



DANIEL K. KNIGHT, Prosecutor
Office of the Boone County Prosecuting Attorney
705 E. Walnut Street – Courthouse
Columbia, Missouri 65201-4485
573-886-4100
FAX: 573-886-4148

5-14-19

**Chief Geoff Jones
Columbia Police Department
Sixth and Walnut
Columbia, MO 65201**

Dear Chief Jones,

On 5-22-17, Ricky Gurley shot and killed Cameron Caruthers. The Columbia Police Department (CPD) conducted an extensive investigation of this shooting and sent materials to my office for review.

After receiving the investigative materials, I ordered and received a certified prior conviction for Gurley from the state of North Carolina to determine whether he could be charged with being a felon in possession of a firearm under Missouri state law section 571.070 RSMo. The certified prior conviction was insufficient for the purpose of charging Gurley under Missouri state law because the crime he was convicted of committing in North Carolina, if committed within Missouri, would not have been a felony. Therefore, the matter was referred to the U.S. Attorney's Office, and on 10-18-17 in the case of United States of America v. Ricky Gurley, No. 17-4069-01-CR-C-BCW, Gurley was indicted for being a felon in possession of a firearm under Title 18 United States Code, section 922(g)(1). Gurley pled guilty to that charge on 1-3-19, and on 5-14-19 he was sentenced in federal court.

I have waited until now to make my filing decision with regard to this shooting because I did not want to do anything that would have a negative impact on the fairness of a potential trial in Gurley's federal case.

In this letter I will explain why the evidence, the law, and my ethical responsibilities as a prosecutor prohibit me from filing criminal charges against Ricky Gurley regarding the shooting of Cameron Caruthers.

EVIDENCE

The following is a summary of the evidence that is the most pertinent to this case:

On 5-22-17, at about 12:14pm, Ricky Gurley called 911 and told the dispatcher a man came into his house located at 1304 Dawn Ridge Road who tried to attack Gurley and Gurley shot him. Officers from the CPD were dispatched to the scene and Officer Jon Dye was one of the first police officers to respond.

While driving on Dawn Ridge Road, Officer Dye contacted a female, later identified as Kelsey Poore, driving away from the scene. Officer Dye asked Poore if she had heard gunshots and she indicated she hadn't. Also, Poore said she thought she had just been at 1306 (rather than 1304) Dawn Ridge Road. Poore was allowed to leave.

Officer Dye then proceeded to the residence where he found Gurley standing outside, and Gurley was taken into custody. Gurley said that Caruthers would visit his girlfriend (Poore) at the residence, but that Caruthers didn't live at the residence. Gurley said that just before the shooting, Caruthers threatened and approached Gurley. Gurley indicated that the shotgun he had used to shoot Caruthers was locked in a bedroom in the residence. Gurley said he wasn't in good health, and he had suffered a major heart attack about eight months before.

Police entered the residence at 1304 Dawn Ridge Road through the front door. The front door opened into a living room, and Caruthers's dead body was found lying on his right side on the floor. Police unlocked the door to Gurley's bedroom and found the twelve-gauge shotgun that he used to shoot Caruthers with lying on a bed.

An autopsy was performed on Caruthers by Dr. Deiter Duff, and he prepared an autopsy report. Dr. Duff wrote that Caruthers suffered one shotgun wound which entered the right upper abdomen and traveled backward and downward. Dr. Duff wrote that this wound is what caused Caruthers to die.

Toxicology tests were performed, and extremely high levels of methamphetamine were found in Caruthers's blood.

Gurley was taken from the scene to the CPD, where he waived his Miranda rights and agreed to speak to detectives. Gurley said he had lived at his residence at 1304 Dawn Ridge Road for about twelve to thirteen years. Gurley said he recently had allowed Poore and her three children to live in two rooms at his residence. Gurley said before the shooting, Caruthers was dating Poore and he would periodically stay at the residence with her. Gurley said he was aware of Caruthers having a violent past, that he was a methamphetamine user, and that he suffered from paranoia.

