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May 6, 2011

Chief Stuart Thomas
Little Rock Police Department
700 W. Markham
Little Rock, AR 72201Re: **LRPD: 2010-135468**
Officer Donna Leshner

Dear Chief Thomas:

This office has reviewed the case file of the incident which occurred on December 9, 2010, involving suspect Officer Donna Leshner. After reviewing the information, this office concludes that Officer Leshner was justified in the use of deadly force.

As you are aware, Officer Leshner and Officer Tabitha McCrillis were working off duty on December 9, 2010 at the Big Country Chateau Apartments. The investigation reveals that on that night they patrolled past the apartment of a person later determined to be that of Mr. Eugene Ellison. The officers noticed that the door to this apartment was open, that the inside of the apartment was in disarray (including a broken coffee table) and there was a person inside the apartment. As a result of these circumstances the officers entered the apartment to identify this person and to perform a welfare check on him and any other occupants.

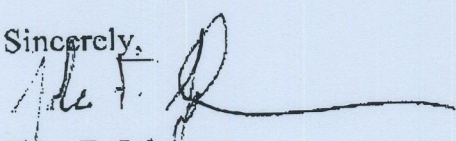
The investigation reveals that as the officers approached Mr. Ellison he immediately attacked them. This resulted in a fight that lasted from 3-5 minutes. During the course of this fight, both officers employed multiple non-lethal tactics to subdue Mr. Ellison. Not only did the non-lethal methods of subduing and taking him into custody have no effect, but Mr. Ellison was able to disarm Officer McCrillis of her baton and cause physical injury to both officers.

Mr. Ellison then armed himself with a cane and accosted the officers with it in a threatening manner. When he refused to put this weapon down Officer Leshner, being unable to subdue him in a non-lethal manner, shot him twice. Mr. Ellison died as a result of two gunshot wounds. Both officers required medical attention at the emergency room as a result of the altercation.

Arkansas Code Annotated § 5-2-610 (b)(1) and (2) allows the use of deadly physical force if (1) the officer reasonably believes that the use of such force is necessary to "effect an arrest or to prevent the escape from custody of an arrested person whom the law enforcement officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous," or (2) "to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force."

The investigation reveals that Officers Leshar and McCrillis were confronted with both of the above circumstances the night Mr. Ellison was shot. The file will be returned to your agency for permanent record. If there are any questions, please let me know.

Sincerely,


John F. Johnson
Chief Deputy Prosecuting Attorney
Sixth Judicial District
State of Arkansas

cc: Detective Stuart Sullivan