STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

DANA NESSEL
ATTORNEY GENERAL

MEMORANDUM

Warrant Denial Memorandum

October 20, 2026

TO: Danielle Hagaman-Clark
Bureau Chief
Criminal Justice Bureau

Danielle Hagaman-Clark
Division Chief
Criminal Trials Division

CC: Oronde Patterson
First Assistant

Danielle Russo Bennetts
First Assistant

FROM: Brendan Sawyer
Assistant Attorney General
Criminal Trials Division

APPROVED: _____
Bureau Chief Date

☐ Check here when Division Chief has final approval authority for the request.

APPROVED: _____
Division Chief Date

RE: **Request for Authority to Deny Criminal Charges**
Due Date for Response: October 30, 2026
Cuso, Bechtol, and Heath (Washtenaw SPA)
AG No. 2026-0456750-B

I. Introduction:

After midnight on January 6, 2026, Washtenaw County Sheriff deputies were responding to two 911 calls regarding a white van driving erratically in Ypsilanti, and had reason to believe the driver was armed. When they located and attempted to perform a traffic stop, the white van took off, leading them on a 14-minute chase.

The chase concluded at 2:00a.m. with a deputy performing a PIT maneuver, causing the white van to roll on its side. When deputies approached the white van on foot, one yelled "he's got a gun" and backed away from the van. Another deputy also shouted "gun, gun, gun", which prompted three deputies to open fire on the white van, ultimately resulting in the death of the sole occupant, John Jenuwine.

[redacted].

The Michigan State Police (MSP) responded that night and took over the investigation of the officer-involved-shooting. When MSP evidence technicians processed the white van they found no firearm. The Washtenaw County Prosecuting Attorney Eli Savit submitted a Petition for Appointment of Special Prosecutor (SPA) to the Michigan Department of Attorney General.

II. Recommendation:

I recommend that no charges be filed in this matter, as the officers actions, while tragic and mistaken, must be "viewed as a reasonable officer on the scene, rather than with the 20/20 vision of hindsight", with the limited and conflicting information they had. *Graham v. Connor,* 490 US 386, 396 (1989).

III. Venue

The incident occurred on Prospect Street, near Towner Street, in Ypsilanti, Michigan. Any charges would be brought in 14A-2 District Court, and 22nd Circuit Court for Washtenaw County.

IV. Facts

In the very early morning hours of January 6, 2026, two 911 calls were placed to Washtenaw County Dispatch regarding a white van driving erratically. The first, at 1:25am, was made by [redacted], who stated he had seen a white turtle top construction van speeding and driving erratically near N. Ford Boulevard & Holmes Road, in Ypsilanti. The second call, made 8 minutes later at 01:33a.m., described a white van with no lights on, occupied by "two black guys" driving erratically who had "just waved a gun at my wife" near Laforge and Clark Roads. The second caller, [redacted], had not seen the van himself, but was making the call on his wife's behalf as he waited for her to return home. 911 Calls # 1 and # 2. These two locations are approximately 2.6 miles or 5 minutes apart according to Google Maps.

The first Washtenaw County Sheriff scout car to spot the white van at 1:53:20a.m. was driven by Deputy Von Heath with Deputy Nobuat Ahmed as the passenger. They spotted the white van on Ecorse Road, near Michigan Avenue, in Ypsilanti, and turned their lights and sirens on. The pursuit as well as subsequent shooting was captured on the scout car's dash camera. Heath Dash Cam.

At 2:05a.m., the white van led the police behind the Ypsilanti K-4 school at 510 Emerick Street, where the white van backs up off the roadway on a snowy embankment. With the white van seemingly trapped, Deputy Jacob Gombos (accompanied by passenger Deputy Jonathan Earley) drove his scout car into the side of the van to pin it there, which prompts the side airbags of the white van to deploy. The front air bags do not appear to deploy. Deputy Jacob Cuso exits his scout car (driven by Deputy Gabriel Bechtol) and attempts to stab the tire of the

white van with a folding knife, which is unsuccessful because the white van lurches forward again. The still images below, taken from Deputy Bechtol's BWC, capture the attempt to pin the white van behind the school. Bechtol BWC.





Following this behind the school, the deputies reentered their scout cars and the chase resumed.

At 2:06:21a.m. Deputy Jacob Gombos (with passenger Deputy Earley) advises dispatch "I'm going to take primary and finish this." At the time he makes the dispatch he is the second car in the chase convoy, behind Deputy Heath's vehicle. He pulls ahead and performs a PIT maneuver, which causes the white van to roll on its side, coming to a rest on the west side of Prospect Road just north of Towner Street. The pursuit concluded just a few blocks from where it began, although due to the driver's circuitous route the entire pursuit took nearly 14 minutes. Along the way an Ypsilanti Police scout car joined in the chase. During the pursuit the white van stopped at least 5 times, and on 3 occasions reversed in the direction of pursuing scout cars. Two of the white van's reverses were severe enough that the

trailing scout car reverses to avoid a collision. This can be seen in the scout car dash video.

Following the crash the trailing scout cars stop and deputies emerge from their respective vehicles. Upon exiting the vehicle Deputy Heath makes his way toward the front windshield of the flipped van. As he approaches the windshield lights can be seen within the vehicle, and Heath yells "show me your fucking hands, show me your fu-…he's got a gun, he's got a gun, he's got a gun, gun, gun!" Heath BWC. The yelling of "gun" is then repeated by Deputy Cuso. Shots are then discharged at the vehicle by Heath, Bechtol, and Cuso. Due to the number of individuals shooting it is difficult to determine the total number of shots from the audio alone. When the shooting ends, Deputy Heath than calls into his radio "armed with a shotgun." Heath BWC.