Gurley said on the morning of 5-22-17, Poore accused Caruthers of stealing money from her. Gurley said that morning Caruthers talked to Poore and Gurley on the telephone and demanded to come into Gurley's residence to collect his belongings. Gurley said Poore told Gurley that Caruthers had been taking methamphetamine, and she did not want him to come into the house. Gurley said Poore and Gurley both told Caruthers on the telephone not to come into Gurley's residence. Gurley said he didn't want Caruthers in his residence because he didn't want Poore and Caruthers to engage in a fight there. Gurley said while on the telephone, Caruthers told Gurley he was going to come to Gurley's house even though Gurley told Caruthers he was not welcome.

Gurley said a person named Dakota (later identified as Dakota Kelsey) brought Caruthers to the residence, and at about that time, Gurley locked a door to his residence so that Caruthers could not get inside. Gurley said Poore and Caruthers argued with each other while Poore was inside the house and Caruthers was outside the house. Gurley said Caruthers was beating on the door to the residence. Gurley said Caruthers basically admitted he had stolen the money from Poore the night before and that Poore told Caruthers that when he returned her money she would give him his belongings. Gurley said Caruthers was threatening Gurley, and Caruthers said he was going to bring his "brothers" to the residence. Gurley said he knew that Caruthers had been in a prison gang named SSG and that Caruthers referred to other gang members as his brothers (Sacred Separatist Group (SSG) is the name of a white supremacist gang. At the autopsy, it was discovered that Caruthers had a tattoo of what appeared to be an SSG symbol. Poore also reportedly told a school counselor that Caruthers was in a white supremacist gang). Gurley said Caruthers also said he was going to come into the house, and he was

going to kill Poore. Gurley said he told Caruthers to stay outside. Gurley said Kelsey was eventually able to get Caruthers to calm down, and he and Caruthers left.

Gurley said shortly after Caruthers and Kelsey left, Poore told Gurley that Kelsey texted Poore and said Caruthers jumped out of a moving truck and was coming back to the residence. Gurley said Caruthers then arrived back at the residence. Gurley said he remained inside the residence, and he retrieved his shotgun from his bedroom. Gurley said he thought the police were being called to the scene. Gurley said he told Caruthers to stay out of his house, but Caruthers said he was coming inside anyway and that he was going to kill Poore.

Gurley said while he was sitting in a chair in the living room, Caruthers came inside the residence. Gurley said he told Caruthers to get out of his house and then Caruthers grabbed and pushed Poore who was also inside. Gurley said he again told Caruthers to get out of his house and that Caruthers again threatened to kill Poore and told Poore she didn't know how many people he had killed. Gurley said he again told Caruthers to get out of his house and that Caruthers then either said he would kill Gurley or said something to the effect of "what do you want to do?" to Gurley. Gurley said Caruthers walked toward Gurley who was seated in a chair in the living room holding the shotgun. Gurley said Caruthers had his hands up like he was "ready to fight." Gurley said he again told Caruthers to get out of his house and that when Caruthers was about three to five feet from him Gurley shot him. Gurley said he thought if Caruthers got close to him, Caruthers would have probably killed Gurley. Gurley characterized Caruthers as being "very erratic, very frantic, very mad." Gurley said Poore was in the living room at the time of the shooting.

Gurley said the phone conversations with Caruthers leading up to the shooting had been recorded and could be located on Gurley's cell phone, and Gurley gave police permission to search his cell phone.

On 5-23-17 at 5:02am Gurley was released from custody. No request to file charges against Gurley has been made to my office by the CPD, and no probable cause statement pertaining to the shooting has been sent to my office regarding this incident.

Poore spoke to police officers from the CPD and made the following statements:

Poore said she and her children had been staying in two bedrooms at Gurley's residence for about two months. Poore said she and Caruthers dated approximately four to five months before he was killed. Poore said before the shooting, Caruthers had been staying at his grandmother's residence, but he had been kicked out. Poore said at the time of the shooting, Caruthers did not have keys to Gurley's residence.

