



*State of North Carolina*  
*General Court of Justice*  
*Twenty-Sixth Prosecutorial*  
*District*  
**MECKLENBURG COUNTY**

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April 8, 2015

Chief Rodney D. Monroe  
Charlotte-Mecklenburg Police Department  
601 East Trade Street, 3<sup>rd</sup> floor  
Charlotte, NC 28202

Re: Janisha Fonville Death Investigation

Dear Chief Monroe,

Pursuant to N.C.G.S. 7A-61, my office has reviewed the investigation surrounding the death of Janisha Fonville under complaint number 20150218213206. The purpose of this review was to examine whether Officer A.J. Holzhauser's use of deadly force on February 18, 2015 constituted a crime under the laws of North Carolina. Based on the information presented to the District Attorney's Office, we agree there is no evidence that Officer Holzhauser acted unlawfully. This letter does not address issues relating to tactics or whether Officer Holzhauser followed correct police procedures or CMPD Directives.

I was present and personally observed the interviews of both police and civilian witnesses at the Law Enforcement Center on the night of the incident. In addition, members of the Homicide Prosecution Team and I reviewed the results of the investigation conducted by the Charlotte Mecklenburg Police Department, including transcripts of the recorded interviews, and my office consulted with the Medical Examiner regarding the injuries to the decedent.

The facts, as observed and ascertained through reviewing the file, are as follows:

On February 18, 2015, Officers Holzhauser and Sheffield responded to a 911 call at 2710 Bellefonte Drive, Apartment A. The nature of the call involved a domestic dispute between two women: Janisha Fonville and Korneisha Banks. According to Ms. Banks, the dispute involved

an argument between the two women, and at some point, Ms. Fonville “went downstairs and she had the knife and she told me she was gonna kill me.”<sup>1</sup> It was Korneisha Banks’ sister that called 911 at Korneisha Banks’ request.

When Officers Holzhauser and Sheffield arrived, they encountered Korneisha Banks outside the apartment. Both officers and Ms. Banks all stated during the investigation of this incident that Ms. Banks told the officers that her girlfriend, Janisha Fonville, was inside the apartment with a knife. She further informed the officers that Ms. Fonville needed to “go to get evaluated at Mental Health.”<sup>2</sup> The officers were informed that the decedent was a danger to herself and that there were other occupants in the apartment with her, including an infant child.

Officer Holzhauser entered the apartment first. Officer Sheffield and Ms. Banks also entered the apartment. These three individuals were all inside the room when the incident took place. Each of these individuals provided recorded statements to investigators immediately following the incident. Their accounts are detailed below in the order they entered the apartment.

#### HOLZHAUSER Statement:

Holzhauser describes the apartment as dark when he entered. He used his flashlight to scan the room. He saw Janisha Fonville lying on a couch in a fetal position. Around that time, either Sheffield or Banks turned on the lights. At that time, Holzhauser observed the decedent on the couch, eyes open, with a knife between her legs. He was approximately 10 feet from the decedent, and he had moved from the doorway upon entry by Sheffield and Ms. Banks, so his back was against a wall. He described the knife as a black, serrated-edge knife. Upon seeing the knife, he put his hand on his service weapon and commanded the decedent to drop the knife.<sup>3</sup> Instead of dropping the knife, the decedent yelled something and charged at Holzhauser. In his words, “I could see the knife . . . it appeared to be in her right hand . . . she raised her hand up above her head and then lunged at me. At this time I drew my firearm and got it to my chest area, upper left chest area, and I stuck my right hand out to attempt to deflect her body. . . . [W]hen her body was within half a foot of me, I fired . . .”<sup>4</sup>

Immediately after the shooting, he heard Sheffield call over the radio that shots were fired. Holzhauser noted that he had felt either the knife or the decedent’s arm touch him. He further stated that after the shooting, the knife fell to the floor. A damaged, black-handled serrated knife was recovered from the floor after the shooting. It should be noted that it appears the knife was struck and damaged from the impact of a bullet. Holzhauser then began first aid on the decedent and continued until Medic arrived.

#### KORNEISHA BANKS Statement:

Ms. Banks entered the apartment with the officers. She confirmed she had told the officers before they entered that the decedent had a knife but told the officers “she’s not gonna

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<sup>1</sup> Recorded statement of Korneisha Banks on February 18, 2015, at page 11.

<sup>2</sup> Recorded statement of Korneisha Banks on February 18, 2015, at page 12.