Deputy Jacob Cuso, who had earlier attempted to stab the tire of the white van, also exited his vehicle after the crash and approached the windshield of the white van immediately behind Heath. After Heath shouts "gun", Cuso repeats it, yelling "gun, gun, gun, gun, gun." It is unclear if he independently saw something he believed to be a firearm or merely parroted Heath. Cuso then takes several steps back and begins firing into the white van. Cuso then directs Deputy Gombos to park his scout car as a barricade for cover. Cuso BWC. While setting up the barricade Cuso changes his magazine. However no further shots are fired. Cuso, observing that the van is on fire, grabs a fire extinguisher and puts the fire out.

Deputy Bechtol had been the driver of the scout car with Cuso. When he, approached the white van, his BWC captures Cuso and Heath closer to the windshield, and with a more direct view though the windshield. Upon hearing the shout of "gun", Bechtol moves toward the east side of Prospect Road, putting him facing the undercarriage of the vehicle. His BWC captures him firing at the underside of the white van, before apparently realizing that based on his location relative to Cuso and Heath, they are nearly shooting at each other. Bechtol BWC. Bechtol then moves south on the road, out of the direction of Cuso and Heath's fire. Becthol can be heard on his BWC stating "he's in the car armed with a shotgun, he's on the ground still kind of moving." Bechtol BWC at 2:08:00. However, this is approximately 34 seconds after Heath made his radio call of "armed with a shotgun", and we cannot say whether Bechtol had an independent belief that the occupant of the white van was armed with a shotgun.

The deputies treated the situation as a barricaded gunman, and additional officers arrive, including Ann Arbor Police Department (AAPD). An AAPD Negotiation Team officer then set up a megaphone and attempted to make contact with the occupant of the white van. This goes on for some time, with the officer stating "subject yell out to us if you can respond." At times unintelligible noises come from within the vehicle. Officers eventually note that the last movement they

saw inside the van was movement of legs around 2:29a.m. They later use the temporary paper license plate on the white van to obtain the name John Jenuwine and attempt to call the two phone numbers associated with the registration, to no avail. A drone ultimately responds around 3:00a.m. but is unable to see inside the vehicle. At 3:50a.m. a large armored SWAT vehicle approaches from the north, and within 10 minutes of their arrival they made entry to the vehicle and determined that the occupant, John Andrew Jenuwine W/M/34, was deceased.

MSP D/Sgt. Michael Peterson responded to the Washtenaw County Sheriff's Office to count ammunition and seize the weapons involved in the shooting. Due to not knowing if each magazine was fully loaded (through their union attorney they declined to answer), the estimates below are rough. Based on his counting of rounds remaining in each magazine, we can estimate that:

1. Deputy Heath may have fired up to 19 shots (more likely 16-17)
2. Deputy Bechtol may have fired 3 shots
3. Deputy Cuso may have fired up to 17 shots

MSP crime technicians would later recover 34 fired cartridge casings. The estimate that Deputy Bechtol fired three shots is likely the most accurate, based on where he was standing to the east of the white van. The three shell casings at placards 23, 24, and 25, are all on the east side of the van, and can likely be attributed to Bechtol. Because we cannot say how full each magazine was, that leaves a combined 31 casings that we can likely attribute to Deputies Cuso and Heath, all located to the southwest of the vehicle. Due to the snow on the ground it is possible that shell casings were missed by the MSP evidence technicians.

D/Sgt. Jason Matter of the MSP Audio/Video Analysis Unit would later take a copy of the three shooting officer's BWC and analyze it. Due to each deputies location relative to the windshield, Deputy Heath's BWC had the best view. D/Sgt. Matter isolated frames 24608 through 24706. These images were then put into a PowerPoint presentation, in which the analyst interpreted movement within the vehicle, including arrows and circling of what appears to be Jenuwine standing up in the vehicle while it is on its side. The force of the crash appears to have thrown Jenuwine into the rear of the vehicle.



A postmortem examination was conducted by Dr. Allecia Wilson and Dr. Elizabeth Kline of the University of Michigan on 1/8/2026 and was documented in WME # 81-26-0018. Postmortem Report. The forensic pathologist concluded the cause of death was multiple gunshot wounds. The manner of death was homicide. Jenuwine sustained seven gunshot wounds in total:

1. Entered left chest, projectile recovered in left upper abdominal cavity
2. Entered right buttock with partial exit in right lateral hip
3. Entered right knee posteriorly, projectile recovered right thigh
4. Entered right groin, projectile recovered from right kidney
5. Entered right medial thigh, projectile exited right thigh anteriorly
6. Entered left medial thigh, exited left thigh anteriorly
7. Entered left buttock, exited left buttock superiorly

I met with Dr. Wilson on 6/26/2026 to discuss the postmortem examination and the associated toxicology report. She explained that while any of the gunshots had the potential to be fatal, the gunshot to the chest (labeled as #1 in the report) and the gunshot to the groin (labeled as # 4) would have been fatal in seconds to minutes. The groin wound struck the right iliac artery, which would have bleed quicker than the lung shot that resulted from the chest wound. The remaining gunshots would not have been immediately fatal. In her medical opinion, given the angle of the gunshots, the first gunshot to strike Jenuwine would have been the chest shot, as that is the only trajectory that indicated that his torso was upright (as if sitting or standing). The angle of the remaining 6 shots indicate that Jenuwine was likely horizontal at that point, as if he had fallen over. This conclusion is also based on her personal observation of the crime scene on the night of January 6, 2026, which is standard practice of the Washtenaw County Medical Examiner. At the time she was at the scene the roof of the van had not been removed, but she was able to access and observe the rear compartment of the white van with the body still inside.