Poore said Caruthers had PTSD, and he had some "paranoid schizophrenic episodes" where he would claim there were "people after him," and he would "hear things in the vents and walls" and "it's just very out there." Poore said Caruthers used drugs which intensified his PTSD symptoms. Poore said while she dated Caruthers, he was "tripping out on hearing things all the time." Poore said, "I think he just heard voices constantly and there was no calming him down." Poore also said Caruthers was "not everyone's favorite person," "he causes a lot of conflict," and he "was kind of a loose cannon." Detective Kim Green asked Poore, "Has it ever been physical between you two?" and Poore responded, "I'm not gonna lie, um, yeah."

Poore said the night before Caruthers was killed he "got in one of his psychotic moods" and accused Poore of being a "cop" and "setting [Caruthers] up." Poore said Caruthers stole three hundred dollars in cash from her and left Gurley's residence.

Poore said on the morning of the shooting, Caruthers told Poore he wanted to come to the residence to retrieve his belongings, including items his grandfather had given him, but Poore said he needed to return the money he had stolen from her before he would be allowed to do so. Poore said Caruthers told Gurley over the telephone that either Poore needed to give Caruthers his stuff or Caruthers was "coming in and taking it" and that Gurley told Caruthers he was not allowed "to come through the door."

Poore said a person named Dakota (later identified as Dakota Kelsey) brought Caruthers to Gurley's residence and that Caruthers and Poore argued with each other. Poore said Kelsey was stepping in front of Caruthers to prevent him from getting to Gurley and Poore. Poore said Caruthers did not come inside the residence at that time. Poore said Gurley was sitting in his chair in the living room during this time. Poore said while Caruthers was standing in

the front yard he said he was going to come back in three hours and "things were gonna go down the way he wanted it," and that Poore and Gurley "were gonna do things his way." Poore said Caruthers told Gurley, "you got three hours" and Poore said "I'm assuming that meant three hours for him to get his stuff back or he was going to retaliate." Poore said Caruthers returned keys he had to a bedroom door in the residence at that time. Poore said during the time that Caruthers and Kelsey were at Gurley's residence, she was aware that it was mentioned several times that the police were going to be called, and she thought the police were going to arrive at the scene.

Poore said Caruthers and Kelsey were at the residence for about ten minutes, and then Kelsey got Caruthers to leave. Poore said about five minutes after they left, she received a text message from Kelsey that said Caruthers jumped out of the moving truck and was on his way back to the residence. Poore said it was her understanding that Caruthers jumped out of the moving truck because Kelsey refused to return to the residence. Poore said Kelsey also texted Poore that Caruthers left his cell phone and wallet in the truck after he jumped out of it.

Poore said about five minutes after she received the text from Kelsey, Caruthers returned to the residence and knocked on the front window. Poore said Gurley was sitting in his chair in the living room at this time. Poore said Caruthers told Gurley to "come here" and "be my friend." Poore said Gurley replied, "I am your friend, but you need to go." Poore said Caruthers refused to leave. Poore said every time she said something, Caruthers would "just explode." Poore said at some point during the second time he was at the house, he threatened to kill her. Poore said Caruthers tried to pull the air conditioning unit out of the bedroom window. Poore said she was telling Caruthers to calm down, and Caruthers kept saying, "shut up, bitch," and said Caruthers said he only wanted to communicate with Gurley. Poore said Caruthers sat down on a chair on the porch and rocked back and forth, grasping his hair in his hands. Poore said Caruthers started to cry, and at that point while Caruthers was outside and Poore was inside, she opened the door and tried to hand Caruthers a hatchet which had belonged to his grandfather. Poore said when she did this, Caruthers said "Fuck you, bitch. I want Rick to hand it to me. You disgust me." Poore said Caruthers wouldn't take the hatchet from her, and she set it down somewhere inside the residence. Poore said she shut the door, and she thought she put the hatchet on a chair inside the residence. Poore said Caruthers then came inside the residence quickly and grabbed her by the forearms and pushed her. Poore said Caruthers was

