

January 21, 2026

Via Electronic Mail:

[REDACTED] -Son of [REDACTED] (deceased)
[REDACTED] -Spouse of [REDACTED] (deceased)
[REDACTED] -Spouse of [REDACTED] (deceased)
[REDACTED] -Son of [REDACTED] (deceased)
[REDACTED] -Son of [REDACTED] (deceased)
[REDACTED] -Son of [REDACTED] (deceased)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Via Electronic Mail:

Police Officer [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Via Electronic Mail:

Chief Stacy Graves
Kansas City Police Department
1125 Locust
Kansas City, Missouri 64106

**Re: Law Enforcement-involved shooting on
June 9, 2023 at or East 31st and Van Brunt¹**

Although the underlying facts of this matter have been widely reported and are not in reasonable dispute, we recognize that our legal analysis and the conclusions that flow from it carry real weight for the victims' families and the broader community. On June 9, 2023, Officer 1 was driving in his police vehicle near the captioned intersection when he came to a red light. While the light was red, Officer 1 observed the occupants of a white truck partially exit the vehicle while the truck was stopped in the right lane. The driver of the white truck appeared to be armed. The truck's occupants appeared to be involved in a dispute with the occupants of vehicles

¹ The main investigative file is identified as MSHP CRN: 230305067.

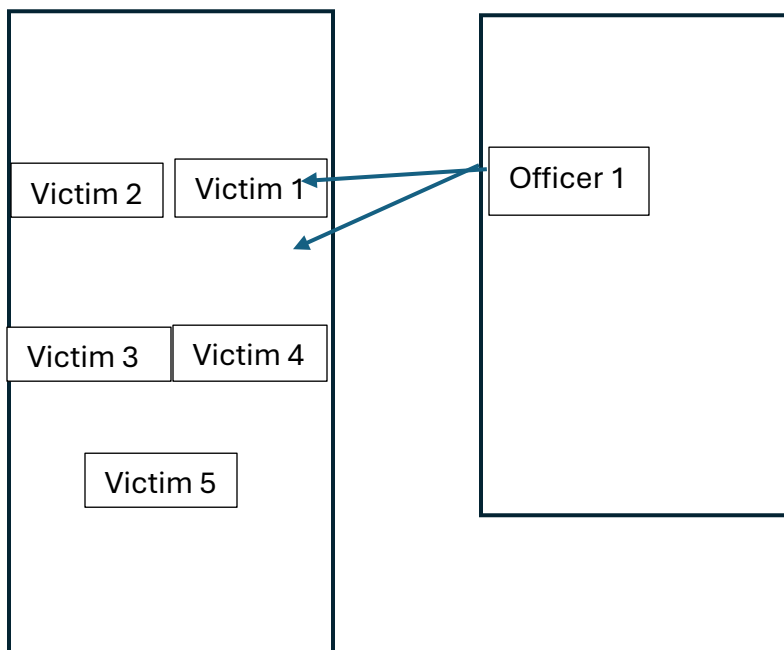
in the left lane.² The occupants of the white truck looked toward Officer 1's vehicle and then re-entered the truck and began to drive away. As the truck drove through the intersection, Officer 1 moved forward in the right lane and pulled his police vehicle parallel to a white minivan, which was one of the vehicles engaged in the dispute with the occupants of the white truck. As Officer 1 did so, Victim 1, the front seat passenger of the minivan, fired a gun towards the back of the truck, which was driving away. At this time, Officer 1 pulled his weapon and fired 16 times into the minivan at Victim 1. His shots struck and killed Victim 1. They also struck and killed Victim 2, who was the driver of the minivan. The quantity and force of the shots caused Victim 1's body to move backwards with his feet ending up on the front dashboard. During the shooting, Officer 1 tracked the movement of Victim 1's body as he fired. As such, some of Officer 1's shots entered the rear passenger side window of the minivan and one of those shots struck Victim 3 on his head.³ Here is a picture of the minivan after the shooting:



² The investigation revealed that there were two relevant vehicles to the preceding dispute left lane. The investigation showed that the dispute involved an alleged robbery of the passenger in the truck by individuals inside and associated with those two vehicles.

³ There were five occupants in the minivan. In addition to the front seat passenger and driver, there were occupants in the minivan. The minivan did not have a middle row of seats. There were items in the middle rear of the middle van and a rear bench seat. Victim 3 was on the driver side rear middle, victim 4 was on the passenger side rear middle and victim 5 was to the rear of Victim 3 and Victim 4.

Below is a demonstrative diagram showing the positioning of the Victims in the minivan next to Officer 1's vehicle and a general direction of the shots fired by Officer 1:



This Office has reviewed Officer 1's use of force against other civilian victims in previous incidents. In the review of this particular incident, our office lacks the legal authority to restrict, change, or amend the terms of Officer 1's employment as a sworn member of law enforcement. Rather, our review of this incident is ethically and legally limited to a review of the appropriateness of criminal charges against Officer 1.

In this review, the available facts and the applicable laws and legal principles concerning an officer's use of force preclude us from charging Officer 1 for his use of force against Victim 1.⁴ The facts show that Officer 1 was responding to Victim 1 firing at the white truck. In addition, the law regarding transferred intent, which immunizes a person from criminal liability when that person unintentionally strikes a third party when attempting to lawfully defend himself or another, precludes this office from filing charges against Officer 1 for his use of force against Victim 2.⁵ For the same reasons, transferred intent applies to the shooting of Victim 3. The

⁴ MAI 406.14 (Use of Force instruction).

⁵ See generally *State v. Zumwalt*, 973 S.W.2d 504 (Mo. App. S.D. 1998).

footage from Officer 1's dash camera shows that he fires toward Victim 1 without stopping and his statement shows that his intended target was Victim 1. Thus, even though, while tracking Victim 1's body as it moved backward, Officer 1 fired shots that entered the rear of the vehicle, there are no facts that show that Officer 1 purposefully fired at the other Victims, including Victim 3, in the rear of the minivan. Rather, the investigation showed that Officer 1 did not know anyone was in the rear of the minivan and was solely focused on Victim 1. Thus, there are no facts that establish that he consciously disregarded a substantial and unjustifiable risk (criminal recklessness) of harming another person or that he is responsible because he failed to be aware of a substantial and unjustifiable risk (criminal negligence) of harming another person.

To be clear, this Office remains concerned about the circumstances of this shooting. Two parents and spouses were killed, and a young man was hurt. Our determination that there is insufficient evidence to proceed with criminal charges should not be construed as an endorsement of the officer's conduct or a conclusion that the risks to human life were appropriately weighed or managed. To the contrary, this Office has serious and ongoing concerns about Officer 1's pattern of behavior and the potential consequences it poses for other cases in which he is involved. Officer 1's record is discoverable and it has the potential to undermine the integrity and viability of prosecutions involving Officer 1. Because of the public safety implications related to criminal cases, I personally communicated these issues directly to KCPD leadership, including our concerns about Officer 1's continued employment. While employment decisions are addressed solely with KCPD and the Board of Police Commissioners, we trust their leadership will give our concerns serious consideration.

We recognize that this determination may be deeply painful to accept. The loss experienced by the victims' families is profound and the impact of this tragedy has been felt far beyond those closest to it. We extend our sincere condolences and sympathy to the families, loved ones, and the broader community as it continues to grapple with this tragedy.

Sincerely,

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

Melesa N. Johnson
Prosecutor for Jackson County