I asked Dr. Wilson about the noises that came from within the van in the minutes after the shooting (captured on BWC), and she explained that it is entirely possible that Jenuwine was making noise 15 minutes after the shooting, but that

does not mean he was conscious. Nor could she say that had there been earlier medical intervention the outcome would have been different; all she can say is that in general earlier medical intervention tends to raise the possibility of survivability but is never a guarantee.

Turning to the toxicology report, Dr. Wilson characterized the decedent's cocaine levels as "extremely high". Toxicology Report. The analysis revealed that he was positive for benzoylecgonine (metabolite of cocaine), cocaine, cocaethylene (metabolite resulting from concurrent cocaine and alcohol consumption), and methanol. Between the cocaine itself and cocaine byproduct (benzoylegonine) she estimated that he had consumed cocaine between 5 minutes and two hours of death, given the very short half-life of cocaine. The presence of cocaethylene was puzzling to Dr. Wilson, as it is a byproduct of alcohol and cocaine, and in this analysis no alcohol was present in the decedent's blood. She could only hypothesize that it meant he previously consumed alcohol that night but that it had cleared his body. Methanol, present in the blood, would not create cocaethylene. Methanol is a solvent found in cleaning supplies, or as a fuel or antifreeze additive. I asked Dr. Wilson if methanol would be present if an individual consumed windshield wiper fluid, to which she responded that yes, individuals may consume wiper fluid or paint solvents to obtain a high in the absence of alcohol. This is a possible explanation for the empty bottle of wiper fluid found in the white van near the decedent's body. But it was Dr. Wilson's conclusion that the cocaine use did not contribute to his death.

Following the shooting, WCS requested MSP assistance in obtaining and executing a search warrant on Jenuwine's registered address. MSP advised WCS that they would not execute a search warrant on Jenuwine's address, as it did not relate to their investigation of the officer-involved-shooting. Undeterred, the WCS then obtained a search warrant on January 7, which it executed on January 8, at Jenuwine's residence at [redacted], China Township, MI. This address is roughly 78 miles from the scene of the shooting. They recovered assorted loose rifle and handgun ammunition, at least three rifle barrels, six magazines, and other firearm accessories such as holsters and empty gun cases. Also observed was a black plate with white residue which tested positive for cocaine, as well as a diary/journal that will be addressed below.

On January 8, WCS was notified by Canton PD that John Jenuwine had not shown up to his hotel room at the Holiday Inn Express at 3950 S Lotz, Canton MI. The hotel operator had called 911 when Jenuwine had not returned to his room for several days. WCS then obtained a search warrant for the hotel room, and there they discovered:

Soyring, Detective Morrison, and I arrived at the hotel. Once the warrant was signed, we were let into the room. The only things of note found in the room was a mostly drank bottle of Jameson, a black scale, which through my training and experience is consistent with that used by narcotic dealers and users, a bottle of KY lube, and a black Apple iPhone in a black case. The rest of the

Pg. 46 of WCS 26-1142.

It was discovered that Jenuwine had a reservation at the Canton hotel for January 3-7, 2026. They found no firearms or accessories in the hotel room. Det. Morrison and Det. Soyring of the WCS recovered CCTV footage from the hotel and observed Jenuwine and a female later identified as [redacted] together on January 3, 2026.

