



**PROSECUTING ATTORNEY
BONNEVILLE COUNTY, IDAHO**

RANDY NEAL
Prosecuting Attorney

LOU G. HARRIS
Chief Deputy Prosecuting Attorney

MEMORANDUM

September 29, 2026

*RE: Criminal Liability Review of Circumstances Related to
the Eastern Idaho Critical Incident Task Force
Investigation of Officer-Involved Critical Incident September 4, 2026
(Marcus J. Griffin)*

TO: Samuel Hulse, Sheriff, Bonneville County, Idaho;
Dennis Wilkinson, Counsel for Deputy Demastus and Deputy Mann

FROM: Randolph B. Neal, Prosecuting Attorney, Bonneville County, Idaho

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 Deputy Christopher Demastus and Deputy Jake Mann employed by the Bonneville County Sheriff's Office. I have received and reviewed the completed investigation (with the exception of the final autopsy report which is expected to take months to complete) from the Eastern Idaho Critical Incident Task Force. For the reasons described below, I find no evidence to suggest that either deputy committed a criminal offense in relation to the investigation described above, and further find their actions were **JUSTIFIED** as acts of self-defense.

STANDARD OF CRIMINAL REVIEW

Pursuant to I.C. § 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 I.C. §§ 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 FACTS

The following Statement of Facts was developed from the final narrative of the Eastern Idaho Critical Incident Task Force investigation referenced above.

1. On September 4, 2026, at approximately 05:55 a.m., Bonneville County dispatch received a 911 call from Marcus Griffin stating he was going to kill himself.

2. Prior to arrival, dispatch advised responding deputies of recent prior incidents at the residence related to mental health, that Mr. Griffin possibly had a weapon, and that there was a pending application for a firearm.

3. On September 4, 2026, at approximately 5:55 a.m., Deputy Christopher Demastus and Deputy Jake Mann with the Bonneville County Sheriff's Office responded to a suicidal subject identified as Mr. Griffin J Griffin, call for service at 2630 N. Badger Creek Road in Bonneville County.

4. Deputy Mann and Deputy Demastus arrived at the residence at approximately 6:05 a.m.

5. Upon arrival, Mr. Griffin's parents met the deputies at the front door.

6. Mr. Griffin's father stated Mr. Griffin was "downstairs and drunk."

7. Deputies entered and approached a stairwell to the basement. The stairwell had a wall on one side and a short bannister dividing it from the living room on the other.

8. Mr. Griffin's father said there were guns locked in a gun room downstairs.

9. Mr. Griffin's father said only he knew the code to access the room.

10. His father stated that Mr. Griffin should not have known the code but could probably access the gun room with a credit card.

11. From the top of the stairs, Deputy Demastus announced himself and made verbal contact with Mr. Griffin, who responded from the basement.

12. Mr. Griffin yelled statements indicating he wants to die and that it will end in "fire and brimstone."

13. Deputy Demastus told Mr. Griffin he wanted to get him help and asked him to come upstairs.

14. Mr. Griffin declined and invited the deputy to come downstairs.

15. The deputies moved cautiously downstairs with Deputy Demastus leading; at the bottom area, Deputy Demastus observed Mr. Griffin without a shirt, lying partly in and out of a bathroom, holding a tan/brown/black handgun pointed toward the ceiling.

16. Deputy Demastus pushed Deputy Mann back toward the stairs, and they retreated to the top.

17. Deputy Demastus said he called on his radio to clear the air and for his supervisor to respond.

18. Deputy Demastus communicated calmly down the stairs, directing Mr. Griffin to drop the weapon, stop, and come to the stairs with empty hands.

19. Mr. Griffin yelled statements including "this isn't going to end well" and "I want you to kill me."

20. The supervisor also attempted communication offering to call someone for Mr. Griffin; but there was no response to that offer.

21. Deputies heard Mr. Griffin moving in the basement.

22. Deputy Demastus was the primary voice, calm and controlled, telling Mr. Griffin deputies did not want to hurt him, wanted him to get help, directing him to put the gun down and come to the bottom of the stairs;

23. The supervisor estimated commands to drop the gun/come to stairs/accept help were given approximately 8-10 times or more.

24. Mr. Griffin appeared to hold the gun in his hand throughout and was not wearing a holster.

25. Deputy Demastus instructed Mr. Griffin's parents to exit out the back door.

26. Deputy Demastus stated they were waiting for additional deputies to assist getting the parents away and safe before backing out and stated he did not want to "force the issue" with Mr. Griffin.

27. Deputy Demastus briefed the supervisor that Mr. Griffin had been seen with a weapon, that they would not go into the basement, and that the priority was evacuating the parents and then backing out of the house when they were safe.

28. Deputy Demastus repeatedly issued de-escalation commands, and the supervisor attempted additional communication, while Mr. Griffin responded with agitated statements including that things would not end well and that he wanted officers to kill him.

