



DISTRICT ATTORNEY  
SALT LAKE COUNTY  
SIM GILL

**HAND DELIVERED**

May 23, 2012

Chief Peter A. Fondaco  
Murray City Police Department  
5025 S. State Street  
Murray, UT 84157

**Re: Officer Involved Critical Incident – April 9, 2012**

Dear Chief Fondaco:

After working in conjunction with the Murray City Police Department, the Salt Lake County District Attorney's Office has completed its investigation concerning the use of deadly force against Ryan Robinson by Officer D. Stallings of the Murray City Police Department. The incident occurred on April 9, 2012 at 6270 S. Mount Vernon Drive in Murray City. The purpose of the review is to determine whether the force employed was lawful under Utah law.

On April 9, 2012, at approximately 4:50 pm, Officer Stallings of the Murray City Police Department was dispatched to 6341 S. 725 E. in Murray City. Officer Stallings received information that a female in the house may have been shot and the suspect was Ryan Robinson. Additionally, Officer Stallings was made aware that earlier in the day other officers from the Murray City Police Department arrived at the residence on a separate domestic dispute.

Officer Stallings arrived near the residence and parked just south of it to await the arrival of a backup officer. A female neighbor waved down Officer Stallings and he exited his car in order to speak with her. Officer Stallings also observed a male three houses down the street, who was requesting that the officer come over. Officer Stallings originally believed that the male down the street was simply another neighbor, but later learned the male was Ryan Robinson. The female neighbor pointed to the male down the street, Ryan Robinson, and told Officer Stallings that for the last several minutes he was pacing up and down the street and had a gun "in the back of his pants." Officer Stallings asked the neighbor if the male's name was Ryan, and she said she did not know. Officer Stallings yelled "Ryan" to the male down the street and the male replied "yeah" or "huh," acknowledging his name was Ryan.

Officer Stallings drew his .40 caliber firearm and proceeded down the street toward Ryan Robinson, who jumped behind a fence but returned from behind it with his right hand behind his

back. Officer Stallings yelled “let me see your hands, let me see your hands.” Mr. Robinson pulled a gun from behind his back and pointed it to his chin, as if he was going to shoot himself. Officer Stallings continued to give commands to Mr. Robinson to drop the weapon. Multiple witnesses were nearby and heard Officer Stallings give commands to Mr. Robinson to show his hands and to drop the weapon. Witnesses also observed Mr. Robinson with a firearm on his person. One witness said that Mr. Robinson “reached into his back pocket and drew a handgun. He cocked the gun and held it under his chin.”

Mr. Robinson placed the gun to his side, according to Officer Stallings, and began pulling back on the slide of the weapon, a maneuver, called “racking,” that places an unspent round in the chamber of the firearm. If an unspent round is already in the chamber, then that round is ejected from the firearm. During a later investigation, officers located an unspent round in the area where Officer Stallings said Mr. Robinson was located when he was racking his weapon.

Officer Stallings continued to give commands to Mr. Robinson to drop the weapon, but Mr. Robinson did not comply with those requests. Eventually, Mr. Robinson ran westbound behind a fence and into a church parking lot, outside of Officer Stallings’ sight. Officer Stallings advanced on Mr. Robinson, but he was over 180 feet away. Officer Stallings contacted dispatch and reported “suspect has a gun.”

Officer Stallings ran towards Mr. Robinson and slowed as he approached the fence in order to prevent an ambush. As he peered around the fence, Officer Stallings saw Mr. Robinson running through the church parking lot. Officer Stallings gave chase and continued to give demands for Mr. Robinson to drop the weapon. However, Mr. Robinson did not comply; instead, he continued to run to an opening in the fence which opened to Mount Vernon Drive.

As Mr. Robinson entered the opening of the fence, Officer Stallings lost sight of him again. Officer Stallings approached the opening cautiously, as to not be ambushed, and observed Mr. Robinson running in the street and into a yard at 656 East 6270 South. Officer Stallings ran towards Mr. Robinson and yelled, “Ryan, drop the gun.” Mr. Robinson, who was facing away from Officer Stallings, stopped in the yard, turned around, raised the gun in his right hand, and pointed it at Officer Stallings. In response, Officer Stallings fired his weapon twice, with one round hitting Mr. Robinson in his lower, left abdomen. Medical personnel were dispatched to the scene, treated Mr. Robinson, and transported him to the hospital.

Witnesses were in the area of the shooting and observed it occur. One witness was a man who was performing yard work three houses west of the shooting. He said he saw a man come around the corner followed by a police officer, the first male turned around and “started to raise his arm up” from his side, when the officer raised his firearm and fired twice.

A woman and her husband were three houses north of the shooting and described their observations to the police. The wife said she observed two males running and yelling. She observed that the first male “turned around and pointed at the police officer.” This witness demonstrated that the right arm was extended out in a pointed position. Her husband said that he saw the males running when one stopped, turned around, and pointed his arm straight out as if he was holding something. Both witnesses stated that after the first male pointed his arm, they heard two gunshots.

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Officer Stallings' gun was later examined to determine how many rounds of ammunition were fired from it. His handgun had 2 rounds of ammunition missing.

Officers later searched the scene of the shooting and found Mr. Robinson's firearm near the area where he was shot. That firearm was documented as a 9 millimeter, Smith and Wesson handgun.

Incidentally, officers later responded to 6341 S. 725 E., the house where Officer Stallings was originally dispatched for a domestic disturbance. Inside they found the body of Shantelle Reid lying at the bottom of the basement stairs. The Medical Examiner determined the cause of death to be a gunshot wound, and the manner of death to be homicide. Ryan Robinson has been charged with Murder, Aggravated Assault, and Possession of a Deadly Weapon by a Restricted Person.

Utah Code Ann. § 76-2-404(1)(c) provides:

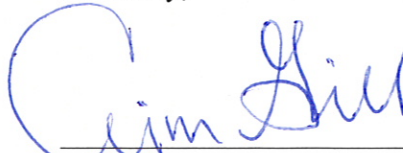
A peace officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when... (c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or another person.

Officer Stallings was justified in using deadly force against Mr. Robinson under this statute. Officer Stallings learned from dispatch that Mr. Robinson was a suspect in a domestic disturbance where he may have shot his girlfriend. Additionally, after learning from a neighbor that Mr. Robinson had a gun on him and then later seeing a firearm on him, Officer Stallings gave repeated demands to Mr. Robinson to show his hands and to drop the weapon. Mr. Robinson did not comply with these commands; instead, he ran from the officer. Thus, when Mr. Robinson pointed his firearm at Officer Stallings, the officer could reasonably believe that using his firearm against Mr. Robinson was necessary to prevent death or serious bodily injury to himself or other persons.

Therefore, Officer Stallings was legally justified in using deadly force against Mr. Robinson pursuant to Utah Code Ann. § 76-2-404 (1)(c), by virtue of the imminent deadly threat that Mr. Robinson posed in pointing his weapon at Officer Stallings.

If you have any questions or concerns regarding the determination made in this case, or otherwise wish to discuss the matter, please feel free to contact our office to set up a personal meeting.

Sincerely,



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SIM GILL,  
Salt Lake County District Attorney

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