<sup>3</sup> Holzhauser “said one time, ma’am, put down the knife or . . . I don’t know if I said put down the knife or drop the knife . . . . Recorded statement of Anthony Holzhauser on February 18, 2015, page 13.

<sup>4</sup> Recorded statement of Anthony Holzhauser on February 18, 2015, page 13.

hurt anybody.”<sup>5</sup> During her statement, Ms. Banks recounts officers telling the decedent to drop the knife. Describing the officers’ actions, Ms. Banks told investigators, “And they went in there and then . . . it happened so fast. They asked her could she get . . . could she throw the knife away.”<sup>6</sup> Ms. Banks later stated, “And then they asked her to put the knife down or get rid of the knife or whatnot.”<sup>7</sup>

Ms. Banks then stated that the decedent charged toward her. She stated “she got mad and she just tried to charge towards me, but I don’t know if she had it (the knife) in her hand. I just know that they knew she had it and she was just like . . .all I heard her say was ‘Bitch!,’ and then I heard two gunshots. . .”<sup>8</sup>

To address Ms. Banks’ statement to the police that the decedent had a knife but would not hurt anybody, some details of the relationship between Ms. Banks and the decedent are relevant. This information could not have been known to Officer Holzhauer at the time of the incident, but it is relevant to establish whether or not the decedent charged Holzhauer with a knife and was therefore a lethal threat to him, Sheffield and Ms. Banks. Ms. Banks provided investigators with extensive detail about the decedent’s recent state of mind and prior acts. Specifically, she told investigators that the decedent pulled knives on her in the past,<sup>9</sup> charged after her with knives,<sup>10</sup> told her “she always wanted to kill people,”<sup>11</sup> said “. . . I already know if I kill you, I’m a hafta kill your sister,”<sup>12</sup> and used knives to cut both herself<sup>13</sup> and Ms. Banks.<sup>14</sup>

#### SHEFFIELD Statement:

Officer Sheffield arrived at the same time as Officer Holzhauer and encountered Ms. Banks in the front yard of the apartment. According to Sheffield, Ms. Banks told the officers that her girlfriend (the decedent) was “acting weird” and needed to go to Mental Health.<sup>15</sup> Sheffield recalled Ms. Banks telling the officers that the decedent was armed with a knife “but she’s not gonna do anything.”<sup>16</sup> Shortly after entering, Sheffield saw the decedent on the couch. He says he heard Holzhauer tell the decedent to drop the knife.<sup>17</sup> Sheffield says the decedent then jumped off the couch and lunged at Holzhauer.<sup>18</sup> From his angle, Sheffield could not see the knife in the decedent’s hand when she lunged at Holzhauer, but he did see the knife flipping through the air after Holzhauer discharged his weapon.<sup>19</sup>

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<sup>5</sup> Recorded statement of Korneisha Banks on February 18, 2015, at page 12.

<sup>6</sup> Recorded statement of Korneisha Banks on February 18, 2015, page 12

<sup>7</sup> Recorded statement of Korneisha Banks on February 18, 2015, page 24.

<sup>8</sup> Recorded statement of Korneisha Banks on February 18, 2015, page 12

<sup>9</sup> Recorded statement of Korneisha Banks on February 18, 2015, page 20.

<sup>10</sup> Recorded statement of Korneisha Banks on February 18, 2015, page 31.

<sup>11</sup> Recorded statement of Korneisha Banks on February 18, 2015, page 61.

<sup>12</sup> Recorded statement of Korneisha Banks on February 18, 2015, page 64.

<sup>13</sup> Recorded statement of Korneisha Banks on February 18, 2015, page 9.

<sup>14</sup> Recorded statement of Korneisha Banks on February 18, 2015, page 20.

<sup>15</sup> Recorded statement of SP Sheffield on February 18, 2015, page 6.

<sup>16</sup> Recorded statement of SP Sheffield on February 18, 2015, page 6-7.

<sup>17</sup> Recorded statement of SP Sheffield on February 18, 2015, page 7.

<sup>18</sup> Recorded statement of SP Sheffield on February 18, 2015, page 7.

<sup>19</sup> Recorded statement of SP Sheffield on February 18, 2015, page 18.