29. The supervisor positioned himself behind Deputy Mann at the top of the basement stairs; Deputy Mann held the west side of the stairs and Deputy Demastus the east.

30. Other deputies were sent to assist with moving the parents to safety.

31. While the parents were being escorted to the backyard, a deputy noted that basement windows were open.

32. A deputy—standing 3-4 feet from a basement window—saw the window abruptly shut from inside by Mr. Griffin.

33. A second deputy drew his firearm, switched it to his off-hand to maneuver, and took a position behind Deputy Demastus on the east; he briefly observed only the right side of Mr. Griffin's face and recalled a slight smirk before the deputy stepped back to maintain a safe line.

34. Due to the risk posed by the basement windows to the backyard, the supervisor instructed exterior units to move the parents completely off the property.

35. The deputies outside continued to move the parents while Mr. Griffin moved toward the stair bottom and Deputy Demastus continued commands.

36. As Mr. Griffin moved toward the bottom of the basement stairs, multiple deputies reported seeing Mr. Griffin peek around the stair bottom corner.

37. According to body camera, Mr. Griffin was at the end of the hallway off the large basement room.

38. While the supervisor stood behind Deputy Mann, he observed Mr. Griffin peek around the corner at the stair bottom and ask, "Are you ready?".

39. Mr. Griffin made statements such as "I'm going to shoot you," "I'm in a hallway with a pistol," "this isn't going to end well," "this is going to end in fire and brimstone," and "just shoot me in the head," as reported in deputies' accounts.

40. Mr. Griffin's behavior became more erratic and included direct threats such as "I'm just gonna shoot you," which Deputy Demastus believed to be genuine.

41. Deputy Mann recalled Mr. Griffin stating, among other things, that he wanted to die, that it would end in fire and brimstone, that he had a pistol, and that he was going to shoot the deputies.

42. Deputy Demastus reports seeing Mr. Griffin poke his head around the corner at the bottom of the stairs; Mr. Griffin says, "just shoot me in the head," to which Deputy Demastus replied that he would not, and continued to command Mr. Griffin to put the gun down and come out for help.

43. After Mr. Griffin peeked, he raised a firearm toward the deputies, Deputy Demastus fired an initial single shot that struck the doorframe at the bottom of the stairs, and Mr. Griffin retreated behind the wall.

44. Approximately twenty seconds later, Mr. Griffin stepped out from behind the wall completely naked, squared up facing the deputies, raised his gun toward them, and Deputies Mann and Demastus fired shots toward Mr. Griffin.

45. The supervisor and the other deputy did not fire.

46. Deputies stated that they believed lethal force was necessary and that a taser deployment was unviable.

47. After gunfire ceased, deputies checked themselves and equipment, observed Mr. Griffin lying against the wall at the bottom of the stairs with a firearm on the ground near the stairway, announced the gun was down, and were directed to handcuff Mr. Griffin and bring a medical bag.

48. A deputy retrieved the medical bag; Deputy Demastus, Deputy Mann, and another deputy descended to secure Mr. Griffin in handcuffs and begin emergency medical aid.

49. The supervisor remained at the top of the stairs directing operations

50. Deputies entered the basement; Deputy Mann handcuffed Mr. Griffin while another deputy cleared and secured Mr. Griffin's firearm (magazine removed, one live round ejected, slide locked, items placed near the base of the stairs).

51. The supervisor had staged Idaho Falls Fire EMS approximately two blocks away prior to the shooting, enabling rapid arrival.

52. Mr. Griffin was nude and bleeding heavily, a chest seal was applied by EMS, and deputies rotated chest compressions until a Lucas mechanical CPR device was placed.

53. EMS initiated treatment but then ceased resuscitation and cleared the scene.

54. The Eastern Idaho Critical Incident Task Force was contacted at 6:39 a.m and responded to the scene at approximately 7:05 a.m.

55. Evidence recovered included

- a. fourteen 9mm Hornady +P casings were recovered from the upstairs living room (evidence #1-14).
- b. A 9mm Glock 19 handgun, serial # MYM797, was recovered at the bottom of the basement stairs (evidence #15).
- c. A Glock magazine and eight 9mm PMC rounds were recovered from the Glock 19 at the bottom of the stairs (evidence #16).

