



**PROSECUTING ATTORNEY  
BONNEVILLE COUNTY, IDAHO**

**RANDY NEAL**  
*Prosecuting Attorney*

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*Chief Deputy Prosecuting Attorney*

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## **MEMORANDUM**

February 13, 2026

*RE: Criminal Liability Review of Circumstances Related to  
Tri-County Sheriff's Investigation of Officer Involved Critical Incident 12/17/2025  
(Landon Smith)*

TO: Samuel Hulse, Sheriff, Bonneville County Idaho  
Dennis Wilkinson, Esq., Counsel for Deputies Stadtman and Penney

FROM: Randolph B. Neal, Prosecuting Attorney

I have reviewed videos, the scene, and the interviews conducted in the investigation referenced above for the purpose of determining whether any criminal laws were violated by the Deputy Kyle Penney and Deputy William Stadtman employed by the Bonneville County Sheriff's Office.

I have assumed the primary responsibility for this review after consultation with Paul Butikofer, the Prosecuting Attorney for Jefferson County, Idaho, in which some of the actions may have taken place. Based on Idaho Code § 19-304,<sup>1</sup> it was agreed that either prosecutor could have conducted this review, however, since the majority of the events occurred in or near Bonneville County, I would take the lead in drafting this review. Mr. Butikofer has reviewed this memorandum and concurs in its findings.

In fulfilling this duty of criminal review, it is not the Prosecutor's role to seek ways to justify law enforcement actions. I am not their advocate in these circumstances. The analysis begins with an objective and open mind. As the facts of this case were developed, however, and the applicable law researched, it became apparent that the overwhelming weight of the law leads to the conclusion that Deputy Penney and Deputy Stadtman bear no criminal liability for their actions.

For the reasons described below, I find no evidence to suggest that either officer committed a criminal offense in relation to the investigation described above, and further find their actions were **JUSTIFIED** as an act of self-defense.

## STANDARD OF CRIMINAL REVIEW

Pursuant to Idaho Code § 18-109, “a crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, [an enumerated] punishment.” Pursuant to Idaho Code §§ 19-505 and 19-506, in order to charge a crime, there must be sufficient facts which tend to establish there is probable cause to believe that an offense has been committed and that the defendant committed it. In other words, there must be both a prohibited act and sufficient evidence to establish probable cause to believe that an individual violated a law, which requires or proscribes an act, and provides for a punishment for committing or omitting the act.

## STATEMENT OF PERTINENT FACTS

1. In the early morning hours of December 17, 2025, deputies were looking for a vehicle which was operating recklessly in Bonneville County.
2. The vehicle, an orange Jeep, was operated by its sole occupant, Landon Smith.
3. Mr. Smith had reportedly been involved in a domestic violence incident in Madison County the night before.
4. At about 11 p.m. the night before, a deputy observed Mr. Smith swerving on the roadway.
5. When given the signal to stop, the vehicle failed to yield and after a short pursuit the deputy discontinued due to public safety concerns.
6. Around 5:30 a.m., a deputy observed the vehicle being operated recklessly on Ammon Road, but Mr. Smith evaded his pursuers.
7. Shortly thereafter, a sheriff’s detective in an unmarked vehicle observed the vehicle near the city of Ucon.
8. The detective was joined by three marked patrol units on County Line Road which divides Bonneville and Jefferson County.
9. As the vehicle was proceeding eastbound on County Line Road east of 85<sup>th</sup> East, Deputy Penney successfully conducted a Pursuit Intervention Technique (“PIT”) maneuver which spun Mr. Smith’s Jeep onto the northern shoulder of the road 4271 E. Countyline Rd., just north of the Jefferson County boundary.
10. When Mr. Smith attempted to drive back westbound onto County Line Road, he struck a Bonneville County Sheriff’s vehicle head-on.