Officer Sheffield told investigators that he believed Officer Holzhauer had no choice but to fire his weapon. When directly asked what would have happened if Holzhauer had not fired his weapon, Officer Sheffield's response was that Holzhauer would have been killed.<sup>20</sup>

#### MYEISHA BANKS:

Myeisha Banks is the sister of Korneisha Banks who was present in the apartment and called 911. She was upstairs when the shooting occurred and did not hear or see the actual events as they unfolded. She confirmed that she called 911 at her sister's request to say "Janisha had a knife and then she was trying to cut herself and charged at my sister with the knife."<sup>21</sup> Myeisha told investigators she did not hear or see the events in question until she heard the gunshots.<sup>22</sup>

#### PHYSICAL EVIDENCE:

The knife: It is undisputed from the witnesses that the decedent was in possession of a black-handled knife. In addition, Officer Holzhauer saw the knife and is clear in his recorded interview that the decedent charged him with the knife. Officer Sheffield saw the knife falling from the decedent's hand after Holzhauer fired his weapon. A knife was recovered at the scene that matches the description provided by the witnesses.<sup>23</sup> On the knife were blood and DNA belonging to the decedent. The knife handle was broken into multiple pieces,<sup>24</sup> apparently from being struck with one of the projectiles fired from Holzhauer's gun. One of the projectiles from Holzhauer's gun struck the decedent in the right hand. The path of the bullet and the damage to the knife are both consistent with the projectile striking the knife while it was in the decedent's hand.<sup>25</sup>

Holzhauer's gun: Officer Holzhauer's gun was secured after the shooting and processed for trace evidence. The barrel of the gun tested positive for blood and DNA analysis confirmed that the blood found on the gun belonged to the decedent.

These pieces of physical evidence are important because they are consistent with the statements given by the witnesses. In Holzhauer's statement, he describes using his right hand to attempt to push the decedent away and firing with his left hand.<sup>26</sup> In addition, the apparent bullet damage to the knife is consistent with the angle of fire described by Holzhauer and Sheffield.

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<sup>20</sup> Recorded statement of SP Sheffield on February 18, 2015, page 49.

<sup>21</sup> Myeisha Banks Recorded Statement, February 13, 2015 at page 11.

<sup>22</sup> Myeisha Banks Recorded Statement, February 13, 2015 at page 19.

<sup>23</sup> Photograph of broken knife recovered at scene, attached.

<sup>24</sup> Photograph of handle pieces recovered at crime scene, attached.

<sup>25</sup> Close up photograph of knife handle with impact mark, attached.

<sup>26</sup> Officer Holzhauer is left handed.

LEGAL ANALYSIS:

Criminal liability is established only if it is proved beyond a reasonable doubt that all of the elements of the criminal offense have been committed and that the offense was committed without justification or excuse. It is not in dispute that Officer Holzhauser shot and killed the decedent in this case. Accordingly, the determination of whether this shooting constituted a crime hinges on whether the shooting was legally justified.

North Carolina law provides that an officer may use deadly force “[t]o defend himself or a third party from what he reasonably believes to be the use or imminent use of deadly physical force.” G.S. §15A-401. “[T]he focus should be on the circumstances at the moment force was used and on the fact that officers on the beat are not afforded the luxury of armchair reflection.” *Elliott v. Leavitt*, 99 F.3d 640, 642 (4<sup>th</sup> Cir. 1996). “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *See Terry v. Ohio*. “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.” *See, Graham v. Connor*, 490 U.S. 386 (U.S. 1989).<sup>27</sup>

Based on the totality of the circumstances, the District Attorney’s Office has concluded that it was not unlawful for Officer Holzhauser to use deadly force in the face of what he reasonably perceived to be an attack from a knife-wielding subject. Consequently, charges against Officer Holzhauser are not appropriate under the law.

If you have any questions, please contact me directly.

Sincerely,




R. Andrew Murray  
District Attorney

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<sup>27</sup> These cases analyze the use of force under a U.S. Code §1983 analysis but the cases provide sound legal reasoning when examining police use of deadly force.

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Holzhauser: Yes mam.

Manassah: And who was...who administered that part of the test to you?

Holzhauser: Uh...as far as...who...who took me or... <Talkover-inaudible>

Manassah: <Inaudible>...the Sergeant...yeah.

Holzhauser: Uh...it was Sergeant Rains and um...and Sergeant uh...Jeter I...I believe is his name...

Manassah: Okay.

Holzhauser: ...went there with me as well.

Manassah: Okay um...this... <Inaudible> ...something new so I wanna make sure that you were aware of that...

Greene: Yeah they...told me about that.


Manassah: ...that...that...that policy so...um...other than that I'm just gonna turn it over to Detective Ladd and I'm just gonna listen and then I'll probably have some follow up questions after that so...