trying to get around her to go down the hall to her bedroom. Poore said Gurley either told Caruthers to “stop” or “stay right there.” According to Poore, Caruthers was yelling at Gurley and said, “Well, you’re just gonna have to shoot me, Rick.” Poore said Caruthers approached Gurley, Caruthers’s hands were up, and he was “over Rick” who was seated in the chair, armed with a shotgun. Poore said immediately after Caruthers told Gurley he was going to have to shoot him, Gurley shot Caruthers. Poore said she didn’t see Gurley shoot Caruthers because her back was turned at that time. Poore was asked if she knew why Gurley shot Caruthers and Poore said, “I would assume because he felt threatened.” Poore admitted that after Gurley shot Caruthers, she left the residence before speaking to the police because she “was trying to get [her] ducks in a row.”

In addition to talking to the police, Poore spoke to many other people about this case including Caruthers’s family members and friends of Caruthers’s family. In some instances, Poore completely contradicted what she had told the police.

A person named Daniel Ferraioli called Poore and talked to her about this case. Ferraioli recorded this conversation. Ferraioli later told a CPD officer that he had reached out to a friend of Caruthers and Caruthers’s father to offer assistance in the investigation. During the conversation, Ferraioli lied and told Poore his name was Daniel Forrest. Contrary to what Poore told the police, she told Ferraioli that when Caruthers came into the residence, he did not touch Poore or assault her before Gurley shot him, that she didn’t feel threatened by Caruthers, that Caruthers was not mad, and that Caruthers’s voice was not raised. Throughout his conversation with Poore, Ferraioli said many disparaging things about Gurley.

Poore also spoke to Caruthers’s uncle, Todd Caruthers, who recorded his conversation with Poore. Contrary to what Poore told the police, she said Caruthers had never been aggressive in the past toward her or anyone else and that Gurley pulled the trigger way too quickly when he shot Caruthers. During this conversation, Todd Caruthers said disparaging things about Gurley.

Dakota Kelsey was interviewed by a police officer at CPD. Kelsey said he and Caruthers used to ingest drugs together, but that Kelsey no longer took drugs. Kelsey said Caruthers called him at about 9:30am on the morning of the shooting and wanted Kelsey to borrow Caruthers’s grandmother’s truck so

that he and Caruthers could move Caruthers's belongings out of 1304 Dawn Ridge Road and into another residence on Ballenger Lane where Caruthers was going to stay.

Kelsey said he went to Caruthers's grandmother's house and picked the truck up, then he picked up Caruthers at a residence on Ballenger Lane. Kelsey said he then took Caruthers to another residence where he believed Caruthers obtained some drugs, then Kelsey drove Caruthers to 1304 Dawn Ridge Road.

Kelsey said right after they arrived at 1304 Dawn Ridge Road, Caruthers and Poore started arguing and there was "name calling" going on between the two. Kelsey said Caruthers tried to go inside, but Kelsey physically prevented that from happening. Kelsey said he was stepping between Caruthers and Poore because he was trying to prevent Caruthers from hitting Poore. Kelsey said Caruthers was "not in his right mind," was "erratic," and "He snapped. He wasn't being logical, and he was extremely upset." Kelsey said Gurley was "non-threatening" during this time. Kelsey said he told Caruthers he was going to leave with or without him, and Kelsey went to the truck and started it. Kelsey said Caruthers then got in the truck with Kelsey and they left. Kelsey said he thought that he and Caruthers were at the scene for no longer than fifteen minutes. Kelsey said as they were driving away from the scene, Caruthers told Kelsey to take him back, and Kelsey refused to do so. Kelsey said Caruthers then jumped out of the moving truck. Kelsey said he texted Poore and wrote that Caruthers had just jumped out of the truck and he was heading back to the scene. Kelsey said Caruthers left his cell phone in the truck.

