



OFFICE OF THE RAMSEY COUNTY ATTORNEY
JOHN J. CHOI, COUNTY ATTORNEY

TO: John Choi, Ramsey County Attorney

FROM: John Kelly, First Assistant Ramsey County Attorney 4K
Hao Nguyen, Trial Division Director HON

DATE: December 12, 2025

RE: *In the Matter of the Death of Mychel Allan Stowers*
RCAO File Nos. 062-0584407 and 062-0584409
BCA File No. 2024-1197

I. INTRODUCTION

The Minnesota Bureau of Criminal Apprehension ("BCA") conducted the investigation of the use of deadly force on November 9, 2024, by Saint Paul Police Department ("SPPD") Officers Matthew Foy and Eric Jaworski (collectively referred to as the "Two Officers") that resulted in the shooting death of Mychel Allan Stowers, age 36 years old. The Ramsey County Attorney's Office ("RCAO") then reviewed the evidence gathered by the BCA to determine whether the use of deadly force by the Two Officers against Mr. Stowers was justified under Minnesota Statutes, Section 609.066.

This Memorandum identifies the relevant evidence gathered by the BCA during its investigation of the shooting of Mr. Stowers. This evidence includes statements taken from lay witnesses and others, as gathered from interviews conducted by BCA agents; physical evidence, including DNA and ballistics evidence; and important video and audio evidence taken from SPPD in car cameras ("ICCs") and body worn cameras ("BWCs") worn by the Two Officers and other officers who responded to the incident. Written statements provided by the Two Officers were also given to the BCA.

Based on our review of the evidence presented to this office by the BCA and for the reasons explained in this Memorandum, it is our opinion that the use of deadly force by Officers Foy and Jaworski against Mr. Stowers was necessary and thus justified under Minn. Stat. § 609.066, subd. 2(a)(1)(i-iii), (2) and (b). Accordingly, we recommend that no criminal charges be brought against either of the Two Officers related to this incident.

II. SUMMARY OF FACTS

On October 24, 2024, Mr. Stowers was charged with the Second-Degree Murders of his pregnant girlfriend and her unborn child that occurred in Saint Paul, Minnesota on October 19, 2024. After fleeing the scene on foot and within only approximately 20 minutes after the murders, Mr. Stowers also allegedly shot and severely wounded a man while stealing his car and fired a gunshot at the wounded man's friend but missed. Mr. Stowers fled the scene in the stolen car and was also charged with two counts each of First-Degree Carjacking and Second-Degree Assault. Warrants were immediately issued for the arrest of Mr. Stowers and alerts identifying and physically describing him were issued throughout the Twin Cities law enforcement community and were widely publicized by many media outlets.

On November 9, 2024, at approximately 1:11 p.m., the Two Officers, while acting in their professional capacities as licensed peace officers, together with numerous other peace officers, responded to a 911 call made by an anonymous caller who reported that Mr. Stowers was seen inside the Quick Wash Laundromat located at 1148 7th Street West in Saint Paul. The 911 caller had seen media reports about Mr. Stowers and his alleged role in the October 24 murders and carjacking, which included his photograph and fugitive status.

At approximately 1:16 p.m., Officers Foy and Jaworski, together with at least eight other SPPD officers and supervisors, gathered in the empty parking lot of a closed pizza restaurant approximately one block away from the laundromat. The objective of this ad hoc meeting was to formulate a plan on how to best approach and apprehend Mr. Stowers in the laundromat without creating unnecessary danger for the public or the officers.

During that meeting, all the officers who were present, including Officers Foy and Jaworski, were made aware of the information regarding Mr. Stowers:

- That Mr. Stowers was wanted as the charged defendant in both the October 24th double-murder and violent carjacking, and that he had only been paroled from prison approximately eight months earlier following his conviction for a 2008 murder.
- That Mr. Stowers had made previous statements that he was "not going back to prison" and that he was "going to shoot it out with police."
- That a citizen had reported that Mr. Stowers was seen in the possession of a firearm sometime after the October 24 double-murder and carjacking.
- That a male matching the general physical description of Mr. Stowers was seen outside the front door of the laundromat on a bicycle, wearing a face mask, a dark-colored jacket and pajama-like pants.
- That both the transitional housing provided to Mr. Stowers by the Minnesota Department of Corrections following his March 2024 parole, and the dwelling place as if of his sister were located nearby the laundromat.

Because the officers were notified that the person later identified as Mr. Stowers was then seen on his bicycle leaving towards the rear of the laundromat, it was decided that the officers needed to immediately deploy towards that area before he could disperse into the surrounding residential neighborhood. Officers Foy and Jaworski each drove their own clearly marked SPPD vehicles to the meeting site but decided to share Officer Foy's vehicle as they prepared to drive towards the laundromat area. Officer Foy was the driver of the vehicle and Officer Jaworski sat in the front passenger seat armed with Officer Foy's SPPD-issued AR-15 rifle.

At approximately 1:46:33 p.m., Officers Foy and Jaworski departed from the pizza restaurant parking lot exiting onto W. 7th Street where they began to drive westbound towards the laundromat. The officers received a radio notification from SPPD Sergeant Lentsch that the male on the bicycle was now on Bay Street, about one-half block south of the laundromat.

At approximately 1:46:50 p.m., the Two Officers arrived at the intersection of W. 7th Street and Bay Street, where they both saw a male that matched the description of, and who was later identified as, Mr. Stowers. Mr. Stowers was riding a bicycle in circles on Bay Street, approximately one block south of W. 7th Street. Officer Foy turned south onto Bay Street and drove towards the male on the bicycle with the purpose being to only get close enough to see his face. The Two Officers then saw Mr. Stowers make one final loop on his bicycle before stopping on the east side of Bay Street, approximately 75-100 feet away from their vehicle, where he dropped his bicycle between his legs. The Two Officers also said that that Mr. Stowers was standing in front of a wooden fence and that no other persons were behind him.

At approximately 1:47:02 p.m., just as Officer Foy stopped his car, the Two Officers said they each saw Mr. Stowers remove a handgun from the right side of his waistband with his right hand. They both said that Mr. Stowers raised the gun and pointed it at their vehicle. Video taken from Officer Foy's ICC shows Mr. Stowers riding his bicycle towards the Two Officers with him reaching towards his right side, raising his right arm and pointing a handgun at the officers with his right hand. At that same moment, Officer Jaworski rapidly fired his AR-15 five times through the windshield of the police vehicle towards Mr. Stowers who jumped from his bike and gripped his firearm with both hands in a manner resembling a shooter's position, while continuing to point it towards the officers.

Between the fourth and fifth shots fired by Officer Jaworski, Mr. Stowers turned away from the Two Officers with the gun still in his hands and took a few steps in the opposite direction of them. Immediately after the fifth shot, Mr. Stowers fell forward to the ground and his handgun can be seen falling underneath his body making it no longer visible to the Two Officers. Approximately one second after Officer Jaworski fired his fifth shot, Officer Foy exited the driver's side of the police vehicle and quickly fired four times at Mr. Stowers with his 9mm handgun.

The Two Officers began to cautiously approach Mr. Stowers as he lay on the ground with his back towards them. Officer Foy loudly reported "Shots fired!" twice, while Officer Jaworski loudly yelled, "Back up now!" The Two Officers were immediately joined by nine other officers, with all but one with their guns drawn and pointed towards Mr. Stowers. The officers briefly stopped approximately 40 feet away from the prone Mr. Stowers and assumed a protective formation on the adjacent

sidewalk. The Two Officers were removed from the formation by their respective assigned Monitoring Officers. The remaining officers then slowly proceeded by foot towards Mr. Stowers to safely secure him, to assess his medical condition and, if necessary, to initiate emergency medical care on him. Upon reaching Mr. Stowers, officers moved him from the front side of his body to his back, and in doing so, discovered his gun on the spot upon the ground where he was previously laying.

