpose of completeness.

### **Surveillance Recordings**

Investigators reviewed interior and exterior video surveillance from the State Liquor Store, as well as video from the exterior of a state building located to the north; all videos were without audio. The videos captured the activity outside the store, including the arrival of Sergeant Matthews, M. S., and Mr. Mhaka.

As set forth in the statement of probable cause accompanying the charging document in the criminal case, the video surveillance shows Mr. Mhaka pulling into the parking lot quickly, near M. S.'s vehicle. As Mr. Mhaka exits his car, he immediately begins firing his gun toward M. S. while the car continues to roll forward in the parking lot, striking a bollard. M. S. is seen running into the liquor store being pursued by Mr. Mhaka who is actively firing at M. S. Mr. Mhaka didn't stop firing until a man inside the store—Sergeant Matthews, who was dressed in plain clothes—returned fire, causing Mr. Mhaka to run away and drop his gun.<sup>15</sup>

Additionally, the video surveillance shows Sergeant Matthews pausing near the inner vestibule door and looking out the entrance before drawing his weapon and moving inside and to the side of the entry doors. Sergeant Matthews began firing his handgun outwards after Mr. Mhaka had already run into the entry door vestibule and fired shots into the store.

### **Weapons Downloads**

Protocol investigators examined and downloaded Sergeant Matthews's personally owned Glock 48 9mm pistol, which had an inserted 15-round capacity magazine. Protocol investigators counted one round in the chamber and seven rounds in the inserted magazine, for a total of eight rounds.<sup>16</sup> Presuming Sergeant Matthews began with a fully loaded inserted magazine and a round in the chamber, that count indicates that he likely fired eight rounds during the incident. Notably, as set forth above, eight of the casings located on scene matched Sergeant Matthews's ammunition.

## **LEGAL ANALYSIS**

The scope of this review, and the OICI protocol investigation related to it, is narrow in its scope and purpose: to determine whether the facts of this case, when applied to the law, warrant the filing of a criminal charge against an officer who used deadly force. In considering whether to charge a criminal offense against a law enforcement officer who uses deadly force, we try to

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<sup>14</sup> Sergeant Matthews was off duty and dressed in plain clothes.

<sup>15</sup> Mr. Mhaka dropped his gun in the entry door vestibule.

<sup>16</sup> Sergeant Matthews's rounds were all chrome in color and had "SPEER 9MM LUGER" on the headstamp.

ascertain whether Utah's broad affirmative legal defense of justification, particularly as applied to law enforcement officers, effectively precludes criminal prosecution based on the facts before us. In other words, we ask whether an officer could establish at trial that his or her use of deadly force was justified. To answer that question, we ask whether he or she reasonably believed the use of deadly force was necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect. *See* Utah Code § 76-2-404(2)(c)).

As discussed more fully below, we believe the totality of the facts in this matter, taken together with reasonable inferences arising from those facts, would likely satisfy the elements of the affirmative legal defense of justification as applied to Sergeant Matthews's use of deadly force. In other words, we believe that if charges were filed against him for his use of deadly force, a jury (or other finder of fact) would have a reasonable basis to conclude that he used deadly force because he reasonably believed that deadly force was necessary to prevent death or serious bodily injury to himself and/or others. Where the facts of a case satisfy these elements of the affirmative legal defense of justification, Utah State law affords an officer a legal defense and the finder of fact is instructed to render a verdict of not guilty of the offense(s) alleged.

Sergeant Matthews refused to be interviewed or provide a statement explaining his use of deadly force, as is his constitutional right. Without his explanation as to his use of deadly force, we don't know what his actual beliefs were or his reasons for his decision to fire his weapon. We are therefore left to infer the rationale for his apparent decision to use deadly force based on other evidence we received, as well as the reasonable inferences to be drawn from that evidence. In similar situations where a shooting officer has refused to answer questions or provide a statement, we have proceeded in this manner. In doing so, however, we have never strayed from the objective evidence or testimony of other witnesses, nor do we do so here. While it is the prerogative and constitutional right of an officer not to share information with investigators, an officer's refusal to explain his or her apparent decision to use deadly force does not diminish our duty to explain and account for our decisions and conclusions or absolve us of our obligations to the community to present the truth to the community about an officer's use of deadly force on a member of our community.