- d. A 9mm PMC casing (evidence #18) was recovered from the bottom of the stairs.
 - e. A hollow-point projectile (evidence #19) was recovered from the bottom of the stairs.
 - f. A red-core projectile (evidence #17) was recovered from the bottom of the stairs.
56. Additional items recovered included:
- a. A Samsung cell phone with a black case was recovered from the suspect's downstairs bedroom (evidence #22).
 - b. A 9mm PMC round was recovered from the suspect's downstairs bedroom (evidence #23).
 - c. An FMJ projectile (evidence #21) was recovered from a downstairs storage room.
57. On September 8, 2026, an autopsy on Mr. Griffin J. Griffin was performed at the Ada County Coroner's Office in Meridian, Idaho.
58. Multiple accounts state or estimate that Mr. Griffin presented or raised a firearm toward the deputies. Mr. Griffin poked his head around the bottom of the stairwell corner with a gun in his hand and raised the firearm toward Deputy Demastus and Deputy Mann. Mr. Griffin approached the stairway, threatened to shoot the deputies, looked around the corner to locate them, and raised his firearm toward them.
59. While deputies reported that they did not believe Mr. Griffin fired during the final exchange, crime scene analysis documented a 9mm PMC casing recovered at the bottom of the stairs consistent with Mr. Griffin's firearm.
60. Likewise, there was damage to the wall near the top of the stairs consistent with the trajectory of a round fired from the bottom of the stairs; this round was a few feet from where Deputy Mann was standing.
61. The projectile went through the stairway wall and was recovered by those processing the crime scene.
62. From this evidence, it appears that Mr. Griffin fired one round in the direction of Deputy Mann.

STATEMENT OF THE LAW

An otherwise violent act is justifiable if a person was acting in self-defense and/or the defense of another.¹ In this case it appears that at the time of the shooting there was a present and imminent threat of death or serious bodily injury toward Deputy Demastus and Deputy Mann, and/or other Bonneville County Sheriff's Office deputies at the scene.

Under Idaho law, the deputies' shooting is strongly supported by multiple, overlapping justification doctrines. I.C. § 18-4011 expressly authorizes a public officer to use deadly force when reasonably necessary in the discharge of a legal duty, provided the officer has probable cause to believe the resistance poses a threat of death or serious physical injury.² I.C. § 18-4009 independently justifies homicide committed in defense of self or others when there is reasonable ground to apprehend a design to commit a felony or great bodily injury and imminent danger of that design being accomplished.³ The subject's display of a firearm, verbal threats, and actual discharge of a round toward the deputies at the stairway collectively satisfy every statutory element for justification under both provisions. The objective reasonableness standard, codified in I.C. § 19-202(4) and § 19-202A(3), requires the deputies' conduct to be evaluated from the perspective of a reasonable officer in the same position, seeing and knowing what they then saw and knew, without the benefit of hindsight. I.C. § 19-202A; I.C. § 19-202. Under that standard, returning fire after being shot at is paradigmatically reasonable. The prosecution bears the burden of disproving justification beyond a reasonable doubt under I.C. § 19-202A(4). At the charging stage, a complaint under I.C. §§ 19-505 and 19-506 must be supported by probable cause as to every material element of the offense charged, including the absence of justification; on these facts, establishing that probable cause threshold would be extremely difficult.

If an act involving asserted self-defense results in death, the analysis proceeds under I.C. § 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."⁴ Essentially this permits self-defense with a deadly weapon only where the accused has reasonable cause to believe, and does believe, he (or a third person) is in danger of great bodily injury or death.⁵

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.⁶

I.C. § 18-4011 provides the primary statutory basis for justification in this scenario.⁷ Under that provision, homicide is justifiable when committed by public officers when reasonably necessary in the discharge of any other legal duty, including keeping and preserving the peace. The statute expressly conditions the use of deadly force: it shall not be justified in overcoming actual resistance unless the officer has probable cause to believe that the resistance poses a threat of death or serious physical injury to the officer or to other persons.⁸ I.C. § 19-610 reinforces this framework in the arrest context, providing that when an officer is making a lawful arrest — under warrant or supported by probable cause — and

the person to be arrested flees or forcibly resists after being informed of the intent to arrest, the officer may use all reasonable and necessary means to effect the arrest and will be justified in using deadly force under the conditions set out in § 18-4011.⁹

I.C. § 18-4009(1)(a) provides that 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.¹⁰ Section 18-4009(1)(c) further justifies homicide in the lawful defense of such person when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished.¹¹ The Idaho Supreme Court has held that the justifiable homicide statute essentially permits self-defense with a deadly weapon only where the accused has reasonable cause to believe, and does believe, that he is in danger of great bodily injury or where the person being defended is in similar danger.¹²

I.C. § 19-202A(1) provides that no person shall be placed in legal jeopardy of any kind for protecting himself or his family by reasonable means necessary, or when coming to the aid of another whom he reasonably believes to be in imminent danger.¹³ Section 19-202A(2) specifies that the defense of self or 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.¹⁴ Section 19-202A(3) codifies Idaho's stand-your-ground rule: a person need not retreat from any place that person has a right to be, and may stand his ground and defend himself or another person by the use of all force and means which would appear to be necessary to a reasonable person in a similar situation and with similar knowledge, without the benefit of hindsight.¹⁵