11. A second Bonneville County Sheriff's vehicle operated by Deputy Stadtman came along the driver's side of the first patrol vehicle and struck the Jeep, preventing any further forward movement.
12. Dash camera footage clearly shows Mr. Smith drew a gun and held it to his own head, and when confronted by deputies, fatally shot himself.
13. As Deputy Penney exited his vehicle, which was to the rear and east of the Jeep, he heard the gunshot and saw glass debris come from the driver's window.
14. His reasonable perception was that the driver had fired in his direction.
15. As Deputy Stadtman exited his vehicle, he heard a shot and saw the flash of a gunshot inside the vehicle followed by the sound and flashes of additional gunshots.
16. His reasonable perception is that the driver was firing a gun either in his direction or the direction of Deputy Penney.
17. Both Deputy Penney and Deputy Stadtman fired their service weapons at Mr. Smith's vehicle, however it does not appear that any of their rounds struck Mr. Smith.
18. Initial indications are that the sole wound was to Mr. Smith's head, and that this wound was apparently self-inflicted.
19. A firearm was found near Mr. Smith's right hand and a single casing was found inside the vehicle.

#### STATEMENT OF THE LAW

An otherwise violent act is justifiable if a person was acting in self-defense and/or the defense of another.<sup>2</sup> In this case it reasonably appeared that at the time of the shooting there was an *imminent* threat toward Bonneville County Sheriff's Deputy Kyle Penney, Deputy William Stadtman and other deputies on scene.

If an act involving asserted self-defense results in death, the analysis proceeds under Idaho Code § 18-4009, which states in pertinent part, "Homicide is justifiable when committed by any person when resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person."<sup>3</sup> Essentially this permits self-defense with a deadly weapon only where the accused has reasonable cause to believe, and does believe, she (or a third person) is in danger of great bodily injury or death.<sup>4</sup>

Homicide is justifiable when committed by public officers when reasonably necessary in overcoming actual resistance in the discharge of any legal duty including preserving the peace. Use of deadly force is justified in overcoming actual resistance when the officer has

probable cause to believe that the resistance poses a threat of death or serious physical injury to the officer or others.<sup>5</sup>

In order to find that a person acted in self-defense, all of the following conditions must be found to have been in existence at the time of the use of deadly force:

1. A person must have believed that they were in imminent danger of death or great bodily harm.
2. In addition to that belief, a person must have believed that the action they took was necessary to save themselves from the danger presented.
3. The circumstances must have been such that a reasonable person, under similar circumstances, would have believed that they were in imminent danger of death or great bodily injury and believed that the action taken was necessary.
4. A person must have acted only in response to that danger and not for some other motivation.
5. When there is no longer any reasonable appearance of danger, the right of self-defense ends.<sup>6</sup>

In deciding upon the reasonableness of a person's beliefs, it should be determined what an ordinary and reasonable person might have concluded from all the facts and circumstances which existed at that time, and not with the benefit of hindsight.<sup>7</sup>

The danger must have been present and imminent, or must have so appeared to a reasonable person under the circumstances. A bare fear of death or great bodily injury is not sufficient to justify a homicide or use of deadly force. The person must have acted under the influence of fears that only a reasonable person would have had in a similar position.<sup>8</sup>

Under the law of self-defense, a person has the right to defend himself from "the infliction of great bodily injury," but "the exercise of that right must be grounded upon a reasonable apprehension of imminent harm, and a reasonable belief that the killing is necessary to protect against such injury."<sup>9</sup>

The kind and degree of force which a person may lawfully use in self-defense is limited by what a reasonable person in the same situation, seeing what that person sees and knowing what that person knows, would believe to be necessary at that time. Any use of force beyond what is necessary is regarded by the law as excessive. Although a person may believe that they are acting, and may act, in self-defense, a person is not justified in using a

degree of force clearly in excess of that apparently and reasonably necessary under the existing facts and circumstances.<sup>10</sup>

Bare fear alone is not a legally sufficient reason to act in self-defense. In addition to one's perception of the situation, there must be circumstances sufficient to excite the fears of "a reasonable man."<sup>11</sup> The Idaho rule of self-defense is not premised upon a subjective test. It is grounded in the objective concept of the actions of a "reasonable person."<sup>12</sup>

The defense of self or of another does not require a person to wait until he or she ascertains whether the danger is apparent or real. A person confronted with such danger has a clear right to act upon appearances such as would influence the action of a reasonable person.<sup>13</sup>

In Idaho, no person shall be placed in legal jeopardy of any kind whatsoever for protecting himself by reasonable means necessary, from becoming the victim of aggravated assault, robbery, rape, murder or other heinous crime.<sup>14</sup>

#### *Reasonable but Mistaken Belief*

An objectively reasonable officer can be mistaken. What is a "reasonable" belief in light of the officer's perceptions could also be a mistaken belief, and the fact that it turned out to be mistaken does not detract from its reasonableness when considered within the factual context and compressed timeframe of his decision to act.<sup>15</sup>

In *Anderson v. Russell*, an officer shot an unarmed suspect who, ignoring the officer's orders, "was lowering his hands in the direction of a bulge" near "[his] waistband."<sup>16</sup> The bulge was afterward discovered to be a Walkman radio. The Fourth Circuit found "[Officer] Russell's split-second decision to use deadly force reasonable in light of Russell's well-founded, though mistaken, belief that [the suspect] was reaching for a handgun."<sup>17</sup>

In *Saucier*, where an officer's entitlement to qualified immunity turned on the reasonableness of his perceptions at the moment he used force, the United States Supreme Court specifically extended the mistaken-belief defense to police use-of-force cases:

Noting that officers "can have reasonable, but mistaken, beliefs as to the facts establishing the existence of probable cause or exigent circumstances, for example," and still be deemed immune for such mistakes, the Saucier court applied "[t]he same analysis [to] excessive force cases, where in addition to the deference officers receive on the underlying constitutional claim, qualified immunity can apply in the event the mistaken belief was reasonable."<sup>18</sup>

*Saucier's* two-step procedure for addressing an officer's assertion of qualified immunity was recently modified in *Pearson v. Callahan*, 555 U.S. 223, 129 S.Ct. 808, 172 L.Ed.2d 565 (2009), but that case left undisturbed the availability of *Saucier's* defense for police-defendants. If the officer's mistake is reasonable, immunity attaches "regardless of whether the [officer's] error is 'a mistake of fact, a mistake of law, or a mistake based on mixed questions of law and fact.'"<sup>19</sup>

### *Constraints on Evaluating Reasonableness*

Because "police officers are often forced to make split-second judgments [about the amount of force necessary]," the reasonableness of the officer's belief as to the appropriate level of force should be judged from that on-scene perspective.<sup>20</sup>

*Graham* explicitly cautions deference to the law enforcement perspective:

"The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments-in circumstances that are tense, uncertain, and rapidly evolving-about the amount of force that is necessary in a particular situation."<sup>21</sup>

The Sixth Circuit Court of Appeals has described *Graham's* deference this way:

[W]e must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes "reasonable" action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure.<sup>22</sup>

In evaluating reasonableness, some leeway must be given the officer for on-scene judgments made during the uncertainty of a confrontational encounter. Unlike judges and juries, "officers on the beat are not often afforded the luxury of armchair reflection."<sup>23</sup>

In assessing the officer's decision to use force, including deadly force, fact-finders are strictly forbidden from using "the 20/20 vision of hindsight."<sup>24</sup> Instead, *Graham* mandates a tightly constrained frame of reference within which to calculate reasonableness. The required perspective is that of the "reasonable officer on the scene," standing in the defendant-officer's shoes, perceiving what he then perceived and acting within the limits of his knowledge or information as it then existed.<sup>25</sup> When the prosecutor reviews the officer's

action against the standard applicable to the force used, he must do so from that viewpoint. This constraint is unique to police-defendant cases, in contrast to the normal freedom to envision the dynamics of a confrontation through the eyes of other parties or witnesses.<sup>26</sup>

Facts learned or discovered later, and actions taken afterward, are irrelevant in this review, even if they would be relevant for some other purpose.<sup>27</sup> *Graham* warns specifically against the prohibited territory of second-guessing and “armchair reflection.” This includes comparative speculation, couched in backward-looking terms, about what the officer “could have” or “might have” done differently, and whether he “should have” employed alternate or lesser means of force, or different tactics.<sup>28</sup> This is because the relevant legal consideration is not what this defendant-officer “should have” known or done, but rather what the reasonable officer, placed in his shoes, “could have believed” about the situational need for deadly force in reacting to an imminent threat.<sup>29</sup>