Ashley Mock was also interviewed by police. Mock said she had been staying with David Miller at Gurley's residence for a while, and on the morning of 5-22-17, she traveled to the residence to collect some belongings she had there. Mock said when she arrived, she saw Caruthers outside said she thought he came to the scene with a person (Kelsey) who was driving a red truck. Mock said she observed Caruthers "beating" on a window to the house, and that Poore was telling Caruthers to leave. Mock said Poore and Gurley were inside the residence while Caruthers was outside, and they kept telling Caruthers to leave and they were not going to let Caruthers inside. Mock said Caruthers repeatedly said he was not leaving without his grandfather's belongings. Mock said Caruthers was "really, really mad," and "he was like coming unglued," and "out of control upset" and that he threw "a big tantrum."

Mock said Caruthers eventually got in the truck and the truck left the area of the residence. Mock said she left after Caruthers, and she later saw Caruthers walking on Clark Lane.

Gurley's cell phone was searched, and there were numerous conversations involving Gurley, Caruthers, and Poore that were recorded on 5-22-17 before the shooting. The following is a summary of those recorded conversations:

During a call that began at about 9:46am, Caruthers told Gurley, "I'm trying to get everything out of Kelsey's as soon as possible." During the conversation, Caruthers essentially acknowledged he had taken money from Poore. Gurley said, "I can't have this drama around my house, Cameron."

During a call that began at about 9:54am, Poore accused Caruthers of taking her money, and he did not deny doing so.

During a call that began at about 9:56am, Caruthers admitted that he owed Poore two hundred and sixty dollars, and when Poore accused Caruthers of stealing the money from her, he did not deny doing so.

During a call that began at about 10:19am, Caruthers told Gurley, "It's going to be the easy way or the hard way with her." Caruthers also said, "I don't care what cop friends [Poore's] got or who she's got working or what, check this out, don't care. I'm coming for my stuff." Gurley then responded, "Cameron, don't bring no drama to my house." During this call, Caruthers told Gurley that he knew it was Gurley's home. Caruthers told Gurley, "[Poore's] going to get made to do something if I get there and I can't get my shit," and Gurley responded, "I don't, I do not want you up in here starting, causing drama."

During a call that began at about 10:47am, Caruthers said, "Rick, I'm just giving you fair warning. I'm coming over there." Caruthers said, "Me and some of my brothers, we'll, we're about to leave and come over there, so I would very highly advise that she is not there." Gurley said, "Don't bring a bunch of people up here and create drama." Gurley said it was his home and Caruthers said, "I understand that." Cameron told Gurley, "I'm coming for my shit, so you know she can tell you, she can either lace up or get, get the fuck out my way." Caruthers went on to say, "I understand it's your house. Rick I'm just telling you I have never let a man, or I've never let anybody take anything from me in my entire life and I'm not going to start today."

Caruthers said, "I'm coming in and getting my stuff, okay?" and Gurley responded, "Cameron, don't do that, don't do that." Caruthers then responded, "Rick, I have to do that, dude. I'm just giving you fair warning of what's happening. I'm coming in there and I'm getting my stuff." Gurley said, "I don't want you up in this house. Not right now." Caruthers went on to say, "It is in your house, okay? I'm coming to get my stuff, okay? I don't care what anybody has to say about it." Gurley said, "Okay, Cameron, I told you I don't want you up here with a bunch of drama and stuff I told you," and Caruthers responded, "I'm not trying to bring drama, Rick, but all this extra talking is really starting to frustrate me, okay?" Caruthers went on to say, "I don't give a shit, okay? So anyway, at the end of the day I ain't got no place to go. You think I'm fucked up about going back to prison? Fuck no." At the end of the conversation, Caruthers said, "All right. See you in twenty minutes, buddy."