I.C. § 19-202(4) independently provides that a person acting in self-defense may use such degree and extent of force as would appear to be reasonably necessary to prevent the threatened injury, and that reasonableness is to be judged from the viewpoint of a reasonable person placed in the same position and seeing and knowing what the person then saw and knew, without the benefit of hindsight.¹⁶ The Idaho Court of Appeals in *State v. Lassiter* confirmed that what the person saw and knew at the time he acted is necessarily subjective, and that the actor's subjective knowledge is imputed to the reasonable person standard.¹⁷ The Idaho Supreme Court in *State v. Doe* affirmed that ICJI 1517 and 1518 correctly state this combined objective-subjective standard, holding that the reasonable force element in ICJI 1517, elaborated on by ICJI 1518, already requires the actor's subjective knowledge to be imputed to the reasonable person.¹⁸

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.¹⁹

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.²⁰

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.²¹

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."²²

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.²³

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."²⁴ 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."²⁵

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.²⁶

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.²⁷

In the exercise of the right of self-defense or defense of another, a person need not retreat from any place that person has a right to be. A person may stand his ground and defend himself or another person by the use of all force and means which would appear to be necessary to a reasonable person in a similar situation and with similar knowledge without the benefit of hindsight.²⁸ This law applies even though the person being attacked might more easily have gained safety by flight or by withdrawing from the scene.²⁹

The idea of a requirement of “retreating to the wall” or “retreating as far as he can, or disabling his adversary without killing him, if it be in his power” has never been the law of the land. 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.”³⁰

For centuries now, it has been the law of the United States that if a person is where he has the right to be, when someone advances upon him in a threatening Deputy manner, and with a deadly weapon; and if that person did not provoke the assault, and had at the time reasonable grounds to believe, and in good faith believed, that the deceased intended to take his life, or do him great bodily harm, he was not obliged to retreat, nor to consider whether he could safely retreat, but was entitled to stand his ground, and meet any attack made upon him with a deadly weapon, in such way and with such force as, under all the circumstances, he, at the moment, honestly believed, and had reasonable grounds to believe, were necessary to save his own life, or to protect himself from great bodily injury.³¹

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.³²

ICJI 1515 implements I.C. § 18-4011 for public officer defendants. It requires the jury to find that: (1) the defendant was a public officer; (2) the homicide was committed in the discharge of a legal duty; (3) the use of deadly force was reasonably necessary; and (4) the officer had probable cause to believe the resistance posed a threat of death or serious physical injury.

ICJI 1517 implements the general self-defense standard. The Idaho Court of Appeals in *State v. Hall* (Ct. App. 2015) stated that the Idaho Supreme Court has approved ICJI 1517 for use in cases where the defendant claims the homicide was justifiable under a self-defense theory, and that it is therefore considered presumptively correct.³³ The Idaho Supreme Court in *State v. Doe* (2021-38) confirmed that ICJI 1517 and 1518 correctly state Idaho’s self-defense law.³⁴

ICJI 1518 addresses the reasonable force component. The Idaho Supreme Court in *State v. Doe* (2021-38) specifically addressed ICJI 1518, holding that the reasonable force element elaborated on by ICJI 1518 already requires the actor's subjective knowledge to be imputed to the reasonable person, and that the instruction correctly states Idaho law.³⁵ The Idaho Court of Appeals in *State v. Lassiter* confirmed the same principle in the context of ICJI 1517: the actor's subjective knowledge of the circumstances is necessarily incorporated into the objective reasonable person standard.³⁶ The Idaho Supreme Court in *State v. Doe* (2021-38) confirmed that ICJI 1517 and 1518 together correctly state Idaho's self-defense law, including the stand-your-ground and no-hindsight principles.³⁷

I.C. § 19-202A(4) places the burden squarely on the prosecution: in any prosecution for the unlawful use of force, including deadly force, the burden is on the prosecution to prove beyond a reasonable doubt that the use of force was not justifiable.³⁸ This is not merely a burden of production — it is the ultimate burden of persuasion. The Idaho Supreme Court in *State v. Bodenbach* held that in a prosecution for murder, the state must prove beyond a reasonable doubt that the killing was not justified.³⁹ *State v. Hall* stated the rule plainly: the burden is on the prosecution to prove beyond a reasonable doubt that the homicide was not justifiable; if there is a reasonable doubt whether the homicide was justifiable, the defendant must be found not guilty.⁴⁰

The Idaho Court of Appeals in *State v. Kelly* established that the burden of production is on the defendant to raise self-defense and make a prima facie showing.⁴¹ However, once that threshold is met, the burden shifts to the prosecution to disprove justification beyond a reasonable doubt, as confirmed by ICJI 1517 itself and by *State v. Jimenez*, which held that once a defendant asserts self-defense, the burden is on the prosecution to prove beyond a reasonable doubt that the defendant has not established at least one element of self-defense.⁴²

I.C. § 18-4013 provides the ultimate consequence: when homicide appears to be justifiable or excusable, the person indicted must, upon trial, be fully acquitted and discharged.⁴³

I.C. § 19-505 requires that a criminal complaint set forth the facts stated by the complaining witness tending to establish the commission of the public offense and the guilt of the defendant.⁴⁴ I.C. § 19-506 authorizes a magistrate to issue an arrest warrant only after making a determination that there is probable cause to believe that an offense has been committed and that the defendant committed it.⁴⁵ These provisions operate together to require that a complaint and warrant be supported by probable cause as to every material element of the offense charged.