In the written statements separately provided by the Two Officers to BCA investigators, they each stated among other things:

- That Officer Foy was the driver of the fully marked SPPD squad car and was primarily tasked with safely driving the car and operating the radio, while Officer Jaworski, was in the passenger seat and was primarily tasked with scanning the area looking for Mr. Stowers and providing protection for the officers while inside their car.
- That their plan was to drive the short distance from the pizza restaurant parking lot towards the laundromat where Mr. Stowers was most recently reported to have been seen.
- That as they drove westbound on W. 7th Street at the Bay Street intersection, they both saw a male matching the reported description of Mr. Stowers riding a bicycle on Bay Street approximately one block south of the intersection.
- That Officer Foy quickly turned south onto Bay Street and drove towards Mr. Stowers, who was riding his bicycle in a zigzag or circular pattern in the street.
- That as they approached Mr. Stowers and were stopping their squad vehicle, the Two Officers stated that they saw Mr. Stowers, while still on his bicycle and now facing the Two Officers, reach with his right hand towards the right side of his waist and pulled out a handgun that he immediately pointed at the Two Officers.
- That at that moment Mr. Stowers was located partially on Bay Street and on the adjacent sidewalk, they saw no other persons behind Mr. Stowers, and the only objects that they saw behind him were a tall wooden fence and a detached garage with a closed door.

In his written statement, Officer Jaworski additionally stated the following:

- That as the squad vehicle was stopping, he was positioned in the front passenger seat with the butt of his rifle rested against his right shoulder and the barrel of the rifle pointed into the engine block of the vehicle while held in a high-ready position. He further stated that his right index finger was on the side of the trigger well, and his right thumb was wrapped around the handle ready to manipulate the safety switch.
- That because Mr. Stowers was pointing a firearm at Officer Foy and himself, he believed that Mr. Stowers was posing a deadly threat.
- That because he was compelled to react in the moment to the deadly threat, he was unable to exit the vehicle for fear that he or Officer Foy would be shot by Mr. Stowers before they could safely exit thus forcing him to fire his rifle through the windshield. He further stated that from what he could remember, he pulled the trigger on his rifle three or four times.
- That he could see on the second or third shot, Mr. Stowers made a "sudden jerking/convulsion movement with his body indicating that he had possibly been struck by a

bullet," but that Mr. Stowers "did not drop his gun and it appeared as if he was trying to raise it again."

- That "remembering [his] past training and experience on the SPPD ranges, [he] recognized that [his] first rounds may have been deflected by the structure and integrity of the [SPPD vehicle's] windshield in order for your next rounds to hit your intended target." He further stated that "[w]e had been trained that it could take multiple shots through the windshield in order for your next rounds to hit your intended target." Officer Jaworski stated that because Mr. Stowers was "still presenting a deadly threat," he fired one more round approximately one second after his first volley of gunfire.
- That after that final gunshot, he saw Mr. Stowers suddenly spin away "in a half turn and then quickly collapsed." He stated that at that time he did not know whether Mr. Stowers remained a threat, he took a "momentary pause in action as an opportunity to remove myself from the squad and use the engine block as cover, giving me a better view of the situation and an opportunity to move in case Mr. Stowers returned fire."
- That as he was "pulling himself up to exit the vehicle, he stated that he "heard and partially saw Officer Foy fire his handgun in the direction of [Mr.] Stowers. He further stated that he believed he "saw one round hit the sidewalk in front of Mr. Stowers and a second round impacted somewhere on his upper torso as I saw the jacket [Mr.] Stowers was wearing quickly reverberate/flutter from what I believe to be the impact and velocity of a bullet hitting him. I did not see any movement from [Mr.] Stowers."
- That after exiting the squad, he stated that he moved towards Officer Foy so he could better communicate with him and determine their next steps. He further stated that he saw an "unknown" male, later identified as A.T., standing on the adjacent sidewalk near Officer Foy. He described A.T. as a potential witness and ordered him to "get back," as he and Officer Foy gave verbal commands to Mr. Stowers, "who did not move or respond in any way."
- That what he believed to be less than a minute later, he and Officer Foy were relieved by other officers, and each of them were assigned their own separate monitoring officer.

In his written statement, Officer Foy additionally stated the following:

- That based on all the information provided to him and the other officers at the staging area, when he was notified that the subject was leaving the laundromat on his bicycle, he stated that he knew that the subject matched the description of Mr. Stowers that was provided by the anonymous complainant.
- That while driving the fully marked SPPD squad on W. 7th Street at the Bay Street intersection, he saw a male dressed in all black clothing as described by the complainant, riding a black bicycle in circles on Bay Street approximately one block south from the intersection.
- That he turned south onto Bay Street with the "intention to only drive close enough to the male so that he could see his face."
- That as he proceeded south on Bay Street towards the male, he saw "the male make one final loop with his bicycle and stop on the east side of the street."
- That he and Officer Jaworski were approximately 75-100 feet away from the male when he stated the male "immediately pulled a handgun from the area of the right side of his waistband and held it in his right hand. The handgun appeared to be green in color (or similar

color) and appeared larger than my Glock 17 duty pistol. The gun appeared to have an extended magazine, and the barrel appeared to be an extended gun. The male raised the handgun up and pointed it directly at Officer Jaworski and I."

- That he feared that he and Officer Jaworski were going to be shot and killed by the male and that other officers and civilians could also be killed or severely injured by him.
- That as they drove towards the male, he stated that Officer Jaworski had the barrel of his rifle on the dashboard, then he heard "several loud gun shots and saw the windshield of our squad shattering from the suspect shooting at us. I believed at this point that Officer Jaworski was firing his rifle. I also believed the male was actively shooting at us and attempting to kill Officer Jaworski and I."
- That he immediately stopped the squad car and put it in park. He further stated that he did not believe backing up was an option because he knew other officers were arriving in the area and that he might hit them with his squad car by backing up. He also "knew that the longer the male was allowed to point his gun at us/shoot at us, the greater the risk we had of being severely injured or killed." He then quickly exited the vehicle to quickly stop the male from shooting at him and Officer Jaworski.
- That after exiting the vehicle, he moved laterally to his left, drew his handgun and pointed it at the male. He further stated that his goal was to draw the male's attention away from Officer Jaworski and to protect both him and his partner from death or great bodily harm. As a result, he believed he fired approximately four rounds from his handgun at the male, and ceased fire when he saw him fall to the ground. Because he was unable to see the location of the male's handgun, he could not determine whether the male was still in control of it and thus remained a threat to Officer Jaworski and him.
- That as he continued to move forward and to the left, he realized that he "did not have any cover and did not see any available in the area." He further stated that "I did not want to go back to my squad as I knew the male had previously seen Officers there, so I kept moving to a new spot in case the male got up and pointed the gun at me again." He then saw numerous officers on scene, and he advised them that he just fired his weapon.
- That he saw that the windshield of his squad vehicle had several bullet holes but did not see Officer Jaworski. He feared that Officer Jaworski may have been shot and severely injured and asked other officers if he was okay or had been shot as he believed the male was shooting at them. Shortly thereafter, he saw that Officer Jaworski was not injured, and both were assigned monitoring officers.

At the time of the incident, H.T. was with her husband, A.T., who was doing some repair work on a house adjacent to where Mr. Stowers was shot. While waiting for A.T. to finish his work, H.T. was standing near their car in the alley where she stated she had a clear view of Mr. Stowers riding his bicycle on Bay Street. H.T. said that while he was riding his bicycle Mr. Stowers said something to her, then he turned his bike around and she saw him pull a black handgun from near his right hip, point it and shoot three times. H.T. could not see the Two Officers from her vantage point, so she was not sure who Mr. Stowers was shooting at, although she feared that it was her husband, A.T.

A.T. was walking south on the sidewalk adjacent to Bay Street towards the alley where H.T. was standing when the shooting occurred. He is observed on the ICC video taken from the Two Officers' vehicle and is the "unknown male" referenced by Officer Jaworski in his written statement. A.T. stated that he saw the male riding a bicycle on Bay Street and mistakenly thought it might be the son of the homeowner who retained him to do the repair work on his home. At that moment A.T. did not see Mr. Stowers with a handgun. A.T. then turned his visual attention to two police vehicles moving towards him, followed immediately by the sounds of six to eight gunshots. A.T. said he was then moved to safety by a police officer, and seconds later he was reunited with H.T. who told him that Mr. Stowers had fired a handgun at someone, and that she thought it might be A.T.

