OFFICE OF ATTORNEY GENERAL INVESTIGATION AND REPORT OFFICER INVOLVED SHOOTING (Joshua Thomas Gilchrist, 1-26-2007)

The South Dakota Division of Criminal Investigation (DCI) received a request on January 26, 2007, from the Huron Police Department to conduct an inquiry into an officer involved shooting in Huron, South Dakota, in the morning hours of January 26, 2007. The Division of Criminal Investigation began an investigation immediately.

DCI Officers took control of the scene from the Huron Police Department, recovered the weapons from the involved officers, secured blood and urine samples, interviewed the officers involved, the participants, and other eye witnesses. The scene was processed for evidence and ballistics tests were requested from the South Dakota Forensics Lab. Autopsies were performed on the two decedents, Joshua Thomas Gilchrist, DOB: 2-16-1991, and his mother, Betty Gilchrist, DOB: 10-13-1957. Ballistics tests have been completed and the toxicology reports have been received.

The evidence gathered to this point indicates the following:

SUMMARY

On Friday, January 26, 2007, at about 5:48 a.m., the Huron Police Department received a 911 call for help at 1461 McDonald

Drive in Huron, South Dakota. The dispatcher who received the call advised the responding officers that a young female caller had requested officers and an ambulance for possible multiple stabbing victims because her brother was assaulting family members. Four Huron Police Department officers responded to the call. Those officers were: Police Captain Daniel T. Marotteck, Police Sergeant Daniel Schlader, Police Officer Daniel Kight, and Police Officer Scott Stiegelmeier. Captain Marotteck was the first officer to arrive on the scene. Officer Kight and then Officer Stiegelmeier arrived very shortly thereafter.

The officers arrived on the scene at approximately 5:52

a.m. The location was later identified as the home occupied by

Jon and Betty Gilchrist, their children, Joshua (age 15) and

Rebekah (age 14), and Danil Antonov (age 15), an exchange

student. The home is a ranch style house. The front door is

located a few feet above ground level. There is a semi-circle

5-step stairway leading to the front door. Marotteck and Kight

climbed the steps. Marotteck knocked on the door while Kight

held the storm door open. Stiegelmeier was located in the front

yard slightly to the left of the front steps. The door was

answered by Rebekah. She was covered in blood from "head to

toe." She was screaming hysterically that her brother was

trying to kill her mom.

Rebekah was bleeding heavily from her hands. Marotteck and Rebekah moved into the kitchen which is just to the right of the front door. He asked Rebekah where her brother and mother were. Before he received an answer, he heard someone screaming, and saw a male (Joshua Gilchrist) running from a hallway towards the front door. Joshua was holding a sword above his shoulders. Marotteck retreated into kitchen with Rebekah and drew his weapon. Joshua ran past the kitchen and out the open front door toward Officer Kight, who was standing in the doorway.

Joshua ran out the front door and attacked Kight, swinging the sword in a downward motion. Kight lifted his left arm to ward off the attack. He was struck multiple times in the left arm and shoulder while at the same time backing down the stairs, and drawing and firing his weapon. Kight fired one round, felt a jolt to his body, and fell backwards onto the ground.

Stiegelmeier was located at the bottom of the front steps when Kight was retreating down the steps. Stiegelmeier attempted to disable Joshua by firing a taser. One barb of the taser struck Joshua. However, the other barb struck Kight, so the circuit was not completed until Joshua's sword struck Kight. Thus, both Joshua and Kight received part of the jolt from the taser. The taser jolt may have contributed to Kight falling in the yard.

Sergeant Schlader was the fourth officer to arrive on the scene. He exited his vehicle just after Marotteck and Kight had entered the house. As Schlader walked toward the house, he observed Kight backing quickly out the front door while being attacked by a man swinging a sword. Schlader saw Kight stumble and fall over some bushes. Joshua was bent over and coming down the stairs toward Kight. He continued to attack Kight with the sword as Kight fell to the ground. Schlader fired his weapon at Joshua four times as he moved down off the stairs at Kight. Two rounds struck Joshua.

Joshua fell to the ground after being struck by the rounds fired by Schlader. Joshua then rolled over, grabbed the sword and attempted to get up. Kight then tasered Joshua upon Marotteck's order.

EMTs and ambulance personnel arrived on the scene at approximately 5:58 a.m.