The critical intersection between justification and probable cause arises from the Idaho Supreme Court's holding in *State v. McDermott* and *State v. Bodenbach* that the lack of justification is an essential element of a murder charge.⁴⁶ If lack of justification is an element of the offense, then the prosecution must establish probable cause as to that element at the charging and preliminary hearing stages. Where the facts on their face establish a strong

justification defense — as they do here — there is a significant challenge in establishing probable cause that the homicide was unjustified.

Under Idaho Rule of Professional Conduct 3.8(a), a prosecutor must refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause. Where the facts of an officer-involved shooting clearly establish justification under I.C. §§ 18-4009 and 18-4011, a prosecutor who files charges without a good-faith basis for believing the force was unjustified risks violating this ethical obligation.

LEGAL ANALYSIS

This case is analyzed to determine whether Deputy Demastus' and Deputy Mann's actions were justified or conversely, if without justification, arise to the level of a crime, in this case some form of homicide. A primary element of homicide 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 Demastus and Deputy Mann were not justified under principles of self-defense in shooting and/or shooting at Mr. Griffin.

Justifiable Homicide. This case is being reviewed as a use of force that resulted in death due to the deputies' actions, and thus a homicide. To determine whether their actions were justified as an act of self-defense, the standard in this case is whether Deputy Demastus and Deputy Mann were confronted with the present and imminent threat of death or serious bodily injury. Each element of self-defense is satisfied: the deputies believed they were in imminent danger (Mr. Griffin made threatening statements and actions); they believed returning fire was necessary; a reasonable officer in the same position would have believed the same; they acted in response to the threat; and the right to respond continued as long as the subject remained armed and capable of firing.

The deputies' action was within the discharge of the deputies' legal duty as a peace officer. The deputies are county law enforcement officers whose duties consist primarily of prevention and detection of crime and enforcement of penal laws, satisfying I.C. § 19-5101(d) and qualifying as public officers under I.C. § 18-4011. Deputy Demastus and Deputy Mann were on duty and were responding to a call from Mr. Griffin who was making suicidal statements to dispatch. Responding to a welfare call for a suicidal subject is a legal duty under Idaho law. Keeping and preserving the peace is expressly listed in I.C. § 18-4011 as a qualifying legal duty. In this case, it was reasonable and within the scope of their duties to respond to this call for assistance.

The deputies were in a place where they had a right to be. Deputy Demastus and Deputy Mann were responding to an urgent call for assistance. They were invited into the home by the legal homeowners. They remained in what would be considered common areas of the home. There is no basis to believe that Mr. Griffin had the right to exclude the deputies from the common areas of the home in any way.

The deputies were resisting a public offense. During the contact, Mr. Griffin became agitated while exhibiting 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.⁴⁷ 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.⁴⁸ Assault with Intent to Commit a Serious Felony is defined as an assault upon another with intent to commit murder, rape, mayhem, robbery, or lewd and lascivious conduct with a minor child.⁴⁹ Therefore, in this case, whether or not Mr. Griffin actually intended to kill Deputy Demastus and Deputy Mann with his actions does not change the legal analysis of whether Deputy Demastus' and Deputy Mann's reaction was justified.

On the facts presented, the deputies had reasonable ground to apprehend a design to commit great bodily injury or murder: the subject had displayed a firearm, made threats, and fired at them. The danger was not speculative or future — it was immediate and ongoing. Section 18-4009(1)(d) provides an additional basis, justifying homicide when necessarily committed in attempting by lawful ways and means to apprehend any person for any felony committed, or in lawfully keeping and preserving the peace. I.C. § 18-4009. Discharging a firearm at law enforcement officers constitutes aggravated assault on a peace officer under I.C. § 18-915, a felony,⁵⁰ and the deputies were lawfully attempting to preserve the peace and protect themselves, Mr. Griffin's parent and the general public.

The deputies did not provoke the threatening behavior. Based on the comments made by Mr. Griffin to the dispatcher and the deputies, they had concerns that Mr. Griffin posed a threat to himself or others. These concerns were justified and reasonable based on Mr. Griffin's aggressive and threatening statements. Deputy Demastus and Deputy Mann responded to the scene to preserve the peace and provide assistance to Mr. Griffin, and attempted multiple times to de-escalate his behavior.