At the time of the incident, B.W. told BCA investigators that he was unloading materials from the bed of his truck in the parking lot of his place of employment located at 1128 West Seventh Street. He was approximately 240 feet away from the scene of the shooting, and he said that he could see a male riding a bicycle on Bay Street. As police vehicles approached the male and blocked all the nearby intersections, B.W. said that the male pointed what he believed was a silver handgun at the officers and fired two shots at them. B.W. further said he believed the male held the gun with a two-handed grip. B.W. said he then heard 6-8 additional gunshots that sounded different than the first two shots he said were fired by the male.

A CANiK TP9 SFX 9mm handgun was recovered from the spot where Mr. Stowers fell to the ground. The handgun was black in color with a gray colored handgrip. Samples were taken from the handgrip and trigger of the gun and DNA profiling was conducted on the sample by the BCA Crime Lab. The DNA profile taken from the handgrip was interpreted as a mixture originating from five individuals. The major male DNA profile of the sample taken from the gun's handgrip matched Mr. Stowers. The DNA profile taken from the trigger was interpreted as a mixture originating from four individuals. Mr. Stowers is indicated to be a possible contributor to the mixture. No spent cartridge cases or bullets fired by the handgun were recovered on the scene by investigators.

The weapon fired by Officer Jaworski was a Nordic Components Model NC-15 5.56 NATO/Remington caliber rifle. The BCA identified five Remington 223 cartridge cases that were fired by Officer Jaworski's rifle. The weapon fired by Officer Foy was a Glock Model 17 Gen5 9mm Luger caliber pistol. The BCA identified four 9mm Luger caliber cartridge cases that were fired by Officer Foy's pistol.

Two (2) of the above-referenced fired rounds struck Mr. Stowers with one bullet striking him in the head and the other bullet striking him in the left hand. SPPD officers, followed by Saint Paul Fire Department EMTs administered life-saving measures on the scene to Mr. Stowers before he was transported to Regions Hospital where he was declared dead at 3:27 p.m. On November 10, 2024, the Ramsey County Medical Examiner conducted an autopsy of Mr. Stowers and determined the cause of his death was multiple gunshot wounds. No bullet or bullet fragments were recovered from either wound tract.

BCA investigators interviewed SPPD Firearm Range Master Cohlman Rutschow, who is responsible for conducting firearms training for all SPPD peace officers. Range Master Rutschow told investigators that since he joined the SPPD in 2011, the department has included training discussions, as opposed to specific training activities, regarding officers who encounter use of force situations while inside their police vehicles. He said those discussions include what happens to the bullet that is shot into a windshield. Range Master Rutschow also said that while range training staff has tested fired rounds into windshields from both inside and outside of police vehicles, it has proven to be too much of a demanding task to train every officer on that task.

Range Master Rutschow further said that while the SPPD Use of Force Policy does not prohibit the use of deadly force by shooting through the windshield from inside a police vehicle, it advises against doing so unless the officer confronts a deadly threat situation. In that situation, Range Master Rutschow said that officers are advised that stopping the deadly threat as fast as possible by shooting through the windshield is a feasible option. He said that there was an in-service training presented to officers on this topic in December 2022.

III. SUMMARY OF EVIDENCE PRESENTED

A. 911 Calls

Anonymous Caller to 911 Dispatch

On November 9, 2024, at approximately 12:57:32 p.m. a distraught female called 911 dispatch to say that she was at a laundromat and saw someone she recognized from the news as being a wanted person for murder. Her voice was shaky, as she told the dispatcher that she needed cops to come to the laundromat right away. She was startled and could not quite give the name of the laundromat but described the location of the business, which allowed dispatch to confirm that she was inside the Quick Wash Laundromat located at 1148 7th Street West in Saint Paul.

She described the male as an African American, wearing dark clothing with a face mask over his chin and mouth. She also told dispatch that his name was Mychel Stowers and she was certain that he was the same person she'd seen on multiple news media outlets as being wanted for murder. She said she was watching Mr. Stowers on a bicycle, cycling away from the laundromat. She also said that she could see police squad cars in the area and then heard gunshots going off. She disconnected from 911 dispatch but called back shortly thereafter to confirm if it was safe to leave the laundromat and if police had apprehended Mr. Stowers.

Based on the foregoing 911 call, the following information was provided to the Two Officers via their in-car Computer Aided Dispatch (CAD) computers:

"[1] INSIDE THE LAUNDROMAT ACROSS THE STREET FROM ADDR, STATES NAM/STOWERS, MICHAEL ALLEN DOB/19871127 B/M LSW ALL BLK WITH A BLK MASK, ON A BICYCLE, WARRANT FOR 2ND DEGREE MURDER, 2 MILLION DOLLAR BOND, SUBJ INFO/507 181#, HAI/BLK, GOATEE, COMP REF TO GIVE PHONE/NAM SUBJ HAS AN ADDITIONAL WARRANT F/CW CARJACKING."

B. Interviews and Written Statements of Key Witnesses

Interview of Anonymous 911 Caller

On November 9, 2024, at about 12:57 p.m. caller stated she was in the laundromat located at 1148 7th Street West, Saint Paul, Minnesota. Caller stated she was familiar with Mr. Stowers because she had seen him all over the news and knew he was wanted by the police for murder. Caller stated although Mr. Stowers was wearing a mask over part of his face, she could tell it was him. Caller said upon seeing Mr. Stowers she was scared for her life. She grabbed her belongings and exited the laundromat. After getting into her car and while driving away, she called 911 to report what she had just witnessed.

Interview of B.W.

On November 9, 2024, B.W. was at his place of work located around Bay Street and Watson Avenue. He was at his shop cleaning out the back of his pickup truck. He was standing in the bed of his pickup and had a good vantage point. He was looking down and shoveling things when he heard police sirens. The sirens caught his attention, so he looked up and noticed a guy on a bike cycling by him. He saw there were about two to three police cars following the guy. The squads had their lights and sirens on.

B.W. was approximately 240 feet away from where the shooting occurred. He said that he looked away for a moment and heard about two guns shots followed by approximately six more gunshots. After that, B.W. said the guy who was on the bicycle was no longer on the bicycle. He then saw police circling in on the guy who was just on the bicycle. B.W. said he could see down Bay Street with a good vantage point of the entire event. He described the person on the bike as an African American male. When he first saw the male biking by, B.W. did not see the male with anything in his hands. He noticed the male had both hands on the handlebars of the bike.

After hearing the first two gunshots go off, B.W. looked up and saw the male holding a gun in his hands. The male was pointing the gun at police officers and fired two shots at them. B.W. said the male was holding a pistol that was silver and black in color. He saw the male stop his bicycle with his feet on the ground. B.W. said he saw the male take a two-handed grip and fire at officers.

Once shots were fired, he saw police officers walk up to the male, check his pulse and attempt to render medical aid. He then saw an ambulance arrive on scene and load the male into the ambulance. B.W. believes he heard two pistol shots first followed by six to eight rifle shots. The only people he saw holding rifles were police officers.

Interview of H.T.

On November 9, 2024, H.T. and her husband were working on a house located at 5** Bay Street and Watson Avenue in Saint Paul, Minnesota. Her husband was chatting with some kids in the area when she saw a male on a bicycle who stopped and asked her husband what he was doing.

H.T. got out of her car and walked down the alley towards the street, walking closer to her husband. She could hear her husband tell the male that he was talking with kids. She could hear

the male ask her husband what he was doing in the area. She heard her husband say that he was there fixing lights on a house.

H.T. said she then saw the male pull a gun out from his right hip area and shoot three times. She could see the smoke of the male's gun while he shot it. She then heard about six or seven more shots after the initial three shots that the male made. She saw the male get shot in the head and fall. She saw police put the male onto a stretcher and load the male into an ambulance and leave. She initially thought that the male shot her husband and was relieved to learn that her husband was not shot.