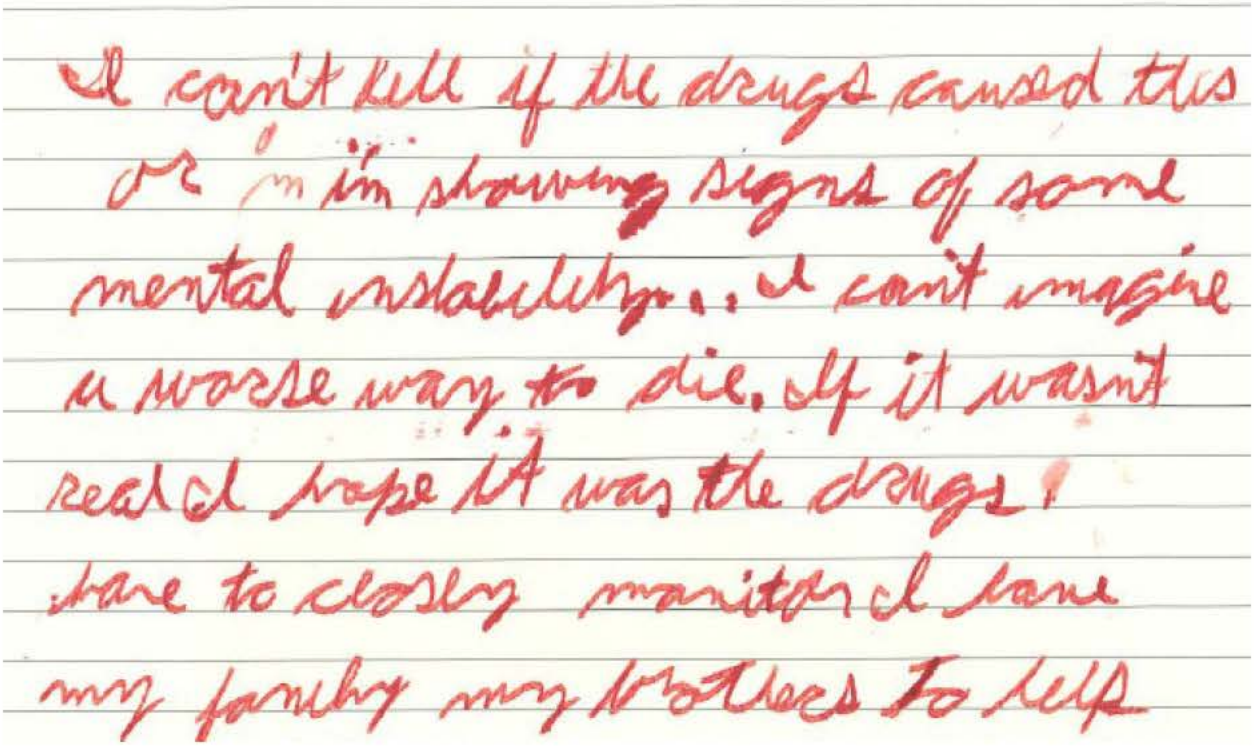
WCS Det. Pearson interviewed [redacted] on January 9, 2026. She told officers that she had known Jenuwine for approximately 6 years, and that he started out as a "client" but over time they became friends. She stated that on January 6, Jenuwine "came to my house, I didn't ask him to come, and he left, pry 1 something in the morning, scared the fuck out of me." Her house is near the intersection of Hunter & Wendell Avenue. This is about two blocks northwest of Holmes Road & N Ford Blvd, where the first 911 call regarding a white van driving erratically came at 1:25:07a.m. [redacted] told officers that on that night they were supposed to hang out, but that she didn't because she was tired from moving. She seemed aware that Jenuwine had more feelings for her than she did for him, but stated that he never fully explained himself to her. She was aware of his cocaine use, and stated that she knew Jenuwine to own firearms, but had never seen them anywhere but at his house, which she had been to before. We know from other sources that [redacted] and Jenuwine regularly consumed narcotics together. At the conclusion of the interview [redacted] turned over her phone to the WCS so they could extract messages between her and Jenuwine.

The WCS performed an extraction of [redacted] phone. The extraction revealed a series of messages sent by Jenuwine (listed in her phone as "Jon Douche") to [redacted] From January 1 to January 6, they document a tense disagreement over money and narcotics ("e", likely ecstasy, and "soft", likely cocaine). The disagreement devolves into Jenuwine reporting his PayPal payments to [redacted] as fraudulent when he did not receive the "4G" he believed he was owed. At times Jenuwine seems slightly paranoid, asking [redacted] questions like "what color is my couch" to establish that he is still texting with [redacted] and not someone else:



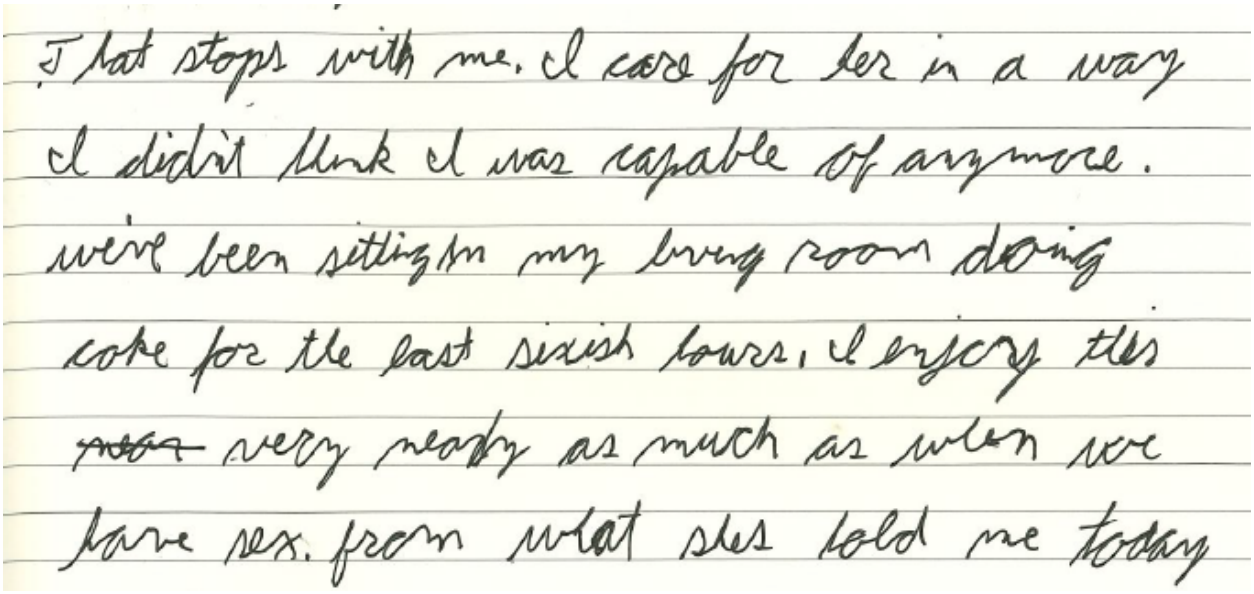
The last messages from Jenuwine to [redacted] was sent at 12:43a.m. on January 6, with [redacted] responding at 1:00a.m. The messages from Jenuwine indicate that he was likely intoxicated or under the influence that night, and he expresses his love for [redacted] The WCS was unsuccessful in performing extractions of Jenuwine's laptop and cellphone, as they were unable to bypass the passkey. For more details on the text message exchange, see the full extraction.