Holzhauser: Okay.

Greene: Is that part of uh...IA's requirement?

Manassah: Yes.


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um...as I opened the door um...the...the lights were off inside um...to my right, as I opened the door to my right was a...a stairwell going straight up ahead of me, um...I observed a...a...a child under the age of 10 walking up the stairs, or appeared to be under the age of 10 um...and I also observed, what appeared to be, an adult at the top of the stairs uh...the stairwell, the living room that I was in was...was black uh...there were no lights on, there was no TV on...any lights of any kind. There was a little bit of natural light coming through the kitchen window um...but it was very minimal. Um...uh...at this time I...I...I pulled my flashlight out and lit up the room, the living room opened up to my left with the kitchen door being uh...in front of me to my left. Um...I observed a uh...a black female in the fetal position with her knees and her head facing away from the couch towards me. Uh...it appeared to me that she was sleeping, um...I then finished passing over the entire room with my flashlight uh...to see if there was anybody else in the...in the room. Um...at this time Officer Sheffield came in behind me with the complainant, I do not...I don't know if Sheffield or the complainant turned the lights on but the...the lights were on and I could see the uh...the...suspect was the only other person in the room. Um...I then stepped...I stepped all the way into the room and uh...I stepped to the right corner um...still looking at the...the suspect, at...at this time I could see that her eyes were open and her hands were tucked between her legs, between her knees and at this time I immediately uh...noticed a...a black handle uh...in the top of her uh...or...I could see it at the top of her knees, um...and then I...I could see between her shins and her calves was the...the point of a knife. Um...I don't know if she was holding the knife pointed up or if she was holding it down I just know that the handle was at her knees and the blade part was between her legs. Um...it appeared to be a serrated edge knife, uh...like a...like a kitchen knife. Um...I immediately placed my left hand on my firearm

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uh...and put down the...the hood of my holster and said one time mam, put the knife down or...I...I don't know if I said put the knife down or drop the knife uh...as...immediately after I said that, the female yelled uh...like a...I'd call it like an animal yell like...ahhhh...and lunged at me, um...the couch was probably, at this time, was maybe between 10 and 12 feet away from me. Um...I was in the back corner, I had...I had no...area to move, um...Officer Sheffield was to my left and then the complainant was also to my left. Um...at this...at this time the...female uh...was kind of in a...in an angled uh...run towards me, she didn't stand fully up but I could see the knife <Inaudible>...it appeared to be in her right hand um...she raised her hand up above her head and then lunged at me. Uh...at this time I...I drew my firearm and got it to my chest area, upper left chest area, and I stuck my right hand out to attempt to deflect her body. Um...when she got within <Inaudible>...when her body was within a half a foot of me I...I fired uh...I believe two times um...at a downward angle towards her um...and...kind of deflected her to my left like this um...and as I did that I felt her...I don't know if it was her forearm, her hand or the knife um...it...I felt it hit me on my right...my right shoulder as she went past and then she...fell to the ground and I stepped...I took a few steps back towards the couch to create distance between her and myself. Um...I kept my firearm out at this time, uh...cause I...I didn't know where the...where the weapon was at. Um...as I stepped away I could see that the knife um...was laying on the ground, I believe it was in the middle of the room in the...now the black handle was broken off and uh...there was blood on the handle...uh...or on the...on the...uh...the metal of the knife and it was consistent with the...the knife that I saw um...when she had...that she had between her knees. Um...I uh...at this time I...I heard Officer Sheffield notify, over the radio, that there had been shots fired, um...and the female that <Inaudible>...called the...or the

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KORNEISHA: I don't remember exactly what...

LADD: Okay.

KORNEISHA: ...but I know we both was sick, so we both was frustrated.

LADD: Okay.

KORNEISHA: And then I know she had got a knife and then she be cutting herself sometimes.

TOMEKIA: A while ago she used to cut herself back, a year before last and I...

LADD: Okay.

TOMEKIA: When I came in from work one day, I had the police meet me at the house to go in there and get her 'cause she had cut herself really bad to where she was about to bleed out.

LADD: Okay.

TOMEKIA: Um, this was 2000...what's this '15? This was in 2013, so...


LADD: Was this at the same place?

TOMEKIA: This was at a different house when we lived over on Harrill Street.

LADD: Okay.

BURKARD: Harrill Street? Okay.

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BURKARD: This is what we're gonna do. First let's talk...we're gonna talk about what happened tonight and then I really wanna get through all this stuff that happened in the past.