Interview of A.T.

On November 9, 2024, A.T. and his wife, H.T., were at 5** Bay Street to install motion detector lights for the owner of the house. A.T. is a handyman, and as he was waiting to be let into the house by the owner's son, he walked down the alley towards Watson Street. There he saw a male who had brown colored skin on a mountain bike cycling down Bay Street. He thought the male was the owner of the house's son.

A.T. said the male said hello to him, and he started walking towards him. A.T. then heard squad cars accelerating towards the male and his location. He then heard a barrage of shots being fired. It sounded like firecrackers to him. He then saw the male fall off the bicycle and saw officers run past him towards the male. It was at that time he knew the sounds weren't fireworks but rather they were gunshots.

The officers then rushed A.T. away from the scene. His wife H.T. ran over to him worried that he had been shot. He learned from H.T. that she saw the male wielding a gun. A.T. then looked down to where the male had fallen and saw that the male indeed did have a gun. He saw paramedics and an ambulance take the male away from the scene.

Interview of R.G.

On November 9, 2024, R.G. was at his home of 5** Bay Street in Saint Paul, Minnesota. He was babysitting his little sister. His dad told him that there was a handyman outside of the house. The handyman was there with his wife and the two of them were fixing some lights attached to the house. The repairman knocked on their door, but he did not hear the repairman knocking. That's when his dad called him to let the repairman in.

R.G. said he looked out of a second story window and saw a man walking by the garages of his home. R.G. said he saw the man pull out a dark-colored handgun and then heard multiple gunshots. He did not see the man fire the gun, because the moment that he saw the gun in the man's hands, he ran away from the window and to his little sister's room to make sure she'd be safe. Once at her room, they both were terrified because they thought the man would try to invade their house. R.G. had never seen the man before and did not know who got shot only that several shots were fired. He and his sister were not injured.

Written Statement of Saint Paul Police Officer Matthew Foy

In a written statement provided to BCA investigators, Officer Matthew Foy stated that on November 9, 2024, he was assigned to a day shift patrol in the central district in the city of Saint Paul. He was working a 7 A.M. to 5 p.m. shift. At about 12:41 p.m., he and Saint Paul Officers Matthew Johnson and Jon Coney were dispatched to the address of 426 Osceola Avenue South in the city of Saint Paul for an alarm and a possible burglary.

While keeping perimeter at the site of possible burglary, Officer Foy overheard 911 Dispatch ask the central supervisor, Sergeant Slagter, if he could investigate a warrant call nearby his location. Officer Foy then looked at the details of the warrant call and learned an anonymous 911 caller was reporting a male who was wanted for murder was currently outside the laundromat located across the street from the Speedway Gas Station. The caller identified the suspect as Mr. Stowers. The caller reported that the suspect, Mr. Stowers, was riding a black bicycle and seen wearing all black with a face mask.

Officer Foy stated he immediately recognized Mr. Stowers' name as a wanted suspect in a recent homicide that occurred in Saint Paul, in which an adult female and her unborn child had been shot to death. Officer Foy also knew that Mr. Stowers was a suspect in a carjacking that occurred minutes after the homicide where a male had been shot. Additionally, Officer Foy knew that the firearm used in the murder and carjacking had not yet been recovered and learned that Mr. Stowers had been recently seen with a gun.

Officer Foy also knew that an arrest warrant had been issued for Mr. Stowers for 2nd Degree Murder and that Mr. Stowers had been recently released on parole for committing a different homicide in 2008. Officer Foy was aware that Mr. Stowers had made comments to others that he was not going back to prison and that he was going to kill other people and shoot at the police.

After reading the warrant call and remembering all the information about Mr. Stowers, he asked his fellow officers who were on the burglary call to turn their attention to the warrant call involving Mr. Stowers. All officers agreed that Mr. Stowers' warrant call should take priority over the burglary. Officers agreed to stage in an area close to the gas station to set up a plan before approaching Mr. Stowers.

Officer Foy asked responding SPPD officers to meet for a briefing in the Hot City Pizza parking lot located at 1017 7th Street West, Saint Paul. While at the staging area, the responding officers learned that Mr. Stowers had a sister who lived near the laundromat and that his DOC arranged reentry housing was also in that neighborhood. It was decided by the officers that taking Mr. Stowers into custody at the laundromat would be too risky since they were not able to accurately determine how many civilians were inside the business.

The officers developed a plan to double-up two officers to a squad car and to utilize all tools necessary, including less lethal munitions, rifles, ballistic shields and helmets. Officer Foy removed his AR-15 rifle from the squad car holder and charged it by putting one round in the chamber. He asked Officer Eric Jarworks to be his squad partner.

At about 1:43 p.m., SPPD Sergeant Lentsch aired over the radio that a black Nissan Altima had pulled up to the laundromat. A male dressed in all black on a bicycle approached the vehicle. A short time later the vehicle left, and the male began biking away from the laundromat. Officer Foy believed that the male on the bicycle was Mr. Stowers and was worried that the driver of the Nissan Altima was an associate of Mr. Stowers. Officer Foy instructed squads to stop the Nissan Altima.

Sergeant Lentsch aired over the radio that Mr. Stowers was now leaving the laundromat riding his bike into the neighborhood. The responding officers decided that they needed to make contact with Mr. Stowers before he moved into the residential neighborhood. Officer Foy drove his squad car to the area, with Officer Jaworski in the front passenger seat. Officer Jaworski was armed with Officer Foy's AR-15 rifle, and it was his responsibility to provide protection for the two officers while Officer Foy would focus on driving, operating the radio, and searching for Mr. Stowers.

Officer Foy stated he drove westbound on 7th Street down in front of the Quick Wash Laundromat but did not see Mr. Stowers. Not seeing anyone fitting the description of Mr. Stowers, he turned and headed towards Bay Street. He then he saw Mr. Stowers riding a bicycle about one block south of 7th Street West from the intersection of Bay Street. Officer Foy turned southbound on Bay Street from 7th Street with the intention of driving only close enough to Mr. Stowers to see his face and confirm the male was in fact Mr. Stowers. As he drove their fully marked SPPD squad vehicle southbound on Bay Street, he saw Mr. Stowers make a circular loop with his bicycle and stop on the east side of the street. Officer Foy stated at that point he and Officer Jaworski were about 75 to 100 feet away from Mr. Stowers. Officer Foy saw that there was a male by the fence while Bay Street to the south appeared to be clear of civilians.

Officer Foy said he saw Mr. Stowers immediately pull a handgun from the area of the right side of his waistband with his right hand. The handgun appeared to be green in color and looked larger than his police-duty-issued Glock 17 pistol. Officer Foy noticed Mr. Stowers' handgun appeared to have an extended barrel and magazine.

Officer Foy stated he saw Mr. Stowers raise his handgun up with both hands and point it directly at him and Officer Jaworski. Officer Foy stated he knew from his training and experience that any bullet regardless of the caliber can cause death or great bodily harm if a person is struck with it. As a result, Officer Foy knew that if Mr. Stowers fired his gun at Officer Jaworski and him, they could be severely injured or killed. Officer Foy stated at that moment he feared he was going to be shot by Mr. Stowers and potentially be killed. Officer Foy stated he also was in fear that other officers and civilians could be killed or severely injured.

Officer Foy saw that Officer Jaworski had the barrel of his rifle on the dashboard. Officer Foy then heard several loud gunshots and saw the windshield of their squad shattering. He believed that Mr. Stowers had shot at them. Officer Foy stated he believed at that very same time Officer

Jaworski was firing his rifle at Mr. Stowers. Officer Foy said he believed that Mr. Stowers was shooting at them and attempting to kill them. Officer Foy immediately put their squad car in park and opened his driver's side door, quickly exiting the squad car.

Officer Foy took lateral steps to his left and drew his department-issued handgun, pointing it at Mr. Stowers. Officer Foy stated his goal was to draw Mr. Stowers' attention away from Officer Jaworski. Fearing for his life and the life of others, he began firing rounds from his handgun at Mr. Stowers. He saw Mr. Stowers fall to the ground, so he stopped shooting.

Mr. Stowers had fallen on top of his handgun, making it difficult to determine if Mr. Stowers still had possession and control of the gun and was still a threat. Officer Foy at this point believed he had fired four rounds from his handgun at Mr. Stowers. Officers approached Mr. Stowers, secured his weapon and immediately began providing medical aid to him. Officer Foy checked on Officer Jaworski and learned that he had not been shot or injured. Officer Foy then checked to see if he was injured and learned that he was not shot or hurt. He then reported to Sgt. Slagter to provide a public safety statement.

Written Statement of Saint Paul Police Officer Eric Jaworski

Officer Jaworski also provided a written statement to BCA investigators. He said that on November 9, 2024, at about 12:50 p.m., he was on patrol wearing his department-issued uniform. Officer Jaworski stated he was driving a marked squad car and working his regular shift when he was dispatched to a potential burglary at 426 Osceola Avenue South. While on that call, he heard over the radio dispatch request for supervisors to look at a warrant call that was pending. Supervisors requested assisting squads from other districts to help them with the warrant call. Officer Jaworski learned that the warrant call was only a few blocks from his current location at a laundromat located at 1148 7th Street West. Officer Jaworski also learned that the warrant call was for a male by the name of Stowers (herein Mr. Stowers), who was wanted for murder and multiple other charges.

He and several officers met with other officers at a staging area in an empty parking lot located on 7th Street West and Randolph Avenue, Saint Paul. While at the staging area officers discussed safety precautions and plans on how to safely apprehend Mr. Stowers. At the staging area, Officer Jaworski learned an anonymous caller stated that Mr. Stowers was near the laundromat. Officers also discussed that Mr. Stowers was wanted for two murders that resulted in the death of his unborn child and the mother who carried the child. Officer Jaworski learned Mr. Stowers was mostly likely armed, since the firearm used in the two previous murders was never recovered. Officer Jaworski then looked up the details of the warrant and learned that Mr. Stowers was wanted for second degree murder. Officer Jaworski looked up Mr. Stowers' photo and became familiar with his face. Having learned these details Officer Jaworski felt that the potential for threat of gunfire was high.

He heard Sgt. Lentsch air over the radio that a sedan had driven up to the laundromat and that a male matching Mr. Stowers' description was in the area. Sergeant Lentsch aired that the male was riding a bicycle and had briefly chatted with a female. The female was associated with the

sedan. The conversation was brief, and the female was now driving away from the laundromat. Sergeant Lentsch aired that Mr. Stowers was riding his bicycle away from the business and into the neighborhood. Officers agreed that they needed to act immediately as they did not want to lose Mr. Stowers in a heavy residential area. Officer Foy asked Officer Jaworski to ride with him as his front passenger. Once he got into the passenger seat, he saw that Officer Foy had placed a department issued rifle on the passenger seat. He took the rifle and racked a round into the chamber to make sure it was live and loaded.

When he did so, a live round ejected from the chamber; he did not know that Officer Foy already had charged and loaded the rifle. Officer Jaworski also confirmed a red dot sight was activated on the rifle. Prior to leaving the parking lot, he confirmed with Officer Foy that they both should activate their Body Worn Cameras. Officer Foy drove towards the area of Bay Street and Watson Avenue. Officer Jaworski said he could see a male matching the description of Mr. Stowers. Mr. Stowers was riding a bicycle in a zigzag pattern with his back to Officers Foy and Jaworski. From that moment on the situation developed very quickly. Officer Jaworski saw Mr. Stowers look back at him and Officer Foy. Mr. Stowers then quickly spun his bicycle to his left and faced towards their direction and dropped the bicycle between his legs. Mr. Stowers with his right hand then quickly reached inside his jacket near the waistband area of his body. Officer Jaworski did not see anyone in the background of Mr. Stowers. However, there was an unknown male standing on the sidewalk near a wooden fence.

Officer Foy brought their squad car to a stop on Bay Street near the intersection of Watson Avenue. Mr. Stowers pulled out a handgun and raised it, aiming the gun at him and Officer Foy. At that time Officer Jaworski stated he moved the front of his rifle from pointing at the engine block of the squad car to a ready position; he took his right trigger finger from the side of the trigger well and moved it to the trigger. He unlocked the safety of the rifle with his right thumb that was holding the grip of the rifle. He immediately responded to what he perceived as a deadly threat by Mr. Stowers. Mr. Stowers was pointing a firearm in his direction. Officer Jaworski stated he had to react in that moment and was not able to get out of the squad car as he feared his life and Officer Foy's life would be compromised if he took extra time to exit the passenger seat of the squad. He took aim at Mr. Stowers and as soon as he could see the red dot sight aligned in the area of Mr. Stowers' center mass, he pulled the trigger firing through the windshield of Officer Foy's squad car. He fired what he remembers three to four times.

Officer Jaworski stated on the second or third shot Mr. Stowers' sudden jerk indicated he may have been struck by one of the shots fired at him. Nevertheless, Mr. Stowers did not drop his gun, and it appeared as if he was trying to raise it again. Still fearing for his life and recognizing that his first few rounds could've been deflected by the windshield and because Mr. Stowers was still presenting a deadly threat, Officer Jaworski fired his rifle one more time. This round was fired about one second after the initial volley of fire. Officer Jaworski then watched Mr. Stowers spin and fall to the ground. Officer Jaworski then exited the squad and saw Officer Foy fire two rounds at Mr. Stowers. He believes that one round hit the sidewalk and the other struck Mr. Stowers' torso. Not knowing if they were safe or not, he decided to move closer to Officer Foy

and determine next steps. As he got closer to Officer Foy, he saw the unknown male civilian standing on the sidewalk near Officer Foy's location. That civilian was given commands to get back.

Officer Jaworski stated several officers arrived on scene and took over. He and Officer Foy reported to their supervisors and provided public safety statements prior to returning to Saint Paul Police Department headquarters.

Written Statement of Sergeant Stephen Lentsch

SPPD Sergeant Lentsch provided a written statement to BCA investigators. He stated that on November 9, 2024, he was working as a canine supervisor assigned to the afternoon shift that spans the hours of 1 p.m. through 11 p.m. He was on a burglary call when he learned there was another call nearby related to a wanted person. He learned the wanted person was Mr. Stowers, whom he knew was a wanted person based on bulletins that had been distributed throughout SPPD headquarters.

Specifically, Sergeant Lentsch knew that Mr. Stowers was wanted for murder, carjacking and a shooting. He knew that the firearm used by Mr. Stowers in these past crimes had not yet been recovered. He looked at the warrant call and learned it was located at a nearby laundromat. He and SPPD Officer Whitney left the burglary call and headed towards the warrant call. It was then he decided since he was operating an unmarked squad car that he would go to the laundromat to do surveillance. He took the time to turn his jacket inside out to cover up any police patches that may give away the fact that he was law enforcement.

Sergeant Lentsch stated that he was concerned that if he were spotted by Mr. Stowers that he would flee or take dangerous steps to evade arrest. Once at the scene, he made several passes driving in front of the laundromat but could not see completely inside the business. He saw a female and young child walk into the laundromat, but he did not see anyone matching Mr. Stowers' description. As he made some more passes in the area, he saw a black female in a sedan drive up to the laundromat.

Sergeant Lentsch then saw a male, later identified as Mr. Stowers, riding a bicycle. He stated that Mr. Stowers approached a black female, and following a brief conversation with him, she entered her vehicle and drove away. Mr. Stowers then entered the laundromat briefly and then exited riding his bicycle southbound on Watson Avenue towards the intersection of Bay Street. He aired over the radio that he would follow Mr. Stowers and update officers on Mr. Stowers' location. As he followed Mr. Stowers, he saw him stop at the mouth of the alley on Bay Street about one house away from the Watson Avenue intersection and saw him talking to another male.