At the China Township residence of Jenuwine WCS recovered a journal/diary, which contained entries dating back to 2022. Many of the early entries seem work related (electrical ranges, training observations of employees, etc.). The later entries are nearly illegible and incomprehensible, but give rise to Jenuwine's state of mind in late December 2025.


I can't tell if the drugs caused this or I'm showing signs of some mental instability... I can't imagine a worse way to die. If it wasn't real I hope it was the drugs! I have to closely monitor I have my family my brothers to help

Dated December 21, 2025.

Other entries reference his relationship with [redacted] and he notes his transformation from a "reliable client" to a friend to her, at least in his impression; even he hints that is mostly one-sided, noting "I'm used to being second choice at best."



That stops with me. I care for her in a way
I didn't think I was capable of anymore.
We've been sitting in my living room doing
coke for the last sixish hours. I enjoy this
~~more~~ very nearly as much as when we
have sex. From what she's told me today

Dated December 30, 2025.

On January 7, 2026, a woman named [redacted] contacted the WCS and told them that her daughter, [redacted] had seen the white van driving erratically that night. [redacted] made this call after seeing the white van in the news. WCS Det. Morrison interviewed [redacted] a neighbor of [redacted] who was letting her dogs out on the night of January 6, 2026. [redacted] stated that a white van came by and the male occupant told her he was "looking for [redacted] to which [redacted] pointed in the general direction of her house. This prompted the male to say that he had already been there and that he was looking for her because [redacted] had "ripped him off." The white van then drove off erratically, nearly striking another vehicle head on as it left the area.

Several other locations had camera systems that captured the white van driving erratically and seemingly without direction, on the night of January 6. The van is captured driving back and forth near a Circle K gas station, through a Sunoco station, and was picked up on Ypsilanti Township cameras in the area. They captured the erratic driving prior to the officers locating the white van. When the video was recovered from the Sunoco at Ford and Holmes Road, the clerk, [redacted] told WCS that when the white van parked in the lot he actually spoke with the while male driver, who he described as having long curly hair and a goatee or beard, a description that matches Jenuwine. [redacted] said that while he was outside smoking the white male told him he was upset about a female, stating "I got

screwed over by the same girl for the second time, I think the cops will be here shortly . . . I'm going down here to get their attention and if they don't end it I'm going to end it." The interview was captured on BWC by WCS Det. Pearson. The final portion of the chase was picked up by a veterinary clinic on Prospect Road. Lifeline Vet Clinic Clip.

[redacted] None of the officers had misconducts in their personnel files regarding firearms, let alone the discharge of a firearm. None of these four deputies had any formal disciplinary findings. None of the officers have received substantiated citizen complaints.

V. Discussion

The Michigan Self Defense Act provides that an individual (including a police officer) may use deadly force against another, without any duty to retreat, provided they were not engaged in the commission of a crime and either they "honestly and reasonably believe that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another" or "honestly and reasonably believe that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or of another." M.C.L. 780.972. Pursuant to MCL 780.961, if an individual uses deadly force pursuant to MCL 780.972, they have committed no crime in the exertion of that force. A prosecutor may only charge an individual with a crime if the prosecutor can provide evidence "establishing that the individual's actions were not justified." MCL 780.961(1)(2). See also, *People v Guajardo*, 300 Mich App 26 (2013) (discussing and upholding Michigan's Self Defense Act and the use of deadly force).

Michigan Criminal Jury Instruction 7.15 (Use of Deadly Force in Self-Defense) states that if an individual acted in lawful self-defense, their actions would

be justified and thus they would not be guilty of a crime. In making this determination one "should consider all the evidence" and should consider the following three rules, judging the individual's actions according to how the circumstances appeared to that individual at the time they acted. The first rule provides that the individual must "have honestly and reasonably believed that [they were] in danger of being [killed/seriously injured/sexually assaulted]." *Id.* The individual need not be correct in their evaluation of the danger presented, so long as their belief was honest and reasonable. Second, the threat against the individual must have been in fear of death, seriously physical injury or a sexual assault. In making this evaluation, one should consider all the circumstances surrounding the action and consider how they appeared to the individual at the time they reacted. *Id.* Third, the individual must have believed the threat was immediate and they used the amount of force necessary at the time to protect themselves. *Id.* See also, *People v Goree*, 296 Mich. App. 293 (2012) and *People v Conyer*, 281 Mich. App. 526 (2008).

While an individual may only use deadly force where it is necessary to do so, they do not have a duty to retreat. M Crim JI 7.16. An individual does not have to retreat from attack if they "reasonably believe that an attacker is about to use a deadly weapon, nor if the [individual] is subject to a sudden, fierce, and violent attack." *Id.* An individual also does not have to retreat if they were not engaged in the commission of a crime, had a legal right to be where they were and had an honest and reasonable belief that the use of deadly force was necessary to prevent imminent death, great bodily harm or sexual assault. *Id.* See also, *People v Riddle*, 467 Mich. 116 (2002) and *People v Conyer*, 281 Mich. App. 526 (2008).