KORNEISHA: Yeah.

BURKARD: Um, let's get through what happened this time, tonight, and if I forget I want you to remind me, okay?

KORNEISHA: Okay.

BURKARD: Alright.

LADD: Tell me what...y'all were arguing and you don't remember what it was about?

KORNEISHA: Arguing, uh, it was just basically like, I mean, two females. We was just arguing like about some stuff and we were just arguing.


LADD: Okay.

BURKARD: It's okay.

KORNEISHA: We would argue <sobbing> and then we started...we got into it a little bit and then she went downstairs and she had the knife and she told me she was gonna kill me, so I told <unintelligible>...I said if something happen, just call the police. I guess she went and called the police.

LADD: Okay.

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KORNEISHA: The police came and when I was going out that door they was coming in.

LADD: Okay.

KORNEISHA: <unintelligible>.

TOMEKIA: I'm talking to a detective, so I'ma call you back, sis.

KORNEISHA: And I explained to them, I said...

TOMEKIA: I will.

KORNEISHA: ...she got a knife but she's not gonna hurt anybody. She's just...she needs to go get evaluated at Mental Health so they can give her a little help today. And they went in there and then...it just happened so fast. They asked her could she get...could she throw the knife away.


TOMEKIA: <talking on phone in background>...Yes, I'm at the police department. I'm talking to the detective. I'll call you back.

KORNEISHA: And I...she got mad and she just tried to charge towards me, but I don't know if she had it in her hand. I just know that they knew she had it and she was just like...all I heard her say was, "Bitch!", and then I heard two gunshots, and then that was it and then I just ran outside <sobbing>.

LADD: Did you...did you actually get outside or were you still inside when the shots went off?

KORNEISHA: I ran...I was inside when they shot her <sobbing>.

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KORNEISHA: Yes, recently.

LADD: ...peaks and valleys?

KORNEISHA: Yes.

LADD: Okay, this been going on for about two weeks. You said something about, um, she's a threat to herself and she's gonna hurt you. Did...has she hurt you in the past?

KORNEISHA: Um, she tried once but I restrained her and then when she calmed down, you know, she came to her senses.

LADD: Okay, she's never cut you?

KORNEISHA: I mean, not purposely, but the other night when we was gettin' into it, the knife had went into my arm and then I had got a cut on my finger right here.

LADD: Okay.

KORNEISHA: Trying to take it from her.

LADD: The other night, how long ago was this?


KORNEISHA: This was about four nights ago.

LADD: Okay.

KORNEISHA: Saturday.

LADD: Part of that two weeks thing you been dealing with?

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LADD: Okay.

KORNEISHA: And then they asked her to put the knife down or get rid of the knife or whatnot.

LADD: Did you see...did...was she holding the knife?

KORNEISHA: No, I didn't see it in her hand. I don't remember seeing it in her hands.

LADD: Okay.

KORNEISHA: But I do know she had it in her pants and then that's when she was like, "You bitch!", and then she jumped up as if she was charging towards me, then he just shot twice.

LADD: Okay. Now I've never been in your house, so I don't know what it looks like. When I'm standing in your doorway, is your couch like at the far wall?

KORNEISHA: Yes, like, my couch is <talk-over>.

LADD: So a bed would be like right there and it's flat?


KORNEISHA: Facing us, yes.

LADD: Okay. If she's laying on it, are her feet to your right or to your left?

KORNEISHA: Her feet were to my right. I mean to my left.

LADD: To your left? Okay, so her head's on this side.

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LADD: Okay. You were talking about the thing that happened, uh, four days before this, how you ended up getting cut. What happened? Did she...you tried to take a knife away from her?

KORNEISHA: She had two butcher knives when I came in.

LADD: Okay.

KORNEISHA: Well, first she hit me and then when I went to take my jacket off, she pulled the...both of the butcher knives out and then she charged towards me. When she charged towards me, I grabbed her arm.

LADD: Okay.

KORNEISHA: And then in the midst of us tussling over the knives, um, like, it grazed my arm, like it went in my arm and then I got a few cuts on my hand from it but it was...that was it.

LADD: Okay. And that was four days before this? Has anything else happened before this?

KORNEISHA: I mean, she done pulled out a knife on me a couple of times.


LADD: Is it all about when...whenever she thinks you're having problems that you're gonna leave her, this...this is the <talk-over>.

KORNEISHA: Yeah, like when we arguin', like she don't know how to...she didn't know how to express her emotions.

LADD: Okay.