EXAMINATION OF THE SCENE

After the shooting, the home was examined. Rebekah had sustained several wounds to her hands, and, particularly, her thumbs. Blood was noted in several areas throughout the house. A shotgun covered with a significant amount of blood was located in one of the bedrooms. The shotgun was unloaded, however, several live rounds were attached to the weapon in an ammo belt attached to the stock. Several knives and one machete were

located in Joshua's room in the basement. Betty Gilchrist was located, together with a considerable amount of blood, in the basement under the stairway. Danil Antonov, the exchange student, was located at a neighbor's residence. Antonov had also suffered cutting wounds on his hands.

The weapon being utilized by Joshua was a sword with a 24 inch sharp pointed blade, a sharpened edge, a handle of approximately 7 inches, and an overall length of about 31 inches. The blade was sharply bent about 1 inch from the tip. The blade also was deformed into a half moon shape about the last 15 inches from the tip.

WITNESSES

Information provided by Rebekah and Antonov indicates that Rebekah was awakened early in the morning because Joshua was outside their mother's bedroom shouting loudly. She saw her brother chase their mother into the basement. She saw her brother stabbing her mother. She jumped on her brother and attempted to take the sword away from him, cutting her hands in the process. Antonov, whose bedroom is in the basement, heard the noise and came out of his room. Antonov pushed Joshua away, grabbed Rebekah, and they both ran upstairs. They were being pursued by Joshua. Antonov and Rebekah tried to get out of the house through the garage. Danil and Rebekah became separated. Joshua followed Danil into the garage and struck Danil in the

chest with the sword. Danil grabbed the sword and began to fight with Joshua. As the garage door was closing, Danil rolled underneath it and ran to the neighbor's house. While Joshua was attacking Danil in the garage, Rebekah went to the bedroom and tried to load the shotgun, but was unable to do so because her hands were so badly injured. She was able to make a 911 call to the police.

AUTOPSY RESULTS

Joshua Gilchrist was hit by three bullets. The first bullet entered the abdomen below the ribcage and slightly left of center, passed through the left lobe of the liver and exited through the back.

A second bullet entered the back part of the left shoulder between ribs three and four on a downward trajectory. The bullet hit the left lung, the left ventrical, the left diaphragm, the left lobe of the liver, the stomach and the left kidney. This bullet was fatal.

A third bullet entered the back of the right shoulder generally parallel to the spine but did not strike any vital tissue. A taser probe was recovered from Joshua's sweatshirt during the autopsy.

Another bullet passed through Joshua's sweat pants and underwear but did not strike Joshua.

Betty Gilchrist had been stabbed once in the left breast perforating her left lung, once in the right chest perforating her right lung, and twice in the front of her neck. One neck wound completely severed her right carotid artery; the second struck her trachea and esophagus. She was also stabbed in the front left shoulder and the front left bicep. She also had multiple defensive stab wounds on her hands and arms. She also had several post-mortem wounds around her face and chest.

LAB RESULTS

The pistols from the four responding officers were transported to the South Dakota Forensics Laboratory and examined. The pistols assigned to Captain Marotteck and Stiegelmeier were fully loaded and did not appear to have been fired. Officer Kight's weapon appeared to have been fired twice. Sergeant Schlader's weapon appeared to have been fired four times. The round which struck Joshua in the stomach was likely fired by Officer Kight. The two rounds which struck Joshua in the left shoulder and the right shoulder were fired by Sergeant Schlader. The damage observed to the sword is consistent with attempts by Joshua to stab his mother, his sister and Antonov.

Blood and urine toxicology for both Joshua and Betty
Gilchrist were negative. Blood and urine toxicology for each of
the four officers were also negative.

Officer Kight was wearing a heavy winter coat, which was cut on the left sleeve. His front left shirt pocket was also cut. The sword did not penetrate through the coat, likely because the blade was bent, thus reducing any slicing action.

CONCLUSION

The Attorney General's Office concludes that Captain Marotteck, Sergeant Schlader, Officer Stiegelmeier and Officer Kight all acted appropriately. The 911 call told them that they were headed into a dangerous situation. A dangerous situation was clearly confirmed when Rebekah answered the door covered in blood and screamed "my brother is killing my mom!" Officer Kight was attacked by surprise. He did not have time to issue any warnings, so he retreated, drew his weapon and fired. As Sergeant Schlader approached the house, he saw Kight back pedaling and falling and being attacked by a man with a sword. Schlader fired to protect Officer Kight. The trajectory of the bullet which killed Joshua is consistent with the evidence that Joshua was leaning over and striking at Officer Kight when the two bullets struck him. Further, the officers acted with restraint. After Joshua was down and started to get back up, the officers used a taser, rather than deadly force, in order to subdue him.

This Office finds that the deadly force used in this situation was justified and appropriate.