Further, the U.S. Supreme Court has ruled regarding the right to use deadly force and in particular in the context of police officers. In *Tennessee v. Garner*, the U.S. Supreme Court stated "[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probably cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given." *Tenn. v. Garner,* 471 US 1, 11-12 (1985).

The U.S. Supreme Court also analyzed and ruled on the issue of police use of force in *Graham v. Connor,* 490 US 386 (1989). In *Graham*, the Court held that claims alleging police officers have used excessive force must be analyzed under the Fourth Amendment "reasonableness standard" and not under a "substantive due process" approach. *Id.* at 395. Additionally, "[t]he '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." *Id.* at 396. In determining whether an officer's actions were reasonable, there must be "allowance for the fact that

police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving…" *Id.* at 396-97.

Michigan courts have also spoken on the issue of police utilizing deadly force. In *Delude v. Raasakka,* the Michigan Supreme Court found that police can use "force reasonable under the circumstances to effect [sic] an arrest" and "may take what action is reasonable to protect themselves in the course of an arrest or an attempted arrest." *Delude v. Raasakka,* 391 Mich. 296, 303 (1974). Further, in *People v. Doss*, the Court discussed what constituted reasonable force and in the Court's reasoning they looked to *American Jurisprudence 2d*, where it is stated:

> What amounts to reasonable force on the part of an officer making an arrest usually depends on the facts in the particular case, and hence the question is for the jury. The reasonableness of the force used must be judged in the light of the circumstances as they appeared to the officer at the time he acted, and the measure is generally considered to be that which an ordinarily prudent and intelligent person, with the knowledge and in the situation of the arresting officer, would have deemed necessary under the circumstances. The officer has discretion, within reasonable limits, to determine the amount of force which the circumstances require, and his is not guilty of wrong unless he arbitrarily abuses the power confided in him. 5 Am Jur 2d, Arrest, § 81, p 768. *People v Doss,* 406 Mich. 90, 102 (1979).

The court in *Doss* further stated "police officers making a lawful arrest may use that force which is reasonable under the circumstances… and … is not required to retreat before a display of force by his adversary." *Id.*

One additional consideration is the "fleeing-felon" rule. This doctrine justifies both private citizens and police officers use of force, including deadly force, in certain circumstances to achieve an arrest:

> A police officer may justifiably use deadly force when he has a reasonable belief that a felony actually occurred and that the person against whom the force was used was in fact the person who committed the felony. Reasonableness is contingent on what an ordinarily prudent and intelligent person would do in light of his perceptions. *People v Diaz*, unpublished per curium opinion of the Court of Appeals, issued April 13, 2023 (Docket No. 359949) p. 5.

The touchstones for the fleeing felon rule are necessity and reasonableness. "[A] police officer will be justified in taking a fleeing felon's life if it was reasonably necessary for the officer to use deadly force to prevent the felon's escape." *People v Schurr*, 350 Mich App 47, 83 (2024) (citing *People v Gonsler*, 251 Mich 443 (1920)). It is important to note that *Schurr* was in a procedurally different posture; it was a

review of a district court's bindover determination. However, importantly, it held that "necessity" was an essential consideration and, and the district court did not abuse its discretion in finding that it may not have been necessary for the officer in that case to use deadly force. Fleeing and eluding is a felony under M.C.L. 750.479a of the penal code and M.C.L. 257.602a of the motor vehicle code. Felonious assault is a felony under M.C.L. 750.82. "[A]n automobile, adapted to accomplishing an assault and capable of inflicting serious injury is, when so employed, a 'dangerous weapon' within the meaning of the statute which penalizes felonious assault." *People v Blacksmith*, 66 Mich App 216, 221 (1975). In this case the fleeing felon rule would not prevent charges against the deputies, as it does not seem that it was imminently necessary and reasonable.

In this case we must view the facts and circumstances **"**from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Graham*, at 396-97. Every officer involved in the chase, crash, and subsequent shooting, had been made aware of a white "turtle" work van, driving erratically in the area. The second dispatch regarding the van referenced "in the area of Clark and LaForge, there is a white construction van, likely the same van as my previous BOL [be-on-lookout], occupied by two black males, they pulled a handgun on our caller's wife." At this point the officers were on the search for a white van with armed occupant(s). When deputies found the white van, they quickly determined that the sole occupant was a white male, driving erratically without headlights, and this information was sent out over dispatch. Bechtol BWC observing "white male looks hammered". The white male driver of the van then took off and did not stop, despite multiple scout cars with lights and sirens operating. At one point in Heath's dash camera it appears as if the driver's window of the white van is open and the driver is waving his hand around.

At that point there are two possibilities: on January 6, 2026, there was a second white van driving erratically in the same area, occupied by two black males, who displayed a firearm. Alternatively, one or more of the facts in the second 911 call (firearm, number/race of occupants) were erroneous. It was quickly determined, and sent out over dispatch, that the white van on Prospect & Michigan Ave. was occupied by a sole white male. The question is, realizing that the van was not occupied by two black males, would a reasonable officer would then have concluded that the information regarding the firearm was then also erroneous. I submit that we cannot conclude that it was unreasonable for the officers to believe the occupant was armed.