Sergeant Lentsch did not approach Mr. Stowers as he was in an unmarked squad. He knew that several marked squad cars would soon arrive to the location with officers who were wearing fully marked police uniforms. He wanted Mr. Stowers to know that it was the police who were approaching him. It was not his role to approach Mr. Stowers as he was alone and in a surveillance capacity.

As two officers approached Mr. Stowers in a SPPD vehicle, Sergeant Lentsch said he saw Mr. Stowers raise a handgun and point it at the officers. He then gunshots immediately go off and saw Mr. Stowers fall to the ground. He did not know which officers shot since his entire attention was focused on Mr. Stowers. He exited his vehicle and approached the area of the shooting.

Several other officers immediately arrived, and they formed a contact team to approach Mr. Stowers. Once they walked up to Mr. Stowers, officers rolled him over. It was at that point Sergeant Lentsch saw that Mr. Stowers' handgun was still near his hand. Sergeant Lentsch removed the gun and kicked the magazine away from Mr. Stowers' reach. Sergeant Lentsch stated he then called for medics to enter the scene. He was informed by Officer Foy and Officer Jaworski that they both discharged their weapons at Mr. Stowers.

Sergeant Lentsch stated that he saw officers providing medical aid to Mr. Stowers until medics arrived on scene and took over lifesaving measures.

Statement of Saint Paul Police Department Range Master Cohlman Rutschow

On November 21, 2024, SPPD Firearms Range Master Rutschow told BCA investigators that he was with the Saint Paul Police Department unit for the past six years and said his current title was Ranger Master in charge of training in the firearms unit. At the time of the interview, he'd been with the police department for over 13 years.

Range Master Rutschow said that a portion of firearms training addresses the issue of when an officer encounters a deadly threat while in or around their squad car. One of the topics in that section of training covers what happens to the bullet if it is shot into a windshield or out of a windshield. His firearms training unit has fired test rounds through squad windshields from inside and outside of squad cars in the past. They then incorporated the firing of bullets through windshields into the firearms training of SPPD officers in a classroom and situational awareness format.

Range Master Rutschow said that the Saint Paul Police Department Use of Force Policy does not prohibit an officer from firing through a car windshield. Officers are encouraged that they should not fire through windshields, when possible, unless there is a deadly threat that needs to be met, then their training is to stop the deadly threat as fast as they can. Plainly put, officers are trained if they need to shoot out of their windshield to address a deadly threat there is no rule or prohibition against doing so.

C. Surveillance Camera Footage

Quick Wash Laundromat 1148 7th Street West,
November 9, 2024, Time 12:42 p.m. through 1:29:55 p.m.

Video footage recovered from the Quick Wash Laundromat showed Mr. Stowers in and out of the business. He is wearing checkered pants, a large black coat, a face mask, and he has a

bicycle with him. He is also seen wearing a backpack. Mr. Stowers matches the description of the anonymous caller. Civilians are also observed doing their laundry. At one point a woman and child are also present in the business.



D. Squad Car Camera Footage

Summary of Officer Foy's Squad Car Camera Footage of November 9, 2024, Time Stamp 13:45:45 - 13:47:10 p.m.

Officer Foy is in the driver seat with Officer Jaworski in the front passenger seat. There is conversation between the two of them regarding the department-issued AR15 rifle being loaded and "hot" meaning equipped with a live round in the chamber. Officer Foy is seen leaving the staging area parking lot. They drive from the staging area, Hot City Pizza located at 1017 7th Street West, Saint Paul, to the area where they encounter Mr. Stowers, takes them exactly tens second to get there. At 13:46:53, they arrive on Bay Street, and they travel southbound towards Watson Avenue. Mr. Stowers can be seen on his bicycle riding with his back to the officers. He is in the middle of Bay Street just to the south of the intersection with Watson Avenue. The engine of the squad car can be heard accelerating. As Officers Foy and Jaworski drive past the intersection of Watson Avenue, Mr. Stowers can be seen turning his bicycle around to face the oncoming squad. There is a male civilian (herein A.G.T.) standing on the east sidewalk. He is to the left of the squad car camera on Officer Foy's driver's side. At 13:47:02 seconds, Mr. Stowers has turned directly at

the officers. He is still on his bicycle and is located about two and a half car lengths from the officers. A.G.T. is seen facing directly at Mr. Stowers. A.G.T. is on the sidewalk near a wooden fence and is between the officers and Mr. Stowers. Between 13:47:02 and 13:47:09, the following sequence of events can be seen. Mr. Stowers produces a handgun from his waistband with his right hand. Mr. Stowers then places his right foot down onto the ground and keeps his bicycle between his legs. He then takes his other hand and grips his firearm with both hands. He levels his gun at officers. Officer Jaworski simultaneously fires five rounds from the AR15 rifle he is holding at Mr. Stowers. The squad car's glass windshield can be seen breaking and shattering. Mr. Stowers falls off his bicycle still holding his gun in his right hand. Mr. Stowers, as a result of being shot, spins and falls to the ground. He falls on top of the gun he's holding. Officer Foy exits the squad car and fires four rounds. From the time officers arrived at the intersection of Bay Street and Watson Avenue to the time Mr. Stowers aimed his gun at officers to when Mr. Stowers was shot, the entire sequence of events took less than 10 seconds.





E. Body Worn Camera Footage

Body Worn Camera of Saint Paul Officer Eric Jaworski

Date and time stamp of November 9, 2024, 1:46:03 p.m.

The video is 5 minutes and 17 seconds (05:17) in length.

00:00: Officer JAWORSKI was standing outside of a squad.

00:30: Audio began, and Officer JAWORSKI got into the passenger side of a squad.

00:59: Officer JAWORSKI raised his rifle, and several shots could be heard.

01:03: As Officer JAWORSKI exited the squad, several more shots could be heard.

01:06: Officer JAWORSKI yelled, "Shots fired, shots fired" as he exited the squad and advanced to where MYCHEL STOWERS was laying on the sidewalk.
01:40: Officer JAWORSKI stated they were the shooters, and he was escorted from the main scene.
03:47: Officer JAWORSKI was read the public safety statement. Officer JAWORSKI stated he shot to the east. Officer JAWORSKI stated there was one witness by the fence.

05:17: End of video.

Body Worn Camera of Saint Paul Officer Matthew Foy

Date and time stamp of November 9, 2024, 1:46:05 p.m.

The video is 6 minutes and 18 second (06:18) in length.

00:00: Officer FOY was getting into a squad.
00:30: Audio began. Officer ERIC JAWORSKI was in the passenger seat with a riffle in his lap.
00:57: Officer FOY raised the riffle up to the windshield and fired several shots.
00:59: Officer FOY stopped the squad car and exited the squad car.
01:01: Officer FOY drew his duty weapon and pointed it in the direction of MYCHEL STOWERS who was laying on the ground by a bike.
01:02: Officer FOY fired several rounds in the direction of STOWERS.
01:09: Officer FOY aired that shots were fired.
01:23: Officer FOY directed other officers to back up due to no coverage.
01:44: Officer FOY and Officer JAWORSKI removed themselves from the immediate area. Officer FOY told Officer JAWORSKI that he shot through the windshield, and they needed to check him.
02:45: Officer FOY stated he did shoot at him.
04:04: Officer FOY gave Officer MATTHEW JOHNSON his wife's cell phone number.
04:34: Ambulance arrived on scene.
04:59: Officer FOY stated he did shoot through the windshield.
05:10: Officer FOY was read the public safety statement. Officer FOY stated he shot south.

06:18: End of video.

F. Toxicology Results

Toxicology testing and analysis of Mr. Stowers' blood showed the presence Midazolam (18 ng/ml), delta-9 THC (1.3 ng/ml) and fentanyl (0.44 ng/ml).