During a call that began at about 11:37am, Gurley spoke to a person named David Miller on the telephone. Caruthers and Poore could be heard arguing in the background. Gurley said Caruthers was outside on the porch, Poore was inside the residence, and Gurley was not going to let Caruthers inside. Gurley said, "He knows he comes in the house I'm gonna shoot him."

Without question, Gurley has amassed many bitter enemies over the years who were more than willing to provide information to the CPD about him being involved in various criminal activities. Information was obtained from some sources (who were often extremely biased against him) that Gurley made statements before the shooting about wanting to kill someone and scenarios where he could shoot someone inside of his residence and be immune from prosecution due to the castle doctrine. Information was also obtained that Gurley specifically wanted to kill a person named Jason Sutton. Further, there was intense speculation that Gurley killed a person named Tammy McPherson, but McPherson was found to be alive. There was unsupported information that Gurley killed someone in North Carolina. Although there was a lot of negative information provided about Gurley, much of it is not pertinent to the issue of whether Gurley acted lawfully at the time he shot Caruthers, so it is not included in this letter.

In North Carolina, Gurley has been convicted of the misdemeanors of being an unlicensed bail bond runner three times, felonious restraint (referenced above), and misdemeanor larceny. In Missouri, Gurley has been convicted of the misdemeanor of unlawful transfer of a concealable weapon.

In North Carolina, Caruthers was convicted of common law robbery. In Missouri, Caruthers was convicted of the misdemeanors of possession of marijuana and possession of drug paraphernalia, and the felonies of possession of a controlled substance, unlawful possession of a firearm (felon in possession of a firearm), and tampering with electronic equipment.

ANALYSIS

Missouri law provides a statutory right to self-defense. Under Section 563.031, RSMo, a person has the right to use force if the person reasonably believes it is necessary to defend himself or herself against what he or she reasonably believes to be the imminent use of unlawful force.

A person who is justified in using self-defense can use deadly force in some circumstances. Deadly force can be used if the person reasonably believes the force is necessary to protect himself or herself against “death, serious physical injury, or any forcible felony.” §563.031.2(1). Forcible felonies include murder, burglary, and assault. §563.011(4).

Deadly force can be used in self-defense against a person who unlawfully enters or remains unlawfully in a dwelling or residence lawfully occupied by the defender. §563.031.2(2). A person using self-defense has no duty to retreat from a dwelling or residence where he or she is lawfully present. §563.031.3.

Self-defense is measured from the defendant’s perspective based on what the defendant could have known at the time. To be legally justified in using force, the defendant must “reasonably believe” force is necessary based on how the facts “reasonably appeared” to the defendant. MAI-CR4th 406.06. Whether the defendant’s belief turns out to have been true or false does not matter. *Id.* Instead, self-defense depends on whether, at the time, there were reasonable grounds that could lead a person in the same situation to believe force was necessary. *See id*; *see also State v. Smith*, 456 S.W.3d 849, 852 (Mo. banc 2015).

Where a defendant relies on a defense of self-defense, the burden is on the State to prove beyond a reasonable doubt that the person did not act in self-defense. *State v. Powers*, 913 S.W.2d 138, 141 (Mo. App. W.D. 1996).

The credible evidence in this case shows that Gurley had the right to use deadly force against Caruthers:

The residence where the shooting occurred belonged to Gurley and not Caruthers. Gurley allowed Poore to live there, who in turn allowed Caruthers to stay there. There is no credible evidence that Caruthers ever paid rent to either Gurley or Poore. At the time of the shooting, Caruthers had acknowledged that the house belonged to Gurley, and Caruthers clearly expressed his intent to no longer stay at the residence and was attempting to collect his belongings. Gurley had repeatedly told Caruthers that he was not allowed inside.

The night before the shooting, Caruthers stole money from Poore, and he left the residence. The next morning, Caruthers told Poore he wanted his belongings from the residence, but Poore said she would not give them to Caruthers unless he returned the money he stole from her. Caruthers refused to return Poore's money, but he demanded that she still give him his belongings anyway.

