



STATE OF ARKANSAS
Office of the Prosecuting Attorney
Second Judicial District

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January 14, 2019

Colonel Bill Bryant
Arkansas State Police
VIA EMAIL: bill.bryant@asp.arkansas.gov

Re: Rector Officer Involved Shooting

Dear Col. Bryant:

On December 26, 2018, at 3:46 p.m., the Rector Police Department was notified there was a man walking around South Main Street brandishing a firearm. Rector Police Officers responded to the area, along with Clay County Sheriff Deputies. Upon their arrival, they located a white male wearing dark colored pajama pants, no shirt and waving a western style revolver on South Main Street. The male subject was later identified as Gary C. Warbritton, date of birth March 10, 1997.

As officers tried to talk Warbritton into dropping his gun, he pointed the revolver at Officer Michael Turner who immediately fired four (4) rounds from his service weapon at Warbritton. None of the Turner's rounds hit Warbritton. For several minutes, the subject continued to yell at the officers and waive the gun around as he walked back and forth.

After several more minutes, Warbritton walked south on Main Street and crossed U.S. 49 then sat on a guard rail on the northbound shoulder of U.S. 49. Officer Turner was standing on the southbound shoulder of U.S. 49. Officer Jeffery Wolfenbarger was standing several yards northeast of Officer Turner in the parking lot of the Flash Market convenience store located at the intersection of South Main Street and U.S. 49. Warbritton walked back across U.S. 49 toward Officer Turner.

As Officer Turner was talking to Warbritton in an attempt to get him to put his gun down, a lady came out of the convenience store and walked toward Officer Turner. The lady is identified as Jessica L. Lamar. At the time, Warbritton was about 10 feet from Officer Turner and Ms. Lamar. He continued walking slowly toward Officer Turner and Ms. Lamar with the revolver to his right side. After Warbritton walked to within approximately four feet of Officer Turner, he raised the gun and pointed it at Officer Turner.

Officer Wolfenbarger immediately fired one (1) single shot from his service weapon striking Warbritton under his right arm. Warbritton fell on his left side. He then raised his gun again and pointed it at Officer Turner. However, Officer Turner was able to move around Warbritton and push him to the ground. Officer Turner removed the weapon from Warbritton and placed him in handcuffs.

An ambulance was called to the scene. Clay County Coroner Jerrod Lowe pronounced Warbritton deceased at 4:32 p.m.

Arkansas Code Annotated Section 5-2-601(b)(2) allows the use of deadly force if the officer reasonably believes that the use of deadly force is necessary to defend himself or a third person from what he reasonably believes to be the use – or imminent use – of deadly force. The investigation revealed both Officer Wolfenbarger and Officer Turner were confronted with circumstances justifying the use of deadly force the day Gary C. Warbritton was shot. Specifically, Officer Turner feared for his life when Warbritton pointed a gun toward him, while Officer Wolfenbarger was certainly justified in using deadly force when he fired his service weapon immediately as Warbritton pointed his revolver toward Turner and Ms. Lamar.

I conclude my preliminary findings that Officers Turner and Wolfenbarger were justified when they used deadly force against Gary C. Warbritton in defense of their lives, as well as the life of Ms. Lamar. It is my understanding that there are still outstanding ballistic and autopsy reports, as well as other follow-up reports. Until those reports are finished, this investigation remains open, and my finding may be subject to change.

Sincerely,



Scott Ellington
Second Judicial District Prosecuting Attorney

SE/crw

CC: Major Mark Hollingsworth, Arkansas State Police.
Bill Sadler, Director of Communications Arkansas State Police
Lt. Brant Tosh, Arkansas State Police
S.A. Tony Hill, Arkansas State Police
Chief Glenn Leach, Rector Police Department