G. DNA Taken from Mr. Stowers' Handgun

A CANIK TP9 SFX 9mm handgun and loaded magazine of 20 cartridges was recovered from the spot where Mr. Stowers fell to the ground. The handgun was black in color with a gray colored handgrip. Samples were taken from the handgrip and trigger of the gun, and DNA profiling was conducted on the samples by the BCA Crime Lab. The DNA profile taken from the handgrip was interpreted as a mixture originating from five individuals. The major male DNA profile of the sample taken from the gun's handgrip matches Mr. Stowers. The DNA profile taken from the trigger was interpreted as a mixture originating from four individuals. Mr. Stowers is indicated to be a possible contributor to the mixture. No spent cartridge cases or bullets fired by the handgun were recovered on the scene by investigators.

H. Firearms and Ballistics Evidence

The Bureau of Criminal Apprehension Crime Scene Team conducted a search of the scene. The team located a total of nine cartridge cases that were determined to be related to the incident. A tenth cartridge discovered by a neighbor around the scene was located but determined not to be related to the incident. Mr. Stowers was found with a CANIK55 TP9 SFX 9-millimeter caliber pistol bearing serial number T6472-23BC08487. A trace of the serial number showed the firearm was ordered from T & M Shooting Sports Inc, Little Falls, Minnesota, from a business named Bill Hicks & Co LTD. Analysis of the United Postal Service tracking number associated with the order showed the firearm box arrived on November 21, 2024, with the shipment box seals broken and opened when delivered with the pistol missing. A review of the order sheet read "Didn't receive firearm, reported to Bill Hicks as missing."

Officer Foy was equipped with a department issued Glock model 17, 9-millimeter caliber pistol. Ballistics analysis showed Officer Foy fired four rounds from his department-issued firearm. Officer Jaworski was equipped with a department-issued Nordic Components AR15 Rifle equipped with .223 caliber rounds. Ballistic analysis showed Officer Jaworski fired six rounds with the rifle.

Analysis of the crime scene showed the squad car driven and occupied by Officers Foy and Jaworski had structural damage to the windshield. The glass was shattered, and three bullet holes could be seen. Examination of the bullet holes showed they were due to shots being fired from inside the squad car. Several rifle casings were located inside the squad in and near the front area passenger seat, a seat occupied by Officer Jaworski. Outside of the squad near the front of the vehicle, four 9-millimeter handgun casings were found. A search of the crime scene team revealed a bullet hole located in the residence of 729 Tuscarora Avenue. The bullet projectile that created the damage to the siding was recovered. The damage was located on the West side of the house, to the right of the residence entry door.

Two bullet holes were observed on the wooden fence located directly behind the area where Mr. Stowers was standing. The wooden fence is located on the west side of the residence covering the property line from the garage to the west-side-facing entry door. The bullet holes

showed an entrance and exit trajectory in and out of the fence. One bullet was in the siding of a business located at nearly two blocks away to the north of the crime scene. A determination of whether the bullet hole located at this business was related to the incident was inconclusive.

I. AUTOPSY

On November 10, 2024, Ramsey County Medical Examiner Kelly Mills, M.D., performed the autopsy on the body of Mr. Stowers and determined Mr. Stowers died due to multiple gunshot wounds. Gunshot wound number one, the most critical wound entered from the left side of Mr. Stowers' forehead and exited from to the right of Mr. Stowers' forehead. Gunshot wound number two was to Mr. Stowers left thumb, causing soft tissue damage. No bullet or bullet fragments were recovered from either wound tract.

IV. LEGAL ANALYSIS AND RECOMMENDATION

A. Applicable Law

Minnesota Statute, Section 609.066, subdivision 2(a)(1)(i)-(iii) and (2), provides that the use of deadly force¹ by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary:

(1) to protect the peace officer or another from apparent death or great bodily harm, provided that the threat:

(i) can be articulated with specificity;

(ii) is reasonably likely to occur absent action by the law enforcement officer; and

(iii) must be addressed through the use of deadly force without unreasonable delay; or

(2) to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force; or

¹ Minnesota Statutes, Section 609.066, subdivision 1, defines "deadly force" as "force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm, other than a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force."

(3) to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause (1), items (i) to (ii), unless immediately apprehended.”

Additionally, Minn. Stat. Sec. 609.066, subd. 2(b) requires that:

“...[a] peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (a), clause (1), items (i) to (iii).”

In 2020, the Minnesota Legislature, pursuant to Minn. Stat., Section 609.066, Subd. 1a(1)-(4), declared the following to be the legislative intent regarding the authorized use of deadly force by peace officers:

“(1) that the authority to use deadly force, conferred on peace officers by this section, is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law;

(2) as set forth below, it is the intent of the legislature that peace officers use deadly force only when necessary in defense of human life or to prevent great bodily harm. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case;

(3) that the decision by a peace officer to use deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using deadly force; and

(4) that peace officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers."

When interpreting the meaning of a statute, a court's primary goal is to "interpret and construct laws so as to ascertain and effectuate the intention of the legislature." Lietz v. Northern States Power Co., 718 N.W.2d 865 (2006)

To bring charges against a peace officer for using deadly force in the line of duty, a Minnesota prosecutor must be able to prove beyond a reasonable doubt that the use of force was not justified.²

The United States Supreme Court has recognized in the case of Tennessee v. Garner, 471 U.S. 1 (1985), that the use of deadly force by a peace officer is justified where the officer has probable cause to believe that the suspect poses a threat of serious bodily harm either to the officer or to others. In Graham v. Connor, 490 U.S. 386 (1989), the Court further held that an objective reasonableness standard should be used to evaluate an officer's use of force. The determination of reasonableness requires "careful attention to the facts and circumstances of each particular case."

In Graham, the Court outlined a non-exhaustive list of factors for balancing an individual's rights versus an officer's rights. The Court identified several factors, including: 1) the severity of the crime at issue; 2) whether the suspect poses an immediate threat to the safety of the Two Officers or others; and 3) whether the suspect was actively resisting arrest or attempting to evade arrest by flight. The Court also made clear that whether an officer used reasonable force "must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." The Court held that allowance should be made for the fact the law enforcement officers are often required to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. See also, City and County of San Francisco v. Sheehan, 575 U.S. 600, 615, 135 S.Ct. 1775, 1776-77 (2015); see also, Barnes v. Felix, 605 U.S. ___, ___ S.Ct ___, 2025 W.L. 1401083 (May 15, 2025).

Most recently, the Court in Barnes held that the "totality of circumstances' inquiry has no time limit." Specifically, the Court explained that "... the situation at the precise time of the shooting will often be what matters most; it is, after all, the officer's choice in that moment that is under

² RCO charging guidelines provide that charges should only be filed in a criminal case "when credible admissible evidence creates a reasonable probability of obtaining a conviction at trial." This is similar to both the American Bar Association's Minimum Requirements for Filing and Maintaining Criminal Charges 3-4.3(a) ("A prosecutor should seek or file criminal charges only if the prosecutor reasonably believes that the charges are supported by probable cause, that admissible evidence will be sufficient to support conviction beyond a reasonable doubt, and that the decision to charge is in the interests of justice) and the National District Attorneys Association Charging Standard 4-2.2 ("a prosecutor should file charges that...[the prosecutor] reasonably believes can be sustained by admissible evidence at trial").

review. But earlier facts and circumstances may bear on how a reasonable officer would have understood and responded to later ones... Taking account of that context may benefit either party in an excessive-force case. Prior events may show, for example, why a reasonable officer would have perceived otherwise ambiguous conduct of a suspect as threatening. Or instead, they may show why such an officer would have perceived the same conduct as innocuous. The history of the interaction, as well as other past circumstances known to the officer, thus may inform the reasonableness of the use of force.” Barnes, 605 U.S. ___, ___S.Ct___, 2025 W.L. 1401083 at 4.

B. Analysis and Recommendation – The Use of Deadly Force by the Two Officers Against Mr. Stowers Was Necessary and Justified Under Minnesota Law

After carefully considering the evidence in this case and the objective legal standard recognized by the U.S. Supreme Court and Minnesota law, we believe, for the following reasons, that the use of deadly force by the Two Officers against Mr. Stowers was objectively reasonable under each of the situations set forth in Minnesota Statutes, Section 609.066 subdivisions 2(a)(1)(i)-(iii) and (b) and thus was necessary and justified.

