



NEWS RELEASE  
GREENE COUNTY PROSECUTING ATTORNEY  
DAN PATTERSON

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May 24, 2016

FOR IMMEDIATE RELEASE

REPUBLIC POLICE SERGEANT  
FOUND JUSTIFIED IN FEBRUARY SHOOTING INCIDENT

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announced today that the prosecutor's office had concluded its review of the Greene County Sheriff's Office investigation of the use of deadly force on February 16, 2016, by Republic Police Sergeant John Tinsley and found that the shooting was a legally justified use of deadly force in self-defense. A copy of the letter to Sheriff Arnott detailing the prosecutor's findings in this tragic event is attached hereto.

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# GREENE COUNTY PROSECUTING ATTORNEY

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May 24, 2016

Sheriff Jim Arnott  
Greene County Missouri  
1010 N. Boonville  
Springfield, Missouri 65802

RE: Investigation of officer involved shooting of Mr. Destry Meikle by Republic Police Sergeant John Tinsley

Dear Sheriff Arnott:

The shooting death of Mr. Destry Meikle by Republic Police Sergeant John Tinsley was a tragic event, but it was not a criminal act and no criminal charges will be pursued against Republic Police Sergeant John Tinsley. It is my opinion that Sergeant Tinsley fired his weapon because he reasonably believed it was necessary to do so to protect himself against an imminent threat of death or serious physical injury. This conclusion was reached after reviewing the investigation by the Greene County Sheriff's Office, the 911 records, and the Missouri State Highway Patrol Crash Investigator's analysis of Mr. Meikle's vehicle data. This letter sets forth my legal analysis and the primary facts upon which this analysis is based.

The sole responsibility of the Prosecuting Attorney in this case is to determine whether the officer committed a criminal act by using deadly force or whether the officer's use of deadly force was justified under the law and, therefore, not a crime. Any circumstance in which a law enforcement officer uses his or her firearm is appropriately the subject of close scrutiny. At the same time, we must recognize that the use of deadly force by a law enforcement officer invites second-guessing of difficult decisions that must be made in a split-second during the most trying of circumstances. The facts of each case must be kept firmly in mind as we judge the reasonableness of an officer's actions. An officer's conduct in these situations cannot be fairly evaluated by hindsight speculation.

## THE LAW

Missouri Revised Statute Section 563.031 governs the use of deadly force in self-defense and provides that deadly force may be used when a person "reasonably believes that such deadly

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force is necessary to protect himself... against death, serious physical injury, or any forcible felony.” Section 563.031.2(1), RSMo.

The test to determine whether an officer’s conduct falls within this statute is found in the Missouri Approved Instructions – Criminal, Third Edition, instruction number 306.06A. It states in pertinent part:

In order for a person lawfully to use force in self-defense, he must reasonably believe such force is necessary to defend himself from what he reasonably believes to be the imminent use of unlawful force.

But a person is not permitted to use deadly force unless he reasonably believes that the use of deadly force is necessary to protect himself against death or serious physical injury.

As used in this instruction, the term “reasonably believe” means a belief based on reasonable grounds, that is, grounds that could lead a reasonable person in the same situation to the same belief. This depends upon how the facts reasonably appeared. It does not depend upon whether the belief turned out to be true or false.

## FACTS

Mr. Meikle’s car drove through the northeast corner of a detached garage and the north garage door coming to rest after striking items inside the garage and pushing them into the south wall of the garage displacing the wall. (See attachment A). The vehicle also struck or pushed items into a gas heater that was positioned on the south wall starting a fire underneath the vehicle. The floor of the garage was covered in debris and displaced items surrounded the vehicle. The top panels of the garage door remained in place while the bottom panels broke free and fell to the driver’s side of the vehicle. Debris from the corner of the garage wall lay across the opening created by the crash.

## GENERAL TIMELINE

- 11:38:07 Initial call to 911. The caller, Mr. Galen Cameron, indicates a car drove through a drive way through one garage and into another garage. Mr. Cameron caller provides general information about the driver and scene stating there is a guy inside, he is ok looks like, he is not getting out, don’t know what that smell is.
- 11:39:27 Sergeant Tinsley is notified by dispatch and is in route. Sergeant Tinsley is told there is a male occupant in the vehicle who appears to be okay but is not getting out of the car.
- 11:40:50 Sergeant Tinsley on scene and calmly tells dispatch to get fire and there is large smoke.