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TOMEKIA: Yeah, 'cause one time she cut so deep she had to get like 9 stitches...

BURKARD: Yeah.

TOMEKIA: ...in it. Yeah, she had to get like 9 stitches.

LADD: Did she ever tell you she had suicidal thoughts?

KORNEISHA: Uh huh. She said she think about killing herself, killing other people. Yeah, she...I mean she admitted that to me 'cause we always have those type of conversations.

LADD: Killing other people, what do you mean killing other people?

KORNEISHA: Yeah, like she just said she always wanted to kill people, like, she just don't wanna go to jail for it.


LADD: When was this? When was this conversation?

KORNEISHA: Well, the last time we had this conversation, actually it was about two weeks ago when she pulled out a...a blade on me.

LADD: Uh huh.

KORNEISHA: And then when we was laying down after the fact, everything had started diffusing and she was just explaining to me like, yeah, I think about killing people, I wanna kill people all the time. Then she was telling, she told me how it's been a couple of times she done thought about killing me and like, you know, she was just basically telling me how she feel.

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him to stay steady and stand up, but that's not what you do to a 11-month-old child to help them walk.

BURKARD: And that's your argument?

KORNEISHA: So we had, yeah, we had got into it about that, but other than that.

BURKARD: How 'bout your sister, she ever try and hurt her?

KORNEISHA: No.

BURKARD: So she's the one going up to you with the knife?

KORNEISHA: Uh huh.

BURKARD: Nobody else that you know of in the house?

KORNEISHA: No. I mean other than, uh, I mean...

BURKARD: Other than...other than?

KORNEISHA: Other than her coming towards me, she never really went to nobody but I...she did tell me one time she was like, one time we was in the middle of it, she was just like I already know if I kill you, I'ma hafta kill your sister. She was like some'um, some'um, some'um, some'um, some'um.


TOMEKIA: <unintelligible>.

KORNEISHA: Yeah, I mean she was really messed up in the head, you know, on many different levels. But, for the most part, she was...

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Morales: Okay. Alright...<Inaudible> through that there. Alright uh...let's just start from the beginning um...just tell us...tell us...kind a what happened, you know...how you got the call and uh...just go from there.


Sheffield: <Inaudible>...going down, uh...North Tryon <Inaudible> inbound and uh...uh...heard the call go out somewhere on uh...Belafonte, I heard it get assigned to...our response area so I clear off my call, took it for them. Uh...Holzhauer checked on scene first...told him where I was at, we...he waited for me, I checked on scene, we pulled in together uh...we went to the address uh...in the call...the call...the call...from what I remember, the call <Inaudible>...said that uh...the complainant was advising that her...uh...girlfriend was acting irate and didn't know why so we get there on scene, the complainant meets us outside...uh...she tells us that...she's living there with her...girlfriend um...she said that her girlfriend is...has some mental issues, uh...she advised that she was just acting weird, she didn't really know why...and she wanted us to take her to Mental Health. We asked her if she was willing...we asked the complainant <Inaudible> outside the apartment. Uh...we asked the complainant to... Do I need to slow down?

Fitch: No go ahead.

Morales: <Inaudible>...keep going.

Sheffield: We asked the complainant if she was willing to go voluntarily and she said no so we told her that we would go inside and talk with the...her girlfriend, try to assess the situation from there but...there's not much we could do, she doesn't wanna go by herself <Inaudible>...on her own. Uh...so...before we go in the...uh...complainant said that...she said now I'm gonna tell you there's a knife in between the couch...uh...but she's not

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gonna do anything, she won't hurt yall so we go inside uh...walk....Holzhaur walks in first, the...complainant walks in next and then I walk in behind the complainant and uh... Holzhaur goes to one side of the room where...soon as you walk in we were just in the main room, I'm a...I...I don't know...I...I assume it's the living room, I just...I don't know...just the main room as soon as you walk in and the...suspect is on the couch, laying on the couch...and uh... Holzhaur walks in, complainant walks in...I walk in behind her... Holzhaur turns around uh...just cause she said there was a knife on the couch and one was still on the couch. We both start to...come out of our holsters uh...just for precautionary reasons and then...Holzhaur announces hey, I see the hand...I see...I see your knife, just drop the knife for me, just...let the knife go. Uh...I don't know his exact words but he...it was to the extent...drop the knife, I heard...I heard him say drop the knife, take the knife out of your hand...and then...uh...just out a nowhere...she springs up off the couch, lunges at uh...Holzhaur and that is when Officer Holzhaur <Inaudible>...discharged his weapon.

