



OFFICE OF

THE PROSECUTING ATTORNEY

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JUDICIAL DISTRICT

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January 29, 2015

Arkansas State Police
Lieutenant Stacie Rhodes

The Lonoke County Prosecutor's Office has reviewed all the evidence from your investigation of the officer-involved shooting which occurred in England, Arkansas, on January 9, 2015, to determine whether the use of deadly force was justified in this case. I find that Officer John Siems was fully justified in using lethal force upon Jimmy Freeman. The evidence is consistent with the conclusion that Officer Siems was in fear for his life and others after Jimmy Freeman pointed a handgun at him, and had just fired a round from that same gun into the victim, Dwain Freeman, whom he had just shot multiple times.

On January 9, 2015, England Police Department responded to a 911 call from a witness at SE 3rd Street where Jimmy Freeman and Dwain Freeman lived. That witness stated that Jimmy Freeman had gotten into an argument with Dwain Freeman, retrieved a Colt .45 revolver and shot Dwain Freeman inside the residence. The witness heard three more shots fired by Jimmy Freeman. When England Police officers arrived, the witness heard and saw Officer John Siems tell Jimmy Freeman to put the gun down multiple times. Officers James Pearson and Walter Moore with England Police Department also witnessed Officer John Siems tell Jimmy Freeman to put the gun down multiple times. They both heard Jimmy Freeman state to Officer John Siems to "just shoot me," saw Jimmy Freeman fire another round from his weapon into the body of Dwain Freeman, then point his weapon towards Officer John Siems.

Under Arkansas Code Annotated § 5-2-610(b)(2), a law enforcement officer is justified in using deadly physical force upon another person if the law enforcement officer reasonably believes that the use of the deadly physical force is necessary to defend himself or a third person from what the law enforcement officer reasonably believes to be the use or imminent use of deadly physical force.

In this case it is abundantly clear that John Siems reasonably believed that Jimmy Freeman could use deadly physical force on him or other officers and/or citizens at the scene. Multiple witnesses saw Jimmy Freeman shoot and kill Dwain Freeman and also saw Jimmy Freeman point his weapon at Officer John Siems. Having exhausted all other means of non-deadly force, Officer Siems was forced to use deadly force upon Jimmy Freeman, and, therefore, he was justified under the Arkansas law of self-defense.

Chuck Graham
Prosecuting Attorney

Cc: Chief Nathan Cook, England Police Department