A person placed under an apparently threatening and menacing danger is only expected to act as a reasonably prudent person would act under similar circumstances and surroundings. “Under such circumstances they ordinarily have but a moment for deliberation and decision. It might so happen that as a matter of fact they could have done any one of a number of other things, and thereby have avoided the danger and refrained from committing the homicide. After they have acted, they cannot be judged from the theoretical standpoint of the man who is resting in both apparent and real safety, confronted by no danger, and menaced by no threats or demonstrations of sudden violence and felonious import. He must act quickly. He must act as a reasonable and prudent man would be likely to act under similar conditions and circumstances, and this is all the law, reason, or justice demands.”<sup>30</sup>

The burden is on the prosecution to prove beyond a reasonable doubt that the asserted act of self-defense was not justifiable. If there is a reasonable doubt whether the asserted act of self-defense was justifiable, a person cannot be found guilty under the law.<sup>31</sup>

#### LEGAL ANALYSIS

This case is analyzed to determine whether Deputy Penney and Deputy Stadtman’s actions were justified or conversely, if without justification, arise to the level of a crime, such as an Aggravated Assault or Unlawful Discharge of a Firearm at an Occupied Vehicle. A primary element of both offenses is that the use of force was unlawful. In this case, as an element of the criminal prosecution, the State is required to prove beyond a reasonable doubt that Deputy Penney and Deputy Stadtman were not justified under principles of self-defense in shooting at Mr. Smith.

*Justifiable Homicide.* This case is being reviewed as a use of force that did not result in death by the officers' actions as the victim's death appears to be self-inflicted, and thus this is not a homicide. However, given the officer's use of deadly force (force likely to produce death or serious bodily injury) any change in analysis has very little distinction. The standard in either case, is whether Deputy Penney and Deputy Stadtman were confronted with the present and imminent threat of death or serious bodily injury and were therefore justified in the use of deadly force in self defense.

*The deputies' actions were within the discharge of the deputies' legal duty as a peace officer.* Deputy Penney and Deputy Stadtman were on duty and were responding to an individual who presented a threat to the public by his reckless driving. In this case, it was reasonable and within the scope of their duties to respond to the incident and attempt the apprehension of the driver. Deputy Penney was justified in forcing the vehicle off the road to abate the danger it presented. The danger escalated when the driver then intentionally rammed a deputy's patrol vehicle.

*The officers were in a place where they had a right to be.* Deputy Penney and Deputy Stadtman were responding to an urgent situation which presented a clear and present public threat. The roadway upon which they were operating is open to the public. Although the vehicle was operating near the county line, the deputies were clearly in "fresh pursuit" as defined by common law.<sup>32</sup> There is no basis to believe that the deputies were acting outside their authority or jurisdiction.<sup>33</sup>

*The officers were resisting a public offense.* During the contact, Mr. Smith produced a semi-automatic firearm. Under Idaho law, assault is defined as "An unlawful attempt, coupled with apparent ability, to commit a violent injury on the person of another," or an "intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent."<sup>34</sup> An assault becomes defined as aggravated when it is committed with a deadly weapon or instrument without intent to kill; or by any means or force likely to produce great bodily harm.<sup>35</sup> Therefore, in this case, whether or not Mr. Smith actually intended to kill Deputy Penney and/or Deputy Stadtman with his actions does not change the legal analysis of whether Deputy Penney and Deputy Stadtman's reaction was justified.

*The officer did not provoke the threatening behavior.* The deputies attempted to terminate the pursuit by pushing the vehicle into a spin consistent with their training. Mr. Smith then used his vehicle to ram the deputies' vehicles. The concerns for their own safety and the public safety were justified and reasonable based on Mr. Smith's reckless behavior. Deputy Penney and Deputy Stadtman responded to a perceived threat after Mr. Smith fired his weapon.

