

Jerard M. Jarzynka
Prosecuting Attorney



312 S. Jackson Street
Jackson, MI 49201

OFFICE OF THE PROSECUTING ATTORNEY

March 12, 2019

Det./Sgt. Patrick Gallagher
MSP 1st District Headquarters
7119 N. Canal Road
Lansing, Michigan 48913

Re: Officer Involved Shooting
Incident No. 010-0000062-19

Dear Detective/Sergeant Gallagher:

I have received your investigation report in regards to the above-referenced incident involving City of Jackson Police Department Officer Trent Marcum. We truly appreciate the availability of an independent police agency to perform investigations that otherwise create a potential for a conflict of interest locally. I have reviewed your investigation report of the actions of police officer Trent Marcum. Thank you for your immediate attention and professionalism. Your report is complete and thorough. My review is limited to the issue of criminal culpability on the part of Officer Trent Marcum in discharge of his service weapon one time on the night of February 2, 2019 at around 6:30 p.m. inside a residence at 158 W. Mansion in the City of Jackson and resulted in Corey Catlin being shot in the neck.

In support of my opinion regarding criminal culpability of the police officer involved I have considered all of the information you submitted to my office. This included your MSP (Michigan State Police) incident report number 010-0000062-19, the body cam videos for Officer Marcum as well as other JPD (Jackson Police

Department) officers at the scene, 911 recorded calls, the medical treatment records for victim Mary Williams (Corey Catlin's mother), Corey Catlin's Facebook live video, audio interviews of witnesses, photos taken of the scene, evidence collected at the scene, JPD reports for incident 497-02838-19 and search warrants. I have personally reviewed your investigation report and it has provided sufficient information to reach a conclusion regarding the criminal responsibility of JPD Officer Trent Marcum.

It is important to emphasize the purpose of this review. It is not to determine whether the police officer could have or might have done something differently. It is not whether, given the full benefit of hindsight, this shooting could have been avoided. Rather, the sole question to be decided is whether the shooting of Corey Catlin was the result of a criminal act by Officer Marcum in this shooting.

Under certain circumstances, Michigan law allows a person to use force or even take a life to defend himself or the life of another person. If a person acts within this definition of self-defense, his or her actions are justified under the law and that person is not guilty of a crime.

Shooting a gun in self-defense requires an honest and reasonable belief by a person that their life is in danger of serious injury or death. If the belief was honest and reasonable, he can act immediately to defend himself even if later it turned out that he was mistaken about how much danger he was in at the time of the incident. CJI2d 7.15; *People v Riddle*, 467 Mich 116, 119 (2002).

Michigan law says that the use of deadly force in self-defense is justified where the actor (1) is not the aggressor, (2) acts under an honest and reasonable belief that he is in danger or great bodily harm, (3) retreats from the scene if possible, and (4) the only recourse lay in repelling the attack by the use of deadly force. *People v Heflin*, 434 Mich 482, 502-503, 509 (1990).

The Michigan Supreme Court clarified that "a person is never required to retreat from a sudden, fierce and violent attack; nor is he required to retreat from an attacker who he reasonably believes is about to use a deadly weapon." *Riddle, supra*, at 119. Because of his duty to protect the public, a police officer is not required to retreat in the face of a display of force. *People v Doss*, 406 Mich 90, 102 (1979).

Expanding on the law contained in *Heflin, Riddle and Doss*, the Self-Defense Act of 2006 abrogated the duty to retreat under most circumstances:

“an individual who is not engaged in the commission of a crime at the time he uses deadly force may use deadly force against another individual anywhere he has the right to be with no duty to retreat if....the individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death or imminent great bodily harm to himself or another individual....” MCL 780.972.

Even under the Self-Defense Act, however, self-defense is not justified simply on a belief that deadly force is needed to repel an attack. Instead, the actor’s belief must be both honest and reasonable. *Heflin, supra*. The belief does not, however, have to be correct. Self-defense justifies the use of deadly force in response to an honest and reasonable belief that such force is required to prevent death or great bodily harm, even if that belief is in error. *People v Shelton*, 64 Mich App 154, 156 (1975).

Notably, the Prosecuting Attorney must prove beyond a reasonable doubt that the person did not act in self-defense. A person claiming self-defense does not have to prove it. CJI2d 7.20.