During the morning of the shooting right up until the moment Gurley shot Caruthers, Gurley and Poore told Caruthers many times that he was not allowed to come inside the residence. Caruthers, who was suffering from serious mental problems including paranoia and who was under the heavy influence of methamphetamine, was extremely defiant, hostile, threatening, and completely out of control. Despite being told numerous times to not come inside, Caruthers barged inside anyway. When he came inside he was yelling, he threatened to kill Poore, and he physically assaulted Poore. Caruthers then turned his attention to Gurley, who was seated, and Caruthers started to walk toward Gurley while in an extremely agitated and hostile state. Gurley then shot and killed Caruthers.

Under Section 563.031, RSMo, Gurley had the right to use force to defend himself against the threat of the imminent use of unlawful force by Caruthers. Further, since Gurley repeatedly told Caruthers not to come inside Gurley's residence, and Caruthers did so anyway, Caruthers unlawfully entered and remained inside of Gurley's residence. Therefore, Gurley had the right to use deadly force to protect himself.

At the end of the day, what happened during the morning of 5-22-19 is by far the most important information to be considered when deciding whether Gurley should be charged with a crime for shooting and killing Caruthers. On the other hand, information about other unrelated criminal activity

committed by Gurley is generally not pertinent to the question of the legality of Gurley's conduct in shooting Caruthers.

Also, the issue of Kelsey Poore's credibility needs to be expounded on. From the very beginning of the investigation, when Poore was stopped by Officer Dye and claimed to have no knowledge of the shooting, her credibility has been suspect. However, she provided information to police that was corroborated by Gurley's statements and other sources. This information includes: Caruthers was completely out of control leading all the way up to the shooting, Caruthers was repeatedly told not to come inside the residence, Caruthers physically assaulted Poore when he entered the residence, and Caruthers approached Gurley after attacking Poore and was close to Gurley when Gurley shot him. While Poore made statements to other people who were not police officers that contradicted what she told the police, these statements were not credible. Also, if a case against Gurley were to be prosecuted, Poore would be heavily impeached with statements she made to the police.

CONCLUSION

As stated above, the CPD referred this matter to my office to review, but no request to file charges against Gurley was made to my office, and no probable cause statement pertaining to Gurley was sent to my office. As you know, when law enforcement officers have probable cause to believe that a violent crime has been committed by a person, a probable cause statement is sent to my office.

Rule 4-3.8 of the Missouri Supreme Court Rules of Professional Conduct is entitled, "Special Responsibilities of a Prosecutor." That rule lists directives that prosecutors must follow. The very first directive begins with the following: "A prosecutor in a criminal case shall: (a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause."

Without a probable cause statement in this case, if I wished to pursue charges, my only option would be to present evidence to the grand jury. Since I know charges are not supported by probable cause, it would be unethical for me to pursue the case in this manner.

Even if I did present the case to the grand jury and it returned a true bill, Gurley would still have the right to a jury trial wherein I would have to prove the charge beyond a reasonable doubt to twelve fair and impartial jurors

before he could be convicted. This burden would be impossible to overcome. There is no probable cause to believe Gurley committed a crime by shooting Caruthers, and logically, proof beyond a reasonable doubt does not exist.

Most importantly, and I can't emphasize this enough, on top of the legal standards of proof, I will not seek a conviction in a case if I am not completely convinced that the person is guilty of the crime. I do not believe Gurley committed a crime when he shot Caruthers, so Gurley will not be charged.

I am well aware that numerous family members and friends of Caruthers family want me to file charges in this matter. I cannot do so. I must follow the law and abide by my ethical responsibilities.

Since this case is of public interest, I am going to disclose this letter to the media. I believe it is important for citizens to clearly understand the circumstances of this shooting and why Gurley acted lawfully in shooting Caruthers.

Thank you very much for taking the time to read this letter. If you have any questions, concerns, or if you do not agree with my analysis, please contact me.

Sincerely,



Daniel K. Knight
Boone County Prosecuting Attorney