Prior to Mr. Smith producing the firearm, the deputies made no unjustified threatening gestures. Upon review of the video from the deputies' dash camera, I conclude all acts by Deputy Penney and Deputy Stadtman were consistent with common law enforcement training and practice for attempting to apprehend an offender and dealing with the threats which followed. I found nothing that Deputy Penney and Deputy Stadtman said or did that would have reasonably provoked a rational person to react in the violent and threatening manner Mr. Smith exhibited.

### Garner Factors

*The severity of the crime at issue.* Fleeing/eluding under these circumstances probably did rise to a felony level and can present clear risks to the safety of the public.

*Whether the suspect posed an immediate threat to the safety of the officers or others.* The immediate arrest of Mr. Smith was necessary because of the risk he posed to other drivers on the road due to his reckless driving, including narrow misses and driving in the oncoming lane of travel. Mr. Smith's action to use his vehicle after the PIT maneuver to ram the deputies' vehicles were threatening to the deputies who were approaching toward the front of his vehicle to "box him in."

*Whether the suspect was actively resisting arrest or attempting to evade arrest by flight.* The available videos show efforts by Mr. Smith to move the vehicle back onto the roadway in a continuing effort to evade arrest. This resulted in an intentional collision with one of the patrol vehicles.

### **Objectively Reasonable Fear**

*The officers reacted to a reasonable appearance of danger.* Mr. Smith produced a firearm and fired it in close proximity to Deputy Penney and Deputy Stadtman. Indisputably, a firearm can be used to cause serious bodily injury or death. It was a reasonable perception that Mr. Smith may have been actively shooting in the deputies' direction, and the perception that Mr. Smith constituted an immediate threat to the deputies and the public was reasonable.

*Mr. Smith's actions created a perception of a present and imminent danger of death or great bodily harm to the officers.* Mr. Smith was within a few feet of the deputies when he fired his weapon. Given the darkness and inclement weather, they could not clearly see Mr. Smith's actions inside his vehicle. Deputy Penney was in a position of disadvantage as he approached the driver, because of the limitations on his ability to take cover. Mr. Smith presented not only a risk to the deputies but to the public in his discharge of his firearm.

## **Objectively Reasonable force**

*The deputies were justified in using deadly force because the officer had probable cause to believe that Mr. Smith's actions posed a threat of death or serious physical injury to the deputies.* There can be no dispute that shooting a firearm constitutes a threat of serious bodily injury or death. The deputies were within a few feet of Mr. Smith and heard the gunshot from the firearm, and its nature was easily recognizable. As Deputy Penney approached Mr. Smith's vehicle, he heard the shot and saw the driver's door window spray glass as the bullet apparently exited the driver's door window. Once Mr. Smith pulled and fired a deadly weapon, Deputy Penney and Deputy Stadtman had reasonable cause to believe that Mr. Smith's actions in this case posed a threat of death or serious physical injury to the deputies in the area. As a matter of law, Deputy Penney and Deputy Stadtman had a right to fire their weapon at Mr. Smith after Mr. Smith fired his weapon. It was reasonable under the circumstances to believe that he was a further threat to Deputy Penney and other deputies in the area.<sup>36</sup>

*The officer's action was necessary to save the officers from the danger presented.* Deputy Penney and Deputy Stadtman had to act quickly to stop the perceived threat. Likewise, Deputy Penney reasonably believed he was shot at while his movement placed him out in the open. It was a reasonable perception by Deputy Stadtman that Mr. Smith was acting in a way which presented a threat to himself or other deputies. These threats justified the use of deadly force.

As described above, the law allows that Deputy Penney and Deputy Stadtman were entitled to "meet any attack made upon [them] with a deadly weapon, in such way and with such force as, under all the circumstances, [they], at the moment, honestly believed, and had reasonable grounds to believe, were necessary to save [their lives], or to protect [themselves or another] from great bodily injury."<sup>37</sup> I find no evidence that Deputy Penney and Deputy Stadtman "failed to react as a reasonable and prudent man would be likely to act under similar conditions and circumstances," and "this is all the law, reason, or justice demands."<sup>38</sup>

*The officer's actions are judged on the facts and circumstances which existed at the time of the officer's actions.* Deputy Penney and Deputy Stadtman's occurred within seconds of Mr. Smith firing a round taking his own life. In the early morning darkness, in a heavy rain and from the distance and angle they saw Mr. Smith, I find Deputy Penney and Deputy Stadtman reasonably perceived Mr. Smith's firing of his gun as a potential threat to the deputies in the area. I do not believe they could have concluded that the shot was self-inflicted rather than an active, deadly threat toward themselves and other deputies.