While we do not know Sergeant Matthews's actual beliefs and thus cannot say whether he "reasonably believed" deadly force was necessary, we can infer the reasonableness of a belief that deadly force was necessary from the facts of which we are aware. In this case, we know that Sergeant Matthews was entering the liquor store when the encounter between Mr. Mhaka and M. S. began. Mr. Mhaka allegedly fired at M. S. as he pursued him into the liquor store, and Sergeant Matthews returned fire from inside the store. Surveillance recordings, physical evidence at the scene, and statements obtained by investigators corroborate the allegations. When Sergeant Matthews made his apparent decision to fire his weapon, Mr. Mhaka had already begun firing his weapon at M. S. who was running into the liquor store, and Sergeant Matthews was just inside the entry. Mr. Mhaka's use of deadly force would have provided Sergeant Matthews a reasonable belief that deadly force was necessary to prevent death or serious bodily injury to himself and/or others.

The totality of the facts in this case, not all of which are set forth here due to the criminal case pending against Mr. Mhaka, taken together with reasonable inferences about Sergeant Matthews's apparent decision to use deadly force, would likely cause a jury to determine that his use of deadly force satisfies the elements of the affirmative legal defense of justification. Assuming his testimony in a criminal case (if any) would be consistent the facts as we believe them to be based upon the evidence produced by the protocol investigation, we believe a jury would likely conclude that he used deadly force because he reasonably believed deadly force was necessary to prevent death or serious bodily to himself and/or others. Such a use of deadly force, by an officer who reasonably believes the deadly force is necessary to prevent death or serious bodily injury to himself or another individual, satisfies the elements of the affirmative legal defense of justification and affords the officer a legal defense to a criminal charge. Thus, in this case, we believe a jury would likely find that the facts satisfy the elements of a justified use of deadly force.

If, for the sake of discussion, we elected to file a charge against Sergeant Matthews for his use of deadly force, and he asserted the legal defense of justification, we would have to prove at trial, beyond a reasonable doubt and to the unanimous satisfaction of all jurors, that he did not reasonably believe that using deadly force against Mr. Mhaka was necessary to prevent death or serious bodily injury to himself and/or another individual. We do not believe the facts of this matter would support an effort to disprove the justification defense. We believe Sergeant Matthews would likely claim successfully at trial that he reasonably believed deadly force was necessary; therefore, his use of deadly force would be found justified and he would be afforded a legal defense to a criminal charge.

Because the statutory defense of justification is an affirmative legal defense, we, as the prosecution, bear the burden of showing evidence to prove that the affirmative defense does not apply. In other words, to achieve a conviction against Sergeant Matthews for his use of deadly force, we would have to show evidence to prove, beyond a reasonable doubt, that either he did not believe he needed to use deadly force prevent death or serious bodily injury (to himself and/or another); or, that if he did believe he needed to use deadly force, that his belief was unreasonable. We do not believe we have sufficient evidence to do so. Based on the evidence before us, we conclude that no reasonable jury would unanimously determine that Sergeant Matthews did not reasonably believe deadly force was necessary in this situation. We conclude that we could not refute or overcome the affirmative legal defense of justification and therefore, we believe a jury would afford Sergeant Matthews the legal defense.

As the United States Supreme Court instructed in *Graham*, assessing "reasonableness" in the Fourth Amendment context "requires careful attention to the facts and circumstances of each particular case, including . . . whether the suspect poses an immediate threat to the safety of the officers or others." 490 U.S. at 496 (emphasis added). The facts of this matter support a conclusion that Sergeant Matthews could successfully argue that he reasonably believed his use of deadly force was necessary to prevent death or serious bodily injury to himself and/or another individual. In short, paying "careful attention to the facts and circumstances" of this case, and considering the totality of the evidence and reasonable inferences to be drawn therefrom, we

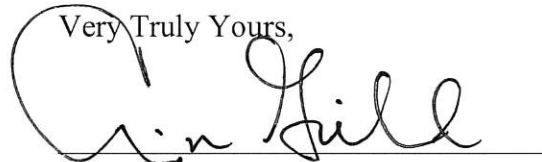
conclude that Sergeant Matthews's use of deadly force would likely satisfy the elements of a justified use of deadly force as set forth in Utah State law.

### CONCLUSION

As noted previously, the facts and conclusions set forth in this letter are based on the evidence of which we are currently aware. Should additional facts become available, these conclusions may change.

As outlined in more detail above, we conclude that the facts in this case, together with the reasonable inferences about Sergeant Matthews's decision to use deadly force, would likely support a finding that he believed deadly force was necessary to prevent death or serious bodily injury to himself and/or others. As such, we believe that a jury would likely find that the facts and reasonable inferences satisfy the elements of the affirmative legal defense of justification and therefore afford him a legal defense to a criminal charge. Accordingly, we decline to file a criminal charge in this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Sim Gill", written over a horizontal line.

Sim Gill,  
Salt Lake County District Attorney