



*Office of the New York State Attorney General Letitia James*

Office of Special Investigation

March 12, 2025

# Report on the Investigation into the Death of Brandon Zurