

Jury rules fatal shooting justified

An inquest finds that a police officer's use of deadly force during a knife attack was warranted.

By Carri Geer
Review-Journal

A Las Vegas police officer acted justifiably last month when he fatally shot a knife-wielding Utah man, the majority of a coroner's jury ruled Friday.

Jurors said they voted by way of secret ballot after listening to testimony at an inquest into the Aug. 23 death of 24-year-old Matthew Johnson.

Officer Dave Freeman, 27, said he fired his weapon twice that morning when the man lunged at him with a knife.

"I felt like he was going to attack me," the officer said. "At that point I was in fear for my life."

A verdict form asked the seven-member jury to classify the homicide as justifiable, excusable or criminal. Six jurors voted for justifiable homicide, and one voted for excusable homicide, after about 30 minutes of deliberation

Craig Schneider, a Salt Lake City attorney, said Johnson's mother retained him to review the case. Schneider attended the hearing for the victim's family and submitted numerous written questions for witnesses.

Jurors and members of the public are allowed to ask questions during coroner's inquests.

Schneider said Johnson resided in Kearns, Utah, and made a living by sewing. Schneider said the man came to Las Vegas with relatives to attend a buyers convention.

The attorney said he did not know why Johnson was on McCarran International Airport property at Reno Avenue and Koval Lane during the early-morning hours of Aug. 23, when a caller notified police about his suspicious behavior.

Schneider said Johnson had no history of mental illness, and toxicology reports determined he had no drugs or alcohol in his system.

Freeman and two other officers from the airport substation responded to the call and testified that Johnson refused to cooperate when they questioned him about his identity.

"He was speaking in this robotic, monotone voice," Freeman said.

Freeman, who has worked as a police officer for 2-1/2 years, said Johnson was carrying a black nylon bag and clutched it to his chest when the officer inquired about its contents.

"He looked like somebody who had something to hide," Freeman said.

Each of the three police officers said Johnson's behavior worried them because of a recent order from Federal Aviation Administration officials placing airports nationwide on a heightened security status.

Freeman said he grabbed Johnson's arm to arrest him when he continued to disobey police commands.

"He became very stiff, and then he immediately took a swing at me with his left hand, the officer said.

Freeman said he ducked and lost his grip on the man, then pulled out his police baton. At that time, he testified, Johnson dropped to his right knee and pulled a long knife from under his left pant leg.

"As he stood up, I saw the gleam come off this blade," the officer said.

Officer Steve MacKenzie testified he fired pepper spray into Johnson's chest and face, but it failed to stop the man.

Freeman said he drew his gun and called in a "code red" on his portable radio. A "code red" clears the radio channel for emergency traffic.

The officer said Johnson held the knife, which had a double-edged blade, in a "slashing grip." The officer said he repeatedly ordered the man to drop his weapon.

Freeman said Johnson began lunging at him from a distance of 15 or 16 feet and had closed the gap to between 8 and 10 feet when the officer fired two shots into the man's chest.

"I felt like I had no other alternative," he said.

Representatives of the district attorney's office played portions of a police training video for jurors during the inquest. The video tells officers they need at least 21 feet between them and a knife-wielding attacker to have enough reaction time to draw a weapon, fire two rounds and get out of the attacker's path. Officers need 10 feet if they already have drawn their gun, the video said.

Crime scene analyst Debra McCracken said she found a wallet and a note pad in Johnson's black bag.

Photo Caption: Las Vegas police officer Dave Freeman demonstrates before a coroner's jury how Matthew Johnson in August attacked him with a knife. During his testimony on Friday, Freeman said that he was in fear for his life. The jury ruled that Freeman's fatal shooting of the Utah man was justifiable.