Moreover, the law of self-defense equally applies to the defense of others. *People v Kurr*, 253 Mich App 317, 321 (2002). Traditionally, a person could invoke a claim of the defense of others only where the person had a special relationship with the person they were defending (such as a parent or child). That distinction no longer applies; see, *People v Kurr, supra*. More significantly, a police officer has a duty and responsibility to protect the citizens of his/her community and therefore has the right to use appropriate force in the defense of the general public.

The MSP investigation revealed the following facts:

On February 2, 2019 at about 6:23 p.m., Capricia Breedlove (girlfriend of Corey Catlin) called 911 to report that Corey Catlin was suicidal and intoxicated. He was inside the home at 158 W. Mansion in the City of Jackson with his mother, Mary Williams. Ms. Breedlove also mentioned that Mr. Catlin has a mental health issue. An additional 911 call came in from Annissa Wheeler (sister of Corey Catlin)

who said that her brother needs help and that he is on meth and crack cocaine, and that he wants to die “suicide by cop.” Annissa Wheeler also stated that her mother was inside and that he would shoot the police. 911 dispatch shared this information with the JPD officers dispatched to the scene.

JPD Officers Trent Marcum, Andrew Fugate, Michael McCord and Justin Thorenson responded to 158 W. Mansion. Their body cams captured their arrival and what they did on the scene. Officer Marcum approached the house and went to the front door. At that point, the officers discovered that the situation had escalated to an assault. One officer observed through a side window that Mr. Catlin had his mother in a choke hold. He is heard yelling that he is armed and is going to kill Mary Williams. Ms. Williams is calling for help. Officer Marcum commanded Mr. Catlin to open the front door. He refused.

Inside the home, Mr. Catlin is using his cell telephone to Facebook live stream himself holding his mother with his arm around her neck.

Officer Trent Marcum made the decision to break down the front door because the life of Mary Williams was in imminent danger. His body cam video depicted this event. Once inside, Officer Marcum approached Mr. Catlin who is observed backed into the base of a stairway, holding Ms. Williams in a choke hold. He is seen with his cell phone in one hand and holding a knife in the other hand. He did not comply with repeated commands from the police officers to drop the knife. He is heard yelling, “Shoot me” and “I’ll kill her.” Mr. Catlin makes a movement with his knife as if he is going to stab Mary Williams.

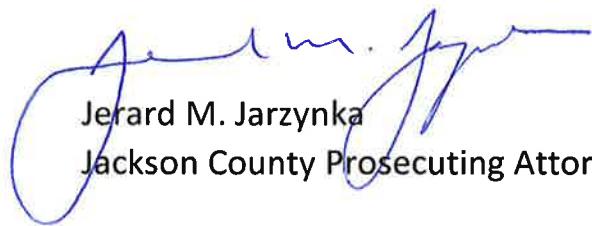
When Mr. Catlin makes this movement as if he is going to stab his mother, Officer Marcum discharged one round from his service weapon, striking Mr. Catlin in the neck. No other rounds were fired. The police officers took Mary Williams to safety and subdued Mr. Catlin. Thereafter, first aid was applied to both Mary Williams and Corey Catlin. Medical treatment records for Mary Williams revealed that Mr. Catlin had stabbed his mother three times, once in the back which caused her right lung to collapse. She required hospitalization because of her injuries.

The investigation also revealed that Corey Catlin was on parole and he was a parole absconder who was on the run from the police.

Based upon a review of the facts and the law, it is clear that Corey Catlin presented an immediate danger of death or great bodily harm to Mary Williams. As such, Officer Marcum acted properly in defense of Mary Williams in breaking down the front door, and then firing at Corey Catlin. This occurred only after Mr. Catlin was repeatedly told to drop the knife, at which point he then made a movement with the knife as if to stab his mother. It is important to also note that this part of the incident happened very quickly, and occurred in just a matter of seconds.

Moreover, it is also evident that from the perspective of Officer Marcum he honestly and reasonably believed that Corey Catlin posed a threat to Mary Williams. The evidence supports this belief. It is my opinion that the actions of Corey Catlin would also have led a reasonable person to believe a serious risk of great bodily harm or death was imminent, and deadly force was required to protect the life of Mary Williams. In light of the totality of the circumstances as perceived by Officer Marcum at the time of the shooting, he was justified in the discharge of his service weapon to eliminate a credible threat. This use of deadly force would certainly not rise to the level necessary to render criminal charges against this police officer.

Sincerely,



Jerard M. Jarzynka
Jackson County Prosecuting Attorney

cc: JPD Chief Elmer Hitt