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- 11:41:34 Cox ambulance arrives
- 11:41:53 Sergeant Tinsley calmly tells dispatch that the male is not responding, that he is awake, but seems out of it.
- 11:42:28 Sergeant Tinsley calmly requests dispatch to send more officers out and calmly tells dispatch the driver is trying to back out and he needs more units up here.
- 11:44:03 Sergeant Tinsley on radio sounding stressed. He tells dispatch the driver is trying to run him over. Approximately fifteen seconds later, Sergeant Tinsley announces shots fired, need fire, and put the fire out now. Approximately twenty second later, Sergeant Tinsley tells dispatch that the male has been shot.

Based upon the locations of Mr. Meikle's car in the garage and the smoke from the fire, there were no witnesses outside of the garage who were able to see what happened inside the garage. (See attachment A).

#### INITIAL WITNESSES TO CRASH

Mr. Blake King was a neighbor who saw Mr. Meikle's vehicle driving at high rate of speed turning off of Elm Street onto Peach Tree Lane and then onto a neighbor's yard. Mr. King lost sight of the car but heard a crash as the vehicle went through the first garage. Mr. King ran to the end of his fence and saw the wall of the second garage that had been pushed out from the inside by the car. Mr. King saw smoke coming out of the garage and was present when Sergeant Tinsley arrived at the scene. Mr. King heard his roommate, Galen Cameron, tell Sergeant Tinsley that someone was in the car and that the person was responsive. After Sergeant Tinsley entered the garage, Mr. King could not see into the garage but heard Sergeant Tinsley trying to communicate with Mr. Meikle and get him out of the car. Mr. King also heard Sergeant Tinsley asking someone to bring him something to break glass. Mr. King heard Sergeant Tinsley yelling get back, heard glass break and heard Sergeant Tinsley yell you need to listen to me and do what I say. Mr. King saw the reverse lights on the car light up for a short period of time, heard Sergeant Tinsley saying stop, heard Sergeant Tinsley tell them run and get out of the way, saw the car move backwards, and then, as he was running away from the garage, heard three gun shots.

Mr. Galen Cameron was with his roommate, Mr. King, when he heard a loud crash. He turned and saw Mr. Meikle's car, having just impacted the corner of the first garage, drive through the grass and then heard another loud crash. Mr. Cameron went to the garage and yelled in for the driver. Mr. Cameron entered the garage on the passenger side of the vehicle. There was gray smoke billowing up from the car and he believed the car's front wheels were spinning as he could hear the screeching of tires. Mr. Cameron pounded on the trunk of the car and while the acceleration stopped and the car engine idled, there was continued smoke. Mr. Cameron attempted to open the passenger side doors, but they were locked. Mr. Cameron had to leave

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the garage because of the smoke and the difficulty he was having breathing. Mr. Cameron called 911 and then went back into the garage to check on the driver. Mr. Cameron pounded on the driver's side rear door and tried to open both doors. Mr. Cameron could see Mr. Meikle sitting with his hands in his lap and his back against the seat. Mr. Cameron waved his arms and yelled to Mr. Meikle that he needed to get out and Mr. Meikle looked Mr. Cameron in the eye, shook his head and then looked down again. Mr. Cameron exited the garage and seconds later saw Sergeant Tinsley arrive at the scene. Mr. Cameron then waved a fire truck onto the scene. Mr. Cameron saw Sergeant Tinsley near the garage and yelled to Sergeant Tinsley that there was a person in the car and that the person was responsive. Mr. Cameron could not see the interaction between Sergeant Tinsley and Mr. Meikle inside the garage because of the smoke which was now black. Mr. Cameron could not remember all that he heard Sergeant Tinsley say but remembered him asking Mr. Meikle to open the door several times. Mr. Cameron also heard thumps and Sergeant Tinsley calling for a glass breaker. Mr. Cameron helped direct other first responders and then heard Sergeant Tinsley yelling back away followed by the sound of breaking glass. Mr. Cameron heard Sergeant Tinsley yell back up he is running. Mr. Cameron remembered seeing back up lights and the car move back a short distance as he and others began running away as directed by another first responder. As Mr. Cameron was running he heard what he thought were two gunshots.

Mr. Kenneth Stewart was putting his dogs in the house after walking them in his back yard when he heard a loud noise north of his home. Mr. Stewart drove to the scene to see if he could offer assistance. Mr. Stewart was present when Sergeant Tinsley went into the garage and then could hear someone yelling in the garage but could not make out the words. He heard someone inside the garage yell get back and he noticed the vehicle inside the garage had moved backwards and the left back up light was on. Mr. Stewart returned to the area of his vehicle on the street when he heard gunshots.