The driver of the white van tried to reverse into the scout car on several occasions, swerving back and forth and at times driving on the wrong side of the road. Even prior to officers locating the white van it was known that he was driving erratically, based on the observations from the 911 calls as well as review of nearby gas stations, which picked up the white van's erratic path of travel.

When Deputy Heath approached the flipped van at 2:07a.m., he shouted "he's got a gun" excitedly several times once he could see inside the van, before backing up rapidly. Deputy Cuso also exclaimed "gun, gun gun" after Deputy Heath, and at that point Heath, Cuso, and Bechtol discharged their firearms at the van. Shortly after the firing ceased, Heath radioed in that the occupant of the van was armed with a shotgun. A search of the van revealed a large amount of debris and assorted objects, however only two long cylindrical objects were in the van, a black/blue snow scraper, and what appeared to be a roughly 2-foot long drill bit, silver in nature, in the front passenger seat area.

The officers response following the shooting indicated their continued belief that the occupant of the van was armed; they directed a scout car to pull on to the grass to act as a place for protection, and they obtained armored shields so they could observe the white van without being vulnerable.

The dash camera of the primary scout car does not lose sight of the van for the majority of the chase, however there are several turns where the driver's window is away from the officer's sight. Could a gun have been present in the vehicle and disposed of along the way, lost in a snowbank? Perhaps. No firearm or paraphernalia such as a holster or extra ammunition was found in the vehicle or hotel. However, there was also no firearm paraphernalia in the Canton hotel, where it appears Jenuwine had been more recently than his China Township house.

The use-of-force and vehicular pursuit policies of the WCS were also reviewed. However, policy violation or compliance is not dispositive in deciding whether an officer's actions were reasonably necessary. As it relates to the January 6, 2026, pursuit itself, it appears to comply with WCS Policy 3.05 Vehicle Pursuits. Deputies can be overheard in scout car dash cameras asking their partners to ensure all BWC are on, deputies call out speeds and direction/location regularly throughout the pursuit, and there was minimal risk to pedestrians. The fastest speed called out on the radio was 55 miles per hour, and there was modest road traffic at 2:00a.m. "Intentional vehicle to vehicle contact between the pursuing emergency vehicle(s) is prohibited unless the action is in conformance with the agency's Subject Control/Use of Force Policy." 3.05(III)(D)(2)(a). The WCS policy does envision limited circumstances in which intentional vehicle-to-vehicle contact by pursuing officers is permitted. The policy defines ramming as "[t]he intentional collision of the emergency vehicle with the fleeing vehicle(s) to disable, stop, or alter the course of the fleeing vehicle." The WCS vehicle pursuit policy does not explicitly prohibit PIT maneuvers (precision immobilization techniques) such as the one performed by Deputy Gombos, but it requires it to be viewed through the lens of the general use of force policy, WCS Policy 3.04 Subject Control/Use of Force. However because a PIT maneuver is a potentially deadly application of force, the policy directs them to consider the totality of the circumstances (page 4 of 58, Policy 3.04):

1. What was the severity of the crime?

2. Did the suspect pose an immediate threat to the safety of the officers or the public?
3. Was the suspect actively resisting arrest or attempting to evade arrest by flight?
4. Were the officer's actions reasonable for other officers with similar training and experience?

The decision by Deputy Gombos to terminate the pursuit by intentional vehicle-to-vehicle contact after approximately 14 minutes was a close call but was not unreasonable. Officers had reason to believe several felonies had been committed, specifically fleeing and eluding and felonious assault with motor vehicle. Could the officers have let the chase continue? Perhaps. Was the white van driving erratically, going into the wrong lane at times? Yes, and this would pose a danger to the public. The officers had information that the white van was driving erratically even before the pursuit, which could lead a reasonable officer to conclude that even if they terminated the pursuit the white van would continue to pose a danger to the public. The van had stopped in traffic and reversed toward the scout cars on multiple occasions as well, which is visible in Heath's dash camera. Additionally, when officers exited their vehicles to attempt to get close to the white van, the white van resumed fleeing, posing a risk of striking the officers on foot.

As it relates to the shooting, the WCS policy describes all the considerations associated with *Graham*, and permits discharge of a firearm in self-defense or defense of others when "the employee has reasonable cause to believe that he or she is in immediate danger of death or serious bodily injury." Policy 3.04, page 34. When Deputy Heath frantically shouted that the occupant of the white van had a gun, it was reasonable for the deputies to believe the occupant of the van was in fact armed. When the shots began, it is possible, or even likely, that one or more deputies believed that gunshots were coming from inside the vehicle. Indeed, based on the location of the shell casings and photos of the white van that show exit punctures on the roof, Deputy Bechtol was shooting nearly directly at Deputies Heath and Cuso. The officers' response following the shooting indicates their continued belief that the occupant of the van was armed, with the radio dispatch of the occupant had been armed with a shotgun, as well as use of barricade vehicle and calling in a crisis negotiation officer and SWAT team.

The MSP frame-by-frame analysis of the BWC shows movement within the vehicle after the roll over, with movement from the rear of the vehicle. The front airbags do not seem to have deployed, so the inside of the vehicle, which was lit, was visible. It cannot be clearly shown what, if anything, led Deputy Heath to believe he saw a gun, but when the van was eventually processed there was significant debris, some of which was black and lengthy. See the MSP analysis for the images, which show the debris, which could explain why officers believed they saw a firearm.

