



OFFICE OF THE ATTORNEY GENERAL

January 11, 2016

Report of the Attorney General on the Use of Deadly Force by Piscataquis County Deputy Sheriff on March 12, 2015

Finding: Officer fired in defense of self and others

Synopsis

On March 12, 2015, Quinton King, 56, of Monson, was shot and wounded by Piscataquis County Deputy Sheriff Kyle Wilson outside Mr. King's residence in Monson.

Discussion

The Attorney General has exclusive responsibility for the direction and control of the criminal investigation of any law enforcement officer, who, while acting in the performance of the officer's duties, uses deadly force.¹ The detectives in the Office of the Attorney General who conduct the criminal investigation of such incidents are independent of and unaffiliated with any other law enforcement agency. The purpose of the criminal investigation of the incident in Monson on March 12, 2015, that resulted in Mr. King being shot was to determine whether self-defense, including the defense of others, was reasonably generated by the facts so as to preclude a criminal prosecution of Deputy Wilson. Any such prosecution would require the State to disprove self-defense or the defense of others beyond a reasonable doubt. The investigation did not include an analysis of whether any personnel action might be warranted, of whether the use of deadly force could have been averted, or of whether there might be civil liability. Indeed, state law provides that the fact that conduct may be justifiable under the Criminal Code does not abolish or impair any other remedy available under the law.

In order for any person, including a law enforcement officer, to legally use deadly force in self-defense or in defense of a third party, two requirements must be met. First, the person must actually and reasonably believe that deadly force is imminently threatened against the person or against someone else; and, second, the person must actually and reasonably believe

¹ 5 M.R.S. § 200-A.

that deadly force is necessary to counter that imminent threat. Further, whether the use of force by a law enforcement officer is reasonable must be based on the totality of the particular circumstances and must be judged from the perspective of a reasonable officer on the scene, allowing for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a given situation. The legal analysis requires careful attention to the facts and circumstances of each case, including the severity of the crime threatened or committed and whether the suspect poses an immediate threat to the safety of others.

Facts

On the morning of March 12, 2015, the Monson town manager called the Piscataquis County Sheriff's Office regarding the following threatening voicemail message left at the town office by Quinton King of Monson.

This is Quinton King. It's Thursday. You have less than 12 hours to answer my demands. You are clearly being [expletive] idiot [expletive] morons if you don't think I'm going to do what I say I'm going to do. I will sue the mother [expletive] pants off this town and everybody in it and I will own this mother [expletive] town because I already do anyway. So you better [expletive] make it right. [Call] if you'd like to discuss this with a [expletive] brain.

Prior to receiving the voicemail, the town office had received a letter from Mr. King outlining his dissatisfaction with the Town of Monson and, in particular, what he described as an inadequate response by the fire department to a fire at his residence. Deputy Sheriffs Kyle Wilson and David Wilson (no relation) responded to the Monson Town Office and listened to the message left by Mr. King. The town manager requested that the deputies serve Mr. King with a notice that he was not to come to the town office unless he called first and scheduled an appointment.

The deputies, both in uniform, drove their separate cruisers to a private way on which Mr. King's residence and other residences were located. Deputy Kyle Wilson was accompanied by a civilian "ride along." A man at the first residence on the private road appeared in a second story window. He told the deputies that Mr. King had threatened to shoot his wife and son the previous night, and that his wife and son were at court applying for a protection order against Mr. King. The man told the deputies to "watch out for the lead." The deputies arrived at Mr. King's residence and observed a downhill path to the residence that was not shoveled. Deputy David Wilson attempted to reach Mr. King by telephone. When that was unsuccessful, Deputy Kyle Wilson walked to the house, noting a sign hanging near the door to the residence that warned against trespassing.² He knocked on the door and Mr. King opened it about 8-10 inches but remained inside the residence. When Deputy Kyle Wilson explained that he was there concerning Mr. King's issues with the Town of Monson, Mr. King slammed and locked the door.

² The crudely constructed sign read "Cheif Hennyry Red Eagle, Free People Welcome All Who Come In, Owner of all you can see! Peace! Up to you to live or die. Please Stay out IF YOUR to Make War!"

Intending to continue to attempt to reach Mr. King by telephone, Deputy Kyle Wilson started back up the path when Mr. King stepped outside holding a rifle.³ He was holding the rifle across the front of his body at a 45° angle with the barrel facing upward. Mr. King inserted a magazine into the firearm and worked the action in a manner consistent with loading it. Both deputies, believing that the weapon was loaded and ready to fire, drew their handguns and Deputy Kyle Wilson ordered Mr. King to “drop the gun, drop the gun now!” When Mr. King began to turn the rifle towards the deputies, Deputy Kyle Wilson, positioned about 15 yards away, fired a single shot at Mr. King. Struck by the gunfire, Mr. King dropped the rifle. He walked into his house momentarily and came back outside holding a towel close to his body against a bleeding wound. Deputy Kyle Wilson moved toward Mr. King, demanding that he show his hands. Mr. King responded, “Did you just shoot me?” Deputy Kyle Wilson continued to approach Mr. King while still ordering him to show his hands. Mr. King did not comply and when it appeared that he was going to pick up the rifle, Deputy Kyle Wilson tasered him. The Taser effectively subdued Mr. King and allowed the deputies to more safely approach and take him into custody. The deputies provided medical aid until emergency medical technicians arrived and transported Mr. King to a hospital. Mr. King was struck by a single gunshot, which entered his torso, exited, and struck his arm.

Mr. King was charged with criminal threatening with a firearm, harassment by telephone, and theft by unauthorized use of property.⁴ In a plea agreement with the District Attorney’s Office on May 4, 2015, Mr. King was sentenced to two years’ incarceration with all but five months suspended.

Conclusion

Attorney General Janet T. Mills has concluded that at the time Deputy Wilson shot Mr. King, he reasonably believed that unlawful deadly force was imminently threatened against him and Deputy David Wilson. It was reasonable for Deputy Kyle Wilson to believe it necessary to use deadly force to protect himself, Deputy David Wilson, and others within range of Mr. King’s weapon. The Attorney General’s conclusions are based on an extensive forensic investigation, on interviews with numerous individuals, and on a thorough review of all evidence made available from any source. All facts point to the conclusion that Deputy Wilson acted to defend himself and others from the unlawful use of deadly force by Mr. King.

###

³ The firearm was a .243 caliber semi-automatic rifle. It was later learned that the rifle was not loaded.

⁴ A vehicle found in Mr. King’s driveway the day of the shooting was discovered to have been stolen from a residence in Monson the evening of March 11, 2015.