Mr. Kevin Blackburn, an Empire District Electric Employee was on his way to a service call when he noticed smoke coming from behind 127 Peach Tree Lane. Mr. Blackburn approached Mr. Cameron and Mr. King to see if he could be of aid about the same time that Sergeant Tinsley arrived at the scene. Mr. Blackburn saw firemen arrive but heard Sergeant Tinsley tell them to get back. At that time, Mr. Blackburn saw the car in the garage and saw it move back toward the crashed opening. Mr. Blackburn heard Sergeant Tinsley yelling at Mr. Meikle to stop several times. Mr. Blackburn then heard what sounded like gunshots and took cover behind his truck.

#### SERGEANT TINSLEY'S ACCOUNT

When Sergeant Tinsley arrived at the scene of the crash on Peachtree Lane he saw Galen Cameron. Sergeant Tinsley followed Mr. Cameron through the yard and saw smoke coming from a detached garage. Sergeant Tinsley saw a large hole in the side of the garage and smoke was "pouring" out. Mr. Cameron told Sergeant Tinsley that there was a male in the vehicle and that he was responsive.

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Sergeant Tinsley drew his weapon and peeked into the garage. He saw that the doors were still closed on the vehicle. Sergeant Tinsley returned his weapon to his holster and walked behind the car to the passenger side. He got his flashlight out and could hear the vehicle was still on and running. Sergeant Tinsley could see Mr. Meikle, "kind of slumped" over the steering wheel. Sergeant Tinsley described Mr. Meikle's movements as similar to a "drunk's."

Sergeant Tinsley approached the front passenger side door and was positioned by the post between the front and rear doors. Sergeant Tinsley tried to open both passenger doors, but the doors were locked. Sergeant Tinsley banged on the window and yelled to Mr. Meikle identifying himself as a Republic Police officer and asking Mr. Meikle if he was okay. Sergeant Tinsley continued to bang on the door and Mr. Meikle began moving but would not respond. Sergeant Tinsley retrieved a window punch from his pocket and tried unsuccessfully to break the front passenger window.

Sergeant Tinsley saw fire "coming up" and smoke "getting heavier" and thought he needed to get Mr. Meikle out of the car. Sergeant Tinsley picked up what he described as a "weed whacker" with a wooden handle. He hit the front passenger window multiple times but it would not break the window. As Sergeant Tinsley was striking the window he observed Mr. Meikle put his hands up near the passenger window and appeared to be waiving Sergeant Tinsley away. Sergeant Tinsley yelled to Mr. Meikle several times to unlock the car, that he was trying to help him, and that he was a police officer. Mr. Meikle pushed the lock button several times and continued to make a waving motion at Sergeant Tinsley. Sergeant Tinsley found what he described as a "sledging maul" and because Mr. Meikle was so close to the front window, Sergeant Tinsley broke out the rear passenger window.

Sergeant Tinsley told Mr. Meikle he was there to help him, told Mr. Meikle to put the car in park and turn the car off so that he could get him out of the vehicle, and told Mr. Meikle "you need to listen to me." Mr. Meikle told Sergeant Tinsley to "go the \_\_\_\_\_ away." Sergeant Tinsley said that was when he really thought Meikle was intoxicated and trying to get away. Mr. Meikle continued to look back and Sergeant Tinsley described him as appearing "out of it." Sergeant Tinsley saw Mr. Meikle look down at the gear shift. Meikle then looked over his right shoulder and then his left shoulder. Mr. Meikle then put the car in reverse. Sergeant Tinsley said that Mr. Meikle "floored it," that he could not get out of the way, that his feet were tangled up in debris, and that the car then struck him as it went backwards knocking him to the floor.

The car stopped on top of some debris with panels from the garage door wedged between the south opening of the garage door and the rear driver's side of the car as partially shown in attachment A. Sergeant Tinsley got up and could hear the engine revving. He could also see a fire where the car was originally positioned, and the fire was "growing." Sergeant Tinsley said he was having difficulty breathing due to the smoke. He stood up and drew his handgun. Sergeant Tinsley remembered seeing the EMTs running towards the car. He yelled to them to get back, and it was not safe. Sergeant Tinsley yelled on the radio for more help.