Morales: Okay...keep going.

Sheffield: And then from there, I got on the radio uh...the...complainant fled out the house uh...uh...<Inaudible> a child and...a child carrying a baby was coming down the stairs, I told them to go back upstairs...so this baby didn't have to see anything. The woman had obviously been struck...from the rounds that Officer <Inaudible>...Officer Holzhaur fired. Uh...I got on the...radio announced shots fired, shots fired...I think I said it three times uh...and dispatch alerted everybody to come towards Belafonte. Uh...and then Officer Holzhaur uh...went to the...front door and checked uh...checked...I...I...I don't know why, I just assumed to make sure...nobody was coming up from behind us. Uh...I holster my weapon, went to the victim...or suspect, whichever, I...I don't...whatever you wanna call her and...uh...by this time the knife was out of her hands, uh...we kind

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Morales: No? Okay. Um...and going back to... Holzhaur fires two shots um...do you...did...did you...you said you didn't see the knife until after the shots were fired, is that correct...

Sheffield: Correct.

Morales: ...I'm recalling correctly? Okay do you...did you know what um...hand the knife was in or anything like that or did you see what...what hand the knife came out of?

Sheffield: No...I just...as...as...soon as he...delivered shots, I just saw it flipping through the air.

Morales: Okay, alright...um...and after he fired his shots, you said you got on the radio, is that correct?

Sheffield: Uh huh.


Morales: Okay, and you...you...advised dispatch about shots being fired...

Sheffield: Uh huh.

Morales: Um...what did you do after that?

Sheffield: Uh...I turn <inaudible> Holzhaur make sure he was okay, make she wasn't hurt, uh...I mean at that point that was...that was my priority, uh...he was my priority just to make sure he was okay. Uh...he was fine and then, like I said, he went to the front door...I'm assuming to make sure nobody was coming up behind us, I...I don't know uh...and then I holstered up, went to the suspect and we attempted to...render her aid til...Medic came to relieve us.

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Morales: <inaudible>

Sheffield: <inaudible>...with the house.

Morales: Alright.

Fitch: How long have you worked with Holz... Officer Holzhauser?

Sheffield: Mmm...I've been in the division for...around two years, uh...I worked second before I was on third so we overlapped, I was...uh...on the rotation on second <inaudible>...their rotation on third worked...and then I've been on third for...about a year working in the one with him.

Fitch: Okay...and you guys worked, are you on the same days off rotation?

Sheffield: Yeah, the same rotation...same shift...

Fitch: Okay.

Sheffield: ...same schedule, everything.

Fitch: So you guys...work...pretty regularly together over the course of one year basically is what...I guess...is that correct <Talkover-inaudible>

Sheffield: <Talkover-inaudible>

Fitch: And...based on what your observations were, what do you believe would've happened if Officer Holzhauser had not fired his service weapon?


Sheffield: That he would a been killed, she would've <inaudible> with a knife and he would a been killed.

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really like...my sister don't really act like that way or want me to call the Police.

Morales: Okay.

Banks: And then she was like...she told me to call the Police cause uh...she wanted them to take Janisha.

Morales: Where'd they want...where'd she say she wanted the...the Police to take Janisha?

Banks: To Mental Health cause like...my sister say that Janisha had a knife and then she was trying to cut herself and charged at my sister with the knife.

Morales: Okay and this is before you called the Police, this is what she told you?

Banks: No afterwards when she wanted me to tell the Police and they came...


Morales: That's what she wanted you to tell the Police? Okay so she said that Janisha had a knife and was trying to cut herself and she was trying to charge at your sister Korneisha with the knife, is that correct?

Banks: Yes.

Morales: Is this something that Janisha's done before, have you ever seen that happen or...?

Banks: She used to cut herself but she never charged at my sister with a knife or none a that.

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Banks: Uh huh.

Morales: And what did you tell the Police?

Banks: I didn't tell them nothing, I just told them that the house was right there cause...that time I got to talk, my sister was already out there.

Morales: Okay.

Banks: I didn't get ready to talk to them.

Morales: And...what did your sister tell the Police?

Banks: She...she was telling them bout how...she wanted Janisha to go to Mental Health so she could stop cutting herself and then the Police asked her was Janisha gonna go willingly and my sister was like no she not gonna go willingly and then they said they couldn't take her because if she don't...if she don't um...volunteer to go then...they can't take her...or make her go. Then, after that, I went in the house to go get my nephew cause I heard him crying and then I took him up the stairs so the Police could come in and finish talking. Then after that I didn't hear nothing and then I heard two gunshots go off.