Prior to Mr. Griffin producing the firearm, the officers made no unlawful threatening or provocative statements ("fighting words") and made no threatening gestures. Upon review of the video from the deputies' body-worn cameras, I conclude all statements and acts by Deputy Demastus and Deputy Mann were reasonable and consistent with common law enforcement training for dealing with active armed threats. I found nothing that Deputy Demastus and Deputy Mann said or did that would have reasonably provoked a rational person to react in the violent and threatening manner Mr. Griffin exhibited.

Objectively Reasonable Fear

The deputies reacted to a reasonable appearance of danger. Mr. Griffin produced a firearm and actively shot at Deputy Demastus and Deputy Mann. Indisputably, a firearm can be used to cause serious bodily injury or death. Mr. Griffin was actively shooting in the deputies' direction, and the perception that Mr. Griffin constituted an immediate threat to the Deputy Demastus, Deputy Mann, other deputies and family members was reasonable. The deputies were exposed at the top of the stairway when the subject fired at them. Although they stated they did not perceive the shot, they had no obligation to wait and see whether the next shot (or any shot) would be more accurate. The no-hindsight standard means the analysis must focus on what a reasonable deputy in that position, knowing what those deputies knew at that moment, would have done — not on what a calm observer with full information might conclude in retrospect.

Mr. Griffin's actions created a present and imminent danger of death or great bodily harm to the deputies. The deputies were lawfully responding to a welfare call, a recognized legal duty under Idaho law. The subject displayed a firearm, made verbal threats, and then fired a round toward the deputies at the stairway. At the moment the deputies returned fire, they had probable cause — indeed, direct evidence — that the subject's resistance posed a threat of death or serious physical injury. A subject who has made several verbal threats, taken a shooter's stance and pointed a firearm at the officers (and in fact discharged a firearm in the direction of officers at close quarters in a confined space – a basement stairway) has provided the clearest possible demonstration of a lethal threat. The deputies' return fire was reasonably necessary under those circumstances. This satisfies the probable cause standard under I.C. § 18-4011 that the subject posed a threat of death or serious physical injury to the deputies. *Kessler v. Barowsky* confirms that if a suspect threatens an officer with a weapon, deadly force may be used.⁵¹ In reality, the subject did more than threaten — he fired.

The imminence requirement under I.C. § 18-4009(1)(c) is satisfied in the clearest possible way. The subject aimed his firearm at the deputies and fired one round toward the deputies at the top of the stairway. I.C. § 19-202A(2) provides that a person confronted with danger has a clear right to act upon appearances such as would influence the action of a reasonable person and does not require waiting to ascertain whether the danger is apparent or real. The Idaho Court of Appeals construed the imminence requirement within the statutory legal-jeopardy protection of I.C. § 19-202A, holding that the statute's protection applies only when force is used or threatened in response to an imminent threat or ongoing offense, and does not protect criminal actions taken before any such threat has arisen or after such threat has passed.⁵² The Idaho Court of Appeals similarly held that I.C. § 19-202A requires some immediacy or imminence of harm.⁵³ Here, the threat was neither speculative nor past — it was ongoing. The subject remained armed in the basement with a firearm he had already discharged at the deputies.

The Idaho Supreme Court's decision in *Anderson* is instructive by analogy: the court affirmed a conviction for aggravated assault on a peace officer where the defendant fired a shotgun at officers, holding that pointing a firearm at an officer and firing it in his direction constitutes acts that would create a well-founded fear in another that violence was imminent.⁵⁴ While the mere pointing of the firearm at the deputies was sufficient to create a well-founded fear of imminent violence in the officers' case, justifying their return fire, the act of firing at the officer further reinforces the subject's intent in this case.

Objectively Reasonable force

The deputies were justified in using deadly force because the deputies had probable cause to believe that Mr. Griffin's actions posed a threat of death or serious physical injury to the deputies. Once the assailant raised and pointed the firearm at the deputies, Deputy Demastus and Deputy Mann had reasonable cause to believe that Mr. Griffin's actions in this case posed a threat of death or serious physical injury to the deputies and others. As a matter of law, Deputy Demastus and Deputy Mann had a right to fire their weapons at Mr. Griffin after Mr. Griffin pointed his firearm at the deputies, and when it appeared that he was a further threat to themselves and other deputies in the area.⁵⁵ I find nothing excessive about their use of deadly force in response to Mr. Griffin's action.

The deputies' action was necessary to save the deputies from the danger presented. The necessity element requires that the force used be reasonably necessary to prevent the threatened injury. I.C. § 19-202(4) provides that a person may use such degree and extent of force as would appear to be reasonably necessary to prevent the threatened injury. The Idaho Supreme Court explained that the reasonable man standard for self-defense is not designed to require detached reflection from the victim, but is designed to prevent excessive force; it merely requires that the conduct employed be reasonable.⁵⁶

On the facts, the deputies were in a vulnerable position at the top of the stairway, had pointed his firearm in their direction while making threatening statements, the subject had fired at them, and the subject remained armed. Returning fire was not merely reasonable — it was the only immediately available means of neutralizing the threat. The deputies had no obligation to retreat or use less than lethal force.