Sergeant Tinsley said he could see Mr. Meikle through the windshield. Sergeant Tinsley was standing at about the same location as when he was struck by the vehicle but was now facing

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the front passenger side of the vehicle with debris to his side and back. Sergeant Tinsley pointed his handgun at Mr. Meikle and yelled at him to put the car in park and turn off the car. While Sergeant Tinsley was yelling at Mr. Meikle, he was making eye contact with Mr. Meikle. Sergeant Tinsley said at this point visibility was getting harder because the smoke was getting thicker. Sergeant Tinsley said he could not see Mr. Meikle's hands anymore but he could see his shoulder moving and it appeared Mr. Meikle was trying to find a gear with the gear shift handle. Sergeant Tinsley said he then heard a noise that he perceived to be the vehicle being shifted into drive. Sergeant Tinsley saw the car lunge towards him. Sergeant Tinsley said he had to make a split second decision because he was "right there" and afraid for his life. Sergeant Tinsley then fired his handgun three times. Sergeant Tinsley said he did not remember looking down his sights and only remembers looking into Mr. Meikle's eyes. Sergeant Tinsley started crying while recounting the incident and said all he wanted Mr. Meikle to do was to put the car into park so he could help him. Sergeant Tinsley reported that even after being shot, Mr. Meikle appeared to continue to attempt to move the gear shift as he continued to yell at him to stop.

Two of the shots fired by Sergeant Tinsley went through the windshield. One struck Mr. Meikle in the front chest and the other struck Mr. Meikle in the front abdomen. The third shot went through the front passenger window and struck Mr. Meikle in the right side of his chest. The trajectory of the shots is consistent with Sergeant Tinsley moving from his right to his left out from in front of the front passenger corner of the vehicle. At some point either while backing up or afterwards, Mr. Meikle rolled down the front driver's window and the front passenger window unbeknownst to Sergeant Tinsley as the third bullet did not strike the passenger door window but passed through the window opening. Both windows were down after the incident and both were controlled by automatic power window buttons.

#### OTHER FIRST RESPONDERS

Republic fireman Jerod Youb's initial observation was moderate smoke coming from the garage and Sergeant Tinsley warning everyone to back away from the structure. After pulling the hose from the truck, Youb observed a fire in the garage and began approaching. At this time, he heard Sergeant Tinsley telling everyone to get back because the vehicle was in reverse. Fireman Youb then heard Sergeant Tinsley yell, "If you don't stop, I am going to shoot." Fireman Youb dropped his hose and took cover behind the house and then heard three gun shots.

Jennifer Fortman is a Cox Paramedic and arrived on scene approximately the same time as Sergeant Tinsley. She observed Sergeant Tinsley go into the smoking garage and could see there was a car sticking out. She heard the officer give instructions to the occupant of the vehicle and could tell that the occupant was not following the directions. She indicated the car was running, it sounded "revved" up, and there was a lot of smoke. She indicated she saw the reverse lights come on during the shouting and heard the tires squeal. She also heard the officer yelling for everyone to get back because it was not safe, then heard three to four gunshots, and then saw the brake lights on the car light up.

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After Mr. Meikle was removed from the vehicle and being attended to by medical personnel and the fire had been extinguished, Republic Fire Captain Kline checked the vehicle. He found that the vehicle was running and in reverse. He then turned off the vehicle and put it in park.

#### ANALYSIS

When analyzing an individual's actions to determine the reasonableness with which they acted, it is important to understand the facts from the view point of the individual at the time the individual acted. In this case, the critical events occur during an approximate three minute period during which Sergeant Tinsley interacted with Mr. Meikle in the garage. No one was able to view this interaction from the outside. However, witnesses were watching to see what they could observe from the garage and could hear parts of what was occurring. The witnesses describe a scene in which the garage is on fire with smoke coming out and an officer trying to help an individual who appears to be intentionally disobeying the officer's commands. This setting is consistent with Sergeant Tinsley's explanation of what is occurring in the garage. Under these circumstances, it was reasonable for Sergeant Tinsley to believe his life was in danger after being struck by Mr. Meikle's vehicle and finding himself trapped between the fire, debris and Mr. Meikle's car. Sergeant Tinsley's explanation that he ordered Mr. Meikle to stop and that he did not discharge his firearm until he believed the car was being put into drive establish a scenario in which a reasonable person would believe the use of deadly force was necessary to protect himself from an imminent threat of death or serious physical injury. Sergeant Tinsley's actions, therefore, were legally justified.

There will be no further action by this office with regard to the conduct of the officer in this case.

