



# Davis County Attorney's Office

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**Davis**  
COUNTY

Justice Center - 800 West State Street - P.O. Box 618 - Farmington Utah 84025  
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**Troy S. Rawlings**  
County Attorney

July 28, 2023

Chief Eric Johnsen  
Farmington City Police Department  
286 South 200 East  
Farmington, Utah 84025

Re: Use of deadly force on March 1, 2023

by Sgt. Jacobson and Officers Gonnuscio, Boucher, Carey, and Chen

Sir -

We have received and carefully reviewed the Protocol Investigation Team's thorough investigation into the March 1, 2023 use of deadly force by LEO's (law enforcement officers) Sgt. Taylor Jacobson and Officers Eric Gonnuscio, Justin Boucher, Kyle Carey, and Harrison Chen.

We have determined that Officer Boucher lawfully stopped the deceased, who was driving with a false license plate. The deceased then failed to follow lawful commands from Officer Boucher to provide required documents. The deceased refused to step out of the car indicating by word, deed and demeanor that he would not comply. The deceased attempted to withdraw a loaded firearm on the assembled officers, actually succeeding in getting it out of the holster he was carrying it in.

It is the unanimous view of all prosecutors in our office who participated in screening this case for criminal charges against the above named LEO's that they acted within the scope of Utah Code Ann. § 76-2-404(2)(c). The evidence is persuasive. There is no reasonable probability of conviction. The officers had a reasonable, articulable and objectively verifiable belief that use of deadly force was necessary to prevent death or serious bodily injury to themselves or others. Consequently, they are entitled to the defense of justification under the statute, and we therefore decline to prosecute.

Connects.You.

A life was tragically lost and there is great impact as result. We, like you, are saddened for the family of the decedent and the LEO's involved. There has been a degree of public interest in this situation since the initial news stories. FPD did a press conference as a result. The DCAO has also received some aggressive input from persons concerned about this case, particularly those wanting the LEO's involved prosecuted. Therefore, a few succinct observations relevant to this matter are in order.

- 1) While the loss of human life is devastating, the law does not require law enforcement (or anyone) to wait until a firearm in the control of and in the process of being deployed by another *is actually fired before responding*. In short, the law does not require a person get shot, or even shot at, before returning fire. The justification defense requirements actually outlined in the law sanctioning when an LEO can use deadly force were clearly present in this case.
- 2) The FPD LEO's did not deploy deadly force over a license plate or any other minor violation. They fired in self-defense because deadly force was in the process of being engaged against them while they were attempting to address the violations civilly.
- 3) LEO's are not required to allow any individual to violate the laws enacted by a legislative body because the individual does not feel the law is constitutional, or because that person believes the law should not apply to them. Such individuals have a mechanism to challenge the law, its application and constitutionality. The proper forum for that is the judiciary, not with a gun in a parking lot.

Sincerely

A handwritten signature in black ink, appearing to read 'T. Rawlings', is written over a horizontal line.

Troy S. Rawlings

Davis County Attorney