Morales: So when you went upstairs...okay so first when you went back in the house after you got done talking to the Police, where's Janisha?

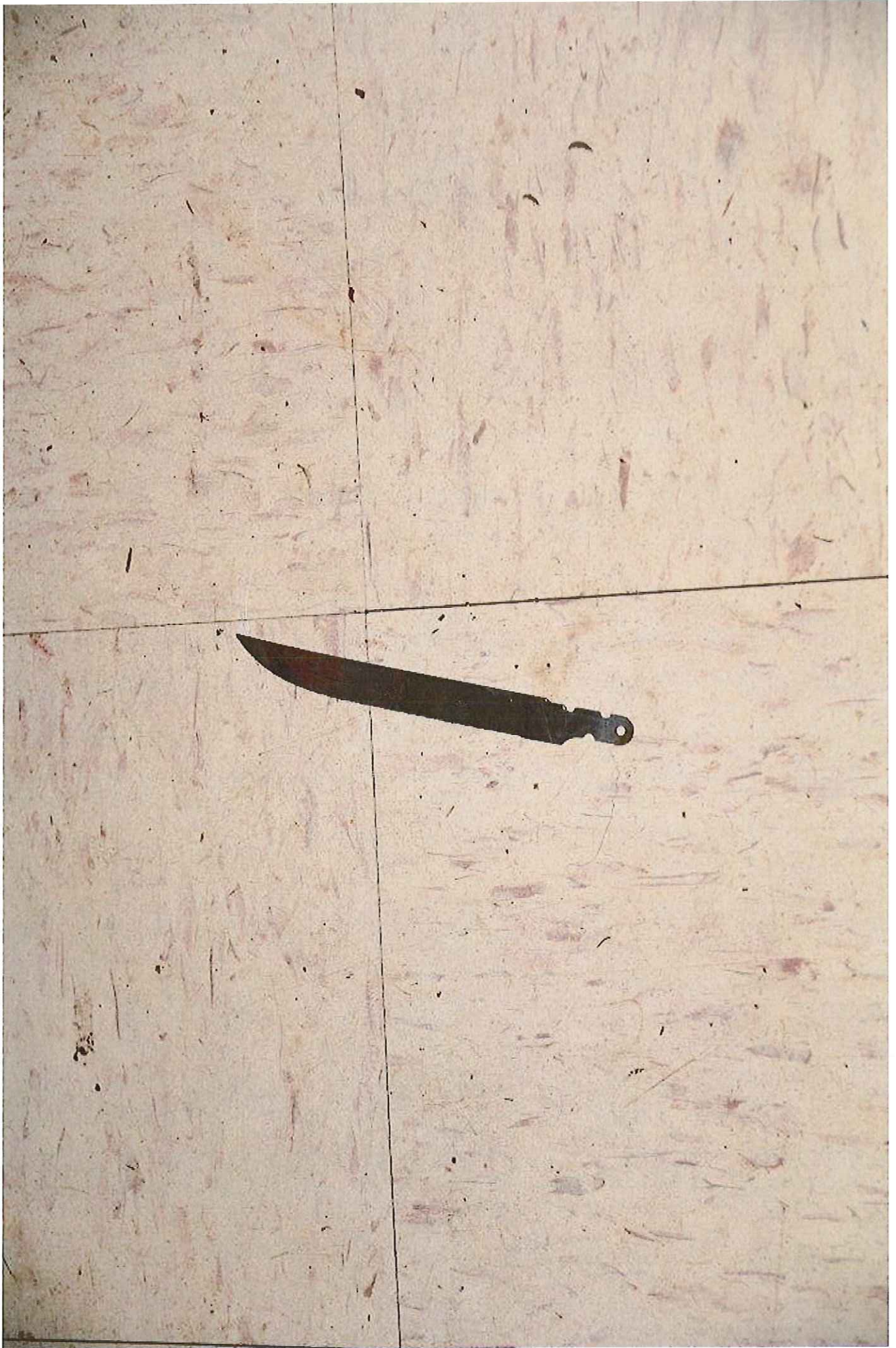
Banks: She was still laying on the couch.

Morales: Laying on the couch? Okay...and you said you grabbed your...nephew...

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## PHOTOGRAPHS

1. Knife Blade
2. Knife Handle
3. Pieces of knife handle



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