As described above, the law allows that Deputy Demastus and Deputy Mann 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.”⁵⁷ I find no evidence that Deputy Demastus and Deputy Mann “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.”⁵⁸ I likewise find no reason based on the circumstances reviewed in this case to believe that any such reasonable alternatives to the use of deadly force even existed.

The deputies' actions are judged on the facts and circumstances which existed at the time of the deputies' actions. I find no evidence that Deputy Demastus and Deputy Mann misjudged the situation. The deputies' shots occurred within seconds of Mr. Griffin firing a round at the deputies. From the distance and angle, they saw Mr. Griffin, I find Deputy Demastus and Deputy Mann reasonably perceived Mr. Griffin's final movements as a potential threat to themselves and their fellow deputies.

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 Demastus' and Deputy Mann's actions.

Final Considerations

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

The facts as presented create an exceptionally strong case for justification under Idaho law. The subject's actual discharge of a firearm toward the deputies eliminates any argument that the threat was merely perceived or speculative. Idaho's no-hindsight standard, codified in I.C. § 19-202(4) and § 19-202A(3), means that the deputies' response must be evaluated from the perspective of officers who had just been shot at in a confined space, not from the perspective of a calm observer reviewing the incident after the fact. The prosecution's burden to disprove justification beyond a reasonable doubt under I.C. § 19-

202A(4) is a formidable obstacle in any prosecution arising from these facts. At the charging stage, a prosecutor would need to identify substantial evidence that the deputies' return fire was not reasonably necessary — a difficult showing when the subject was pointing a firearm directly at them.

On the facts presented, the deputies' *prima facie* case for justification is overwhelming. Under Idaho law, Deputy Demastus and Deputy Mann 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.⁵⁹ As described above, I conclude that Deputy Demastus and Deputy Mann were protecting themselves and other deputies from an aggravated assault and/or an attempted murder.

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 Demastus and Deputy Mann in fact acted in self-defense. And further, I find Deputy Demastus' and Deputy Mann's actions commendable and heroic, potentially saving the lives of deputies and others that were in the area.

CONCLUSION

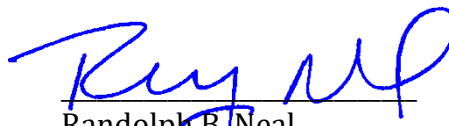
It is not within the purview of the Prosecuting Attorney under these circumstances to speculate about the effectiveness of other potential actions that might have been taken. I judge these circumstances on the decisions actually made by Mr. Griffin and the deputies. While it is unquestionably tragic that Mr. Griffin was apparently in a distressed state of mind, it appears he made a deliberate decision to endanger the deputies, and in stating, "I'm going to shoot you!" understood their likely response and the danger his actions presented to the deputies.⁶⁰ His pointing and firing his gun in the direction of the deputies was a real, actual and significant threat of significant injury or death. I see no reasonable alternative to the deputies' response.

Victim-provoked or victim-precipitated homicide occurs when the person who is killed is the first to use physical force or initiate the violent confrontation that leads to their own death. "Suicide by cop," also known as police-assisted suicide, is a situation in which a person attempts to commit suicide by provoking the police to use deadly force. It involves a person baiting police officers into shooting them rather than the person shooting themselves. The concept is now generally recognized in American law, and expert testimony on the theory is generally accepted in courts. While Idaho courts have not adopted a formal definition of the term, the concept has been acknowledged in at least one published Idaho appellate decision.⁶¹ In a suicide-by-cop scenario, the officer's use of deadly force when the subject's conduct — such as pointing a weapon at officers — gave the officer probable cause to believe there was a threat of death or serious physical injury, the shooting would be justifiable under I.C. § 18-4011, regardless of the subject's underlying suicidal intent. The officer's subjective knowledge of the subject's suicidal state of mind does not negate the objective threat analysis.

For the reasons described above, it is my conclusion that Deputy Demastus' and Deputy Mann's actions at 2630 North Badger Creek Road, Idaho Falls, Bonneville County, Idaho on September 4, 2026, were **JUSTIFIED** under Idaho law as an act(s) of self-defense. Further, I conclude that Deputy Demastus and Deputy Mann were protecting themselves and others by reasonable means necessary from an aggravated assault and/or attempted murder, and thus Idaho law prohibits placing the deputies in "legal jeopardy of any kind whatsoever."⁶² Therefore, any prosecution for their actions must be **DECLINED**.

I likewise commend these deputies for their selfless bravery.