Circumstances Known to the Two Officers at the Time They Used Deadly Force Against Mr. Stowers

At the time they used deadly force against Mr. Stowers, the Two Officers knew the following:

- That Mr. Stowers was a fugitive defendant in a pending criminal case in which he was alleged to have committed both a double-murder and a violent carjacking 17 days earlier on October 24.
- That he had been paroled from prison in March 2025 following his conviction for a 2008 murder, and that he had made statements since his release from prison that were reported to law enforcement he was “not going back to prison” and that he was “going to shoot it out with police.”
- That a citizen had reported to law enforcement that Mr. Stowers was seen in possession of a firearm sometime after the October 24 double-murder and carjacking.
- That approximately 35 minutes before they confronted Mr. Stowers, they were informed that a male believed to be Mr. Stowers and matching his general physical description was seen both inside and outside the Quick Wash Laundromat with a bicycle and wearing a face mask, a dark colored jacket and pajama-like pants.
- That it was very likely that the reported presence of Mr. Stowers in that area was accurate given that both the transitional housing provided to Mr. Stowers, by the Minnesota Department of Corrections following his March 2024 parole, and the home of his sister were located nearby the laundromat.

Mr. Stowers Posed an Immediate Deadly Threat to the Two Officers and Their Use of Deadly Force Against Him Was Necessary and Justified Under Minnesota Law

In their respective written statements, the Two Officers articulated with specificity that as they approached Mr. Stowers in their police vehicle, they each saw him pull a handgun from the right side of his waist area and point it at the officers. These statements of the Two Officers are consistent with and corroborated by the ICC video taken from the police vehicle driven by Officer Foy. That video shows that as Officer Foy is driving his clearly marked SPPD vehicle towards Mr. Stowers, he gripped his handgun with both hands in a manner resembling a shooter's position and pointed it at the Two Officers, compelling Officer Jaworski to rapidly fire his rifle five times at him from inside the moving vehicle.

The ICC video further shows that between the fourth and fifth shots fired by Officer Jaworski, Mr. Stowers turned away from the Two Officers with the gun still in his hands and took a few steps in the opposite direction of them. Immediately after the fifth shot, Mr. Stowers fell forward to the ground and his handgun can be seen falling underneath his body making it no longer visible to the Two Officers. Because Mr. Stowers fell to the ground with his backside facing the Two Officers, they were unable to know whether Mr. Stowers retained possession of his handgun and thus remained a threat to them. Approximately one second after Officer Jaworski fired his fifth shot, Officer Foy stopped and then exited the driver's side of the police vehicle and quickly fired four times at Mr. Stowers with his 9mm handgun.

The ICC video also makes clear that there was no opportunity for the Two Officers to either issue verbal warnings to Mr. Stowers or exercise other de-escalation measures prior to their use of deadly force. To do so would have unduly placed the Two Officers at risk of death or great bodily harm.

That Mr. Stowers pointed a handgun at that moment was also corroborated by statements provided to BCA investigators by three lay witnesses: H.T., B.W. and R.G.

H.T. was standing in the alley very close to where Mr. Stowers was when the shooting occurred. H.T. said she "could see everything" as it related to Mr. Stowers at that time. H.T. said that she saw Mr. Stowers riding his bike and briefly talk to her husband, A.T. She said Mr. Stowers then turned around on his bike, pulled a black handgun from his right hip area and fired it three times. H.T. did not see the Two Officers but then heard 6-7 more gunshots and she feared that A.T. was shot, since he was in the general direction of the area where Mr. Stowers pointed his gun.

B.W. was approximately 240 feet away from the scene of the incident unloading items from the elevated bed of his truck. He told investigators that he heard the first two shots then looked up and saw Mr. Stowers aiming a handgun at the Two Officers with a two-handed grip. Like H.T., B.W. believed that Mr. Stowers also fired shots at them. B.W. further said that he then heard 6-8 additional gunshots that sounded different than the first two shots that he believed were fired by Mr. Stowers.

R.G. lived in the house in which A.T. was hired to repair some lights. The house was adjacent to where Mr. Stowers was shot. R.G. was in a second story room and while looking outside from a window in that room he saw Mr. Stowers riding his bicycle. R.G. saw Mr. Stowers briefly interact with A.T. and then said Mr. Stowers moved to where the alleyway intersected with the street behind R.G.'s house. R.G. said that he then saw Mr. Stowers pull out a dark colored gun, causing R.G. to move away from the window and run to his sister's bedroom. He then heard gunshots, and he eventually looked out of the window and saw police officers in the area.

In this case, the issue of the immediacy of the threat from Mr. Stowers depends on how his actions would be perceived by a reasonable officer in this factual setting and with the foregoing knowledge. Specifically, would a reasonable officer believe that Mr. Stowers was imminently going to shoot? We believe that under the facts of this case, including the knowledge of details involving Mr. Stowers fugitive status, any reasonable officer would view the act of Mr. Stowers pointing a handgun at them as they approached him in an identifiable SPPD vehicle as presenting an unambiguous deadly threat to them necessitating an immediate response to stop the threat.

The Two Officers were particularly vulnerable to the above-referenced threat since Mr. Stowers was approximately only 50-75 feet away from the front of their vehicle at the time he aimed his gun at them with a direct line of fire towards their windshield.

Since he was still driving the vehicle, Officer Foy was not in an immediate position to defend himself with his firearm, thus further compelling Officer Jaworski's decision to shoot at Mr. Stowers from the inside of the vehicle through the windshield. This decision by Officer Jaworski conformed with both the SPPD Use of Force Policy and the training discussions referenced by SPPD Range Master Cohlman Rutschow regarding when officers may use deadly force by shooting through the windshield from inside a police vehicle.

Approximately one second after Officer Jaworski fired his fifth shot, Officer Foy stopped the vehicle and exited the driver's side of the police vehicle. He stated that he moved laterally to his left, drew his handgun and pointed it at Mr. Stowers. He further stated that his goal was to draw Mr. Stowers' attention away from Officer Jaworski and to protect both him and his partner from death or great bodily harm. Because Mr. Stowers was laying on the ground with his backside towards the Two Officers, Officer Foy was unable to see the location of Mr. Stower's handgun and he could not determine whether Mr. Stowers was still in control of it and thus remained a threat to them. He quickly fired four times at Mr. Stowers with his 9mm handgun. Like with Officer Jaworski, we believe that Officer Foy's decision to use deadly force under these

circumstances, specifically the imminent threat posed by Mr. Stowers, coupled with Officer Foy's proper consideration of Mr. Stowers' ability and opportunity to act on that threat, also conforms with SPPD Use of Force Policy.³

Our Recommendation

Based on the foregoing circumstances, we are of the opinion that the Two Officers reasonably believed that that use of deadly force by Mr. Stowers was imminent. We are of the further opinion that the Two Officers reasonably believed that firing their respective weapons at Mr. Stowers in response to that threat was necessary to defend themselves.

Accordingly, because we believe that the use of deadly force by the Two Officers against Mr. Stowers was justified under Minn. Stat., Sec. 609.066 subdivisions 2(a)(1)(i)-(iii) and (b), we recommend that no criminal charges be brought against the Two Officers related to his death.

³ Section 264.00 of the SPPD Officer Use of Force Policy, sets forth the following elements when evaluating deadly force situations:

"1. **Ability** - Ability exists when a person has the means or capability to cause grave injury, serious bodily harm or death to an officer or another. This may include, but is not limited to the person's physical ability, size, age, strength, combative skill, level of aggression, and any weapons in their immediate control.

2. **Opportunity** - Opportunity exists when a person is in a position to effectively resist an officer's control or to use force or violence upon the officer or another. Examples that may affect opportunity include relative distance to the officer or others, and physical barriers between the subject and the officer.

3. **Imminent Jeopardy** - Based upon all the facts and circumstances confronting the officer, the officer reasonably believes the individual poses an imminent threat to the life of the officer(s) or others and the officer must act immediately to prevent death or serious bodily injury."