### Graham Factors

In reviewing the totality of the circumstances, several relevant considerations exist:

*The incident occurred at night.* Mr. Smith was stopped at about 5:00 a.m. in the morning. The darkness, heavy rain, and angles of the vehicle in the uneven terrain at the edge of the road all served to limit the officers' ability to see what Mr. Smith was doing and what threat he may have presented to the deputies.

*The suspect's demeanor.* Perhaps the most significant consideration is the erratic behavior of Mr. Ramirez. The dash cam shows Mr. Smith intentionally drive forward and directly impact the front of the deputy's marked patrol vehicle. The actions observed on the dash cam support the deputies' perception that Mr. Smith was acting in an erratic, irrational and potentially threatening manner.

*Whether the suspect was intoxicated and noncompliant.* As of the date of this memorandum, the toxicology of Mr. Smith has not been received. However, his attempt to elude the deputies and ram their vehicles was clearly non-compliant. His condition created a reasonable fear that his behavior could be a threat to the deputies' and the public safety were demonstrated by crossing over into the opposing lane of traffic, his refusal to stop, and trying to return to the roadway after the PIT maneuver, ramming into the deputy's vehicle.

*Whether the suspect is, or appears to be, violent or dangerous.* Mr. Smith continued to try and leave the area even with two patrol vehicle approaching in close proximity to the front of his vehicle. His motions were reasonably perceived as potentially dangerous. This is confirmed by the dash cam footage which showed Mr. Smith intentionally ram one of the deputy's vehicles. Mr. Smith then drew a firearm and discharged it. Although the deputies did not clearly perceive the intent of all of these actions, it is indicative of the overall nature of his actions.

*The duration of the confrontation.* The pursuits lasted for a significant portion of the late night and early morning. Even after his vehicle was forced off the road, Mr. Smith attempted to resume his efforts to flee. The confrontation ended only after it became apparent that he would not be able to return to the roadway and continue his attempts to elude the deputies.

*Whether it occurs during a chase or an arrest.* Although the pursuit did not last for an excessive distance or at an excessive speed, there is no question Mr. Smith was refusing to stop for the lights and siren of the deputies behind him, even though he acknowledged their presence through his actions. Further, Mr. Smith's actions indicated he intended to flee if he was able to get his vehicle back onto the roadway. Mr. Smith's arrest in a safe manner was obstructed by his actions and failure to comply with the visual and audio signals given by the deputies for him to stop his vehicle.

*The possibility that the suspect may be armed.* In this case the deputies had the indication that the suspect was armed once they heard the gunshot, saw the flash, and Deputy Penney saw the bullet exit the driver's window. The vehicle also constituted a danger to the deputies in the way Mr. Smith was operating it.

The facts and circumstances are legally conclusive and frankly difficult to dispute given the objective and irrefutable video recordings of the incident. I therefore find no reason to believe that anything learned through further investigation could change the legal analysis of Deputy Penney and Deputy Stadtman's actions.

### **Final Considerations**

There is no evidence that the officers were acting with any other motivation than self-defense.

Under Idaho law, Deputy Penney and Deputy Stadtman cannot be placed in legal jeopardy of any kind whatsoever for protecting themselves by reasonable means necessary, from becoming the victim of aggravated assault or attempted murder.<sup>39</sup> As described above, I conclude that Deputy Penney and Deputy Stadtman were protecting themselves and other deputies from what they reasonably perceived as an aggravated assault and/or an attempted murder, even though it is now with the benefit of video evidence apparent that Mr. Smith did not intentionally endanger the deputies when he took his own life. I simply conclude that under the circumstances it would have been unreasonable to expect the deputies to recognize that was his intention.

It is now the law in the United States, that the burden of proof is on the prosecution to prove beyond a reasonable doubt that an accused defendant did not act in self-defense. In this case, I conclude given the state of the evidence that to the contrary, it is beyond a reasonable doubt that Deputy Penney and Deputy Stadtman in fact acted in self-defense.