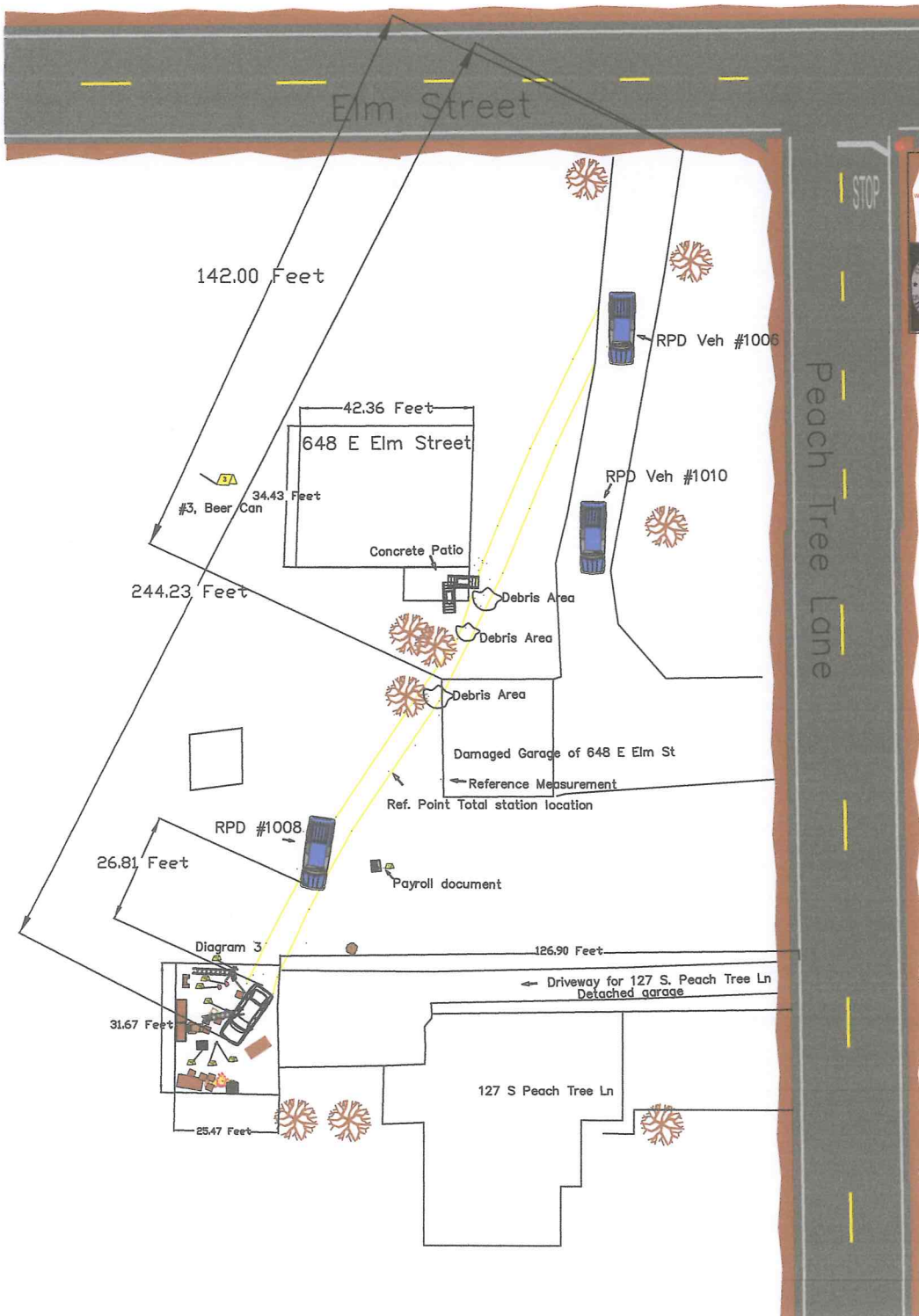
A handwritten signature in black ink that reads "Dan Patterson". The signature is written in a cursive, flowing style.

Dan Patterson  
Prosecuting Attorney



**ATTACHMENT A**

Diagram 2



Case Number: <b>16-01030</b>	Date of Occurrence: <b>2/26/2016</b>
Agent: <b>Sgt. Tinsley, RPD</b>	Address: <b>638 E. Elm Street</b>
City or Area: <b>Republic, Missouri 65738</b>	Investigating Agency: <b>Greene County Sheriff's Office</b>
Investigator: <b>Sheriff Arnott</b>	Date of Sketch: <b>2/26/2016</b>
Drawn By: <b>Det. Crawford</b>	File Reference Number: <b>RPD #16-03678</b>