September 29, 2026


Randolph B. Neal
Prosecuting Attorney
Bonneville County, Idaho

Endnotes

- ¹ Idaho Criminal Jury Instructions (“ICJI”) 1517.
- ² I.C. § 18-4011.
- ³ I.C. § 18-4009.
- ⁴ I.C. (“I.C.”) §18-4009.
- ⁵ *State v. Wilson*, 41 Idaho 616, 243 P. 359 (1925).
- ⁶ ICJI 1515.
- ⁷ I.C. § 18-4011.
- ⁸ *Id.*
- ⁹ I.C. § 19-610.
- ¹⁰ I.C. § 18-4009.
- ¹¹ *Id.*
- ¹² *State v. Hall*, 161 Idaho 413, 387 P.3d 81 (2016).
- ¹³ I.C. § 19-202A.
- ¹⁴ *Id.*
- ¹⁵ *Id.*
- ¹⁶ I.C. § 19-202.
- ¹⁷ *State v. Lassiter*, 172 Idaho 314, 532 P.3d 418 (Ct. App. 2023).
- ¹⁸ *State v. Doe*, 172 Idaho 292, 532 P.3d 396 (2023).
- ¹⁹ ICJI 1517.
- ²⁰ *Id.*
- ²¹ *Id.*
- ²² *State v. Carter*, 103 Idaho 917, 655 P.2d 434, 436 (Idaho 1981) (citing I.C. § 18–4009; *People v. Pierson*, 2 Idaho 71, 3 P. 688 (1884)).
- ²³ ICJI 1518.
- ²⁴ *State v. Scroggins*, 91 Idaho 847 at 849, 433 P.2d 117 (1967).
- ²⁵ *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).
- ²⁶ *Id.*
- ²⁷ I.C. §19-202A.
- ²⁸ *Id.*
- ²⁹ *State v. McGreevey*, 17 Idaho 453, 466, 105 Pac. 1047 (1909); *State v. Dunlap*, 40 Idaho 630, 637, 235 Pac. 432 (1925).
- ³⁰ *McGreevey*, at 1051.
- ³¹ *Beard v. United States*, 158 U.S. 550, 564, 15 S. Ct. 962, 967, 39 L. Ed. 1086 (1895)
- ³² ICJI 1517
- ³³ *State v. Hall*, No. 40916, 2015 WL 6159918 (Idaho Ct. App. Oct. 21, 2015).
- ³⁴ *State v. Doe (2021-38)*, 172 Idaho 292, 532 P.3d 396 (2023).
- ³⁵ *Id.*
- ³⁶ *State v. Lassiter*, 172 Idaho 314, 532 P.3d 418 (Ct. App. 2023).
- ³⁷ *State v. Doe (2021-38)*, 172 Idaho 292, 532 P.3d 396 (2023).
- ³⁸ I.C. § 19-202A.
- ³⁹ *State v. Bodenbach*, 165 Idaho 577, 448 P.3d 1005 (2019).
- ⁴⁰ *State v. Hall*, 161 Idaho 413, 387 P.3d 81 (2016).
- ⁴¹ *State v. Kelly*, 158 Idaho 862, 353 P.3d 1096 (Ct. App. 2015).
- ⁴² *State v. Jimenez*, 159 Idaho 466, 362 P.3d 541 (Ct. App. 2015).
- ⁴³ I.C. § 18-4013.
- ⁴⁴ I.C. § 19-505.
- ⁴⁵ *Id.*
- ⁴⁶ *State v. Bodenbach*, 165 Idaho 577, 448 P.3d 1005 (2019); *State v. McDermott*, 169 Idaho 892, 505 P.3d 678 (2022).
- ⁴⁷ I.C. § 18-901(b).
- ⁴⁸ I.C. §§ 18-905(a) & (b).
- ⁴⁹ I.C. § 18-909.
- ⁵⁰ *State v. Anderson*, 172 Idaho 133, 530 P.3d 680 (2023)

⁵¹ *Kessler v. Barowsky*, 129 Idaho 640, 931 P.2d 634 (1997).

⁵² *State v. Doyle*, 170 Idaho 400, 511 P.3d 282 (Ct. App. 2022)

⁵³ *State v. Arrasmith*, 132 Idaho 33, 966 P.2d 33 (Ct. App. 1998)

⁵⁴ *State v. Anderson*, 172 Idaho 133, 530 P.3d 680 (2023).

⁵⁵ 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.").

⁵⁶ *State v. Scroggins*, 91 Idaho 847, 433 P.2d 117 (1967).

⁵⁷ *Beard* at 564, 967.

⁵⁸ See endnote 18, *supra*.

⁵⁹ I.C. §19-202A.

⁶⁰ He reportedly also stated, "just shoot me in the head."

⁶¹ *Vick v. State*, 131 Idaho 121, 952 P.2d 1257 (Ct. App. 1998).

⁶² I.C. §19-202A.