### **CONCLUSION**

Words are inadequate to describe the tragedy of these circumstances. The lives of Mr. Smith's loved ones are forever changed by the decisions he made that night. The deputies and their loved ones are likewise permanently affected by the tragic outcome, regardless of my legal findings.

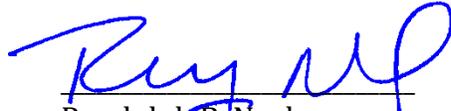
The scope of the prosecutor's review of officer involved shootings is limited to the evaluation of whether an officer's action should subject him to criminal prosecution. It is not my role to evaluate the deputies' judgment or to determine whether they acted within policy or with good tactics. These roles are left in this case to the Sheriff, who is an equal, elected

constitutional officer. It is inappropriate for me to step into the Sheriff's purview and engage in any kind of "would of, could of, should of" speculation. Nor do I suggest that I have reached any such conclusions, whether positive or negative, as to these other questions.

For the reasons described above, it is my conclusion that Deputy Penney and Deputy Stadtman's actions on County Line Road in Bonneville/Jefferson Counties on December 17, 2025, were **JUSTIFIED** under Idaho law as acts of self-defense. Further, I conclude that Deputy Penney and Deputy Stadtman were protecting themselves and others by reasonable means necessary from what they reasonably perceived was an aggravated assault and/or attempted murder, and thus Idaho law prohibits placing the deputies in "legal jeopardy of any kind whatsoever."<sup>40</sup> Therefore, any prosecution for their actions must be **DECLINED**.

I likewise commend these officers for their selfless bravery. I believe the entire community is relieved that no harm came to any of the deputies.

DATED: February 13, 2026



Randolph B. Neal  
Prosecuting Attorney  
Bonneville County, Idaho

## Endnotes

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<sup>1</sup> Idaho Code ("I.C.") 19-304. "Offenses committed in different counties. (1) When a public offense is committed in part in one (1) county and in part in another, or the acts or effects thereof constituting or requisite to the consummation of the offense occur in two (2) or more counties, the venue is in either county." See also I.C. § 19-305. "Offenses committed on or near county boundaries. When a public offense is committed on the boundary of two (2) or more counties, or within five hundred (500) yards thereof, if the place where the crime is committed cannot be ascertained with reasonable certainty by the law enforcing officers of either county, or if a misdemeanor or infraction is committed in a city which is located in two (2) counties, then in any such event the venue is in either county." (2) When more than one (1) felony is committed in more than one (1) county pursuant to a continuing criminal transaction or a common scheme or plan, venue shall be in any county in which one or more of such offenses has occurred.

<sup>2</sup> Idaho Criminal Jury Instructions ("ICJI") 1517.

<sup>3</sup> I.C. §18-4009.

<sup>4</sup> *State v. Wilson*, 41 Idaho 616, 243 P. 359 (1925).

<sup>5</sup> ICJI 1515.

<sup>6</sup> ICJI 1517.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *State v. Carter*, 103 Idaho 917, 655 P.2d 434, 436 (Idaho 1981) (citing Idaho Code § 18-4009; *People v. Pierson*, 2 Idaho 71, 3 P. 688 (1884)).

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- <sup>10</sup> ICJI 1518.
- <sup>11</sup> *State v. Scroggins*, 91 Idaho 847 at 849, 433 P.2d 117 (1967).
- <sup>12</sup> *State v. Baker*, 103 Idaho 43, 644 P.2d 365 (Ct.App.1982); *State v. Camarillo*, 106 Idaho 310, 313, 678 P.2d 102, 105 (Ct. App. 1984); *State v. Rodriguez*, 93 Idaho 286, 291, 460 P.2d 711, 716 (1969).
- <sup>13</sup> *Id.*
- <sup>14</sup> I.C. §19-202A.
- <sup>15</sup> *Saucier v. Katz*, 533 U.S. 194, 205–206, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001); *Davenport*, 521 F.3d at 551.
- <sup>16</sup> *Anderson v. Russell*, 247 F.3d 125, 130 (4th Cir. 2001).
- <sup>17</sup> *Id.* at 132. See also *Sherrod v. Berry*, 856 F.2d 802, 804–05 (7th Cir.1988) (unarmed suspect shot while making a “quick movement with his hand into his coat [as if reaching] for a weapon”); *Lamont v. New Jersey*, 637 F.3d 177, 179 (3d Cir.2011) (“suspect [shot after] suddenly pull[ing] his right hand out of his waistband [as] though he were drawing a gun.” Crack pipe found).
- <sup>18</sup> *Id.* at 206, 121 S.Ct. 2151, 150 L.Ed.2d 272.
- <sup>19</sup> (Internal citation omitted.) *Pearson* at 231, 129 S.Ct. 808, 172 L.Ed.2d 565.
- <sup>20</sup> *Id.* at 205, 121 S.Ct. 2151, 150 L.Ed.2d 272.
- <sup>21</sup> (Citations omitted.) *Graham*, 490 U.S. at 396–397, 109 S.Ct. 1865, 104 L.Ed.2d 443.
- <sup>22</sup> *Smith v. Freland*, 954 F.2d 343, 347 (6th Cir.1992).
- <sup>23</sup> *Elliott v. Leavitt*, 99 F.3d 640, 642 (4th Cir. 1996).
- <sup>24</sup> *Graham*, 490 U.S. at 396, 109 S.Ct. 1865, 104 L.Ed.2d 443.
- <sup>25</sup> *Id.*
- <sup>26</sup> *Schultz v. Braga*, 455 F.3d 470, 477 (4th Cir.2006) (facts must “be filtered through the lens of the officer’s perceptions at the time of the incident”).
- <sup>27</sup> *Davenport*, 521 F.3d at 553 (“Even though [in retrospect] it may seem that serious physical injury or death was not imminent, we cannot say that a reasonable officer [facing] such a suspect and having to decide very quickly could not have reasonably believed it was”); compare *Ryburn v. Huff*, ---U.S. ---, 132 S.Ct. 987, 991–992, 181 L.Ed.2d 966 (2012) (“Judged from the proper perspective of a reasonable officer forced to make a split-second decision in response to [the suspect’s mother] turning and running into the house after refusing to answer a question about guns, [the officers’] belief that entry was necessary to avoid injury to themselves or others was imminently reasonable”).
- <sup>28</sup> *Davenport*, 521 F.3d at 552; *Plakas v. Drinski*, 19 F.3d 1143, 1148 (7th Cir.1994); *Medina v. Cram*, 252 F.3d 1124, 1133 (10th Cir.2001) (“[I]f we [considered] the expert’s assertions regarding the failure to use pepper spray and other tactical measures, we would be evaluating the officers’ conduct from the 20/20 perspective of hindsight rather than from the perspective of an officer making split-second judgments on the scene”).
- <sup>29</sup> *Hunter v. Bryant*, 502 U.S. 224, 227–228, 112 S.Ct. 534, 116 L.Ed.2d 589 (1991) (“could have believed” standard adopted in applying the perspective of the “reasonable officer” to the facts).
- <sup>30</sup> *State v. McGreevey*, 17 Idaho 453, 105 P. 1047, 1051 (1909).
- <sup>31</sup> ICJI 1517.
- <sup>32</sup> See I.C. § 19-705.
- <sup>33</sup> See I.C. § 19-701A.
- <sup>34</sup> I.C. § 18-901(b).
- <sup>35</sup> I.C. §§ 18-905(a) & (b).
- <sup>36</sup> See i.e., *Kessler v. Barowsky*, 129 Idaho 640, 645, 931 P.2d 634, 639 (Ct. App. 1996), *aff’d* in part, vacated in part, 129 Idaho 647, 931 P.2d 641 (1997) (“As a matter of law, the officers had a right to fire their weapons at [the assailant] after [he] drew his gun on them.”).
- <sup>37</sup> *Beard* at 564, 967.
- <sup>38</sup> See endnote 30, *supra*.
- <sup>39</sup> I.C. §19-202A.
- <sup>40</sup> *Id.*