The subsequent WCS investigation at Jenuwine's China Township house, Canton hotel room, and [redacted] have minimal bearing on this analysis and subsequent recommendation. Nothing about Jenuwine's narcotics use or

relationship with [redacted] was known to the officers on the night of January 6, 2026. However, it does explain some of Jenuwine's conduct, as well as his state of mind. Further, if charges were issued, some portions of that evidence may be admissible and would be detrimental to a successful prosecution.

The officers considered tire deflation devices such as "stop sticks" as an alternative to a PIT. But, as can be heard in the radio traffic, officers decided that it posed a risk to officer safety because the white van had reversed and driven at the officers on several occasions, and that the driver may target an officer on foot.

The officers had no cover at the time they approached the front of the rolled over van. The assorted images from the scene and BWC show it was mostly covered in snow, making them likely very visible to Jenuwine, and thus exposed to risk of being targeted if he had a firearm. With their mistaken belief that he had a firearm, they lacked any alternative to acting in defense, such as taking cover.

Officers did not immediately attempt to enter the van and render medical aid. Instead, they treated the van as a barricaded gunman situation, based on their belief that the occupant of the van was armed. However, HVA (Huron Valley Ambulance) was dispatched upon the rollover of the van, as can be heard in the dispatch audio. Indeed, HVA was dispatched just before shots were even fired, according to the CAD (computer-aided dispatch) records and the dispatch audio:

02:07:02	CRASHED AT TOWNER/PROSPECT
02:07:08	PIT
02:07:09	HVA
02:07:16	SHOTS FIRED
02:07:23	SHUT DOWN PROSPECT
02:07:34	ARMED W/ SHOT GUN
02:07:38	HVA TO STAGE

The question of whether officers have a legal duty in criminal law to render aid in use of deadly force situations is unanswered in Michigan caselaw. The federal Sixth Circuit Court of Appeals has faced this question in the civil context, and noted that:

> "[A]n officer is charged with providing a detainee with prompt medical attention. However, this attention does not require the officer to intervene personally. Imposing an absolute requirement for an officer to do so ignores the reality that such medical emergency situations often call for quick decisions to be made under rapidly evolving conditions. As long as the officer acts promptly in summoning aid, he or she has not deliberately disregarded the serious medical need of the detainee even if he or she has not exhausted every medical option." *Stevens-Rucker v City of Columbus, OH*, 739 Fed. Appx. 834, 846 (2018).

In this case it may not have been feasible given the tactical situation the officers believed themselves to be in. Additionally, the officers who fired shots,

Deputies Cuso, Bechtol, and Heath, all were relieved of their posts within minutes of the shooting. The shots were fired at 2:07a.m. Deputy Heath retreated to the rear of the police vehicle column at 2:09a.m. Heath BWC. At 2:13a.m. Deputy Cuso is relieved of his post and leaves the area of the overturned van. Cuso BWC. Deputy Bechtol was relieved of his post at 2:15a.m. Bechtol BWC. Additionally, the WCSO policy on use of force 3.04 addresses this situation:

e) Following the use of deadly force, employees shall render or request medical aid as soon as practical.

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In this case the shooting deputies were removed from the vicinity of the van within minutes of the shooting, with the longest remaining deputy, Deputy Bechtol, maintaining a position with his firearm drawn and directed at the van for roughly 8 minutes following the shooting. Once they were removed, those officers did not even have an opportunity to render medical aid, so it cannot be said that they acted unreasonably for not rendering medical assistance. The remaining officers were very cautious that the occupant of the white van was armed, as indicated by the decision to consider it a barricaded gunman situation. This caution is further evidenced by their decision to see if a drone was available to peek into the vehicle and retrieval of shields to protect themselves. Medical aid was promptly requested, and Deputy Cuso retrieved a fire extinguisher and put the fire on the bottom of the van out. This itself demonstrates that the officers realized the threat a fire would pose to the occupant of the white van. While the officers in this case could have approached the vehicle and attempted entry and medical aid sooner, the question is whether that would have been practical and reasonable in light of their observations that night. In this case it may not have been practicable or safe for the officers to immediately attempt to enter the van, and we would be unable to prove beyond a reasonable doubt that their failure to render immediate medical aid was criminal in nature.

On January 6, 2026, officers were looking for a white van driving erratically, with at least one radio dispatch specifying that the occupant of the van was armed. The police chase started around 1:53a.m., and the white van led the police on a chase that lasted approximately 14 minutes. During the chase the van stopped and reversed toward the trailing officers several times, as well as drove on the wrong side of the road. From the moment they exited their vehicles until the exclamation of “gun” by Deputy Heath was approximately 6 seconds. Within approximately 10 seconds of deputies approaching the vehicle, three of them were firing shots. At 02:06:55 Deputy Heath exits his vehicle. By 02:07:11 the gunshots have ceased. This is the exact circumstance envisioned by Michigan Criminal Jury Instruction 7.15, which says a person may act in self-defense, “even if it turned out later that [he/she] was wrong about how much danger [he/she] was in.” Here, the officers were

wrong about the presence of a firearm in the vehicle, but this belief was not unreasonable based on the totality of the circumstances as they knew them.

VI. Conclusion

While ultimately mistaken as to the presence of a firearm in the van, the law requires us to view the tragic and chaotic circumstances as the officers did on January 6, 2026, at 2:00a.m., with the limited and conflicting information they had. For the abovementioned reasons, I recommend no charges be filed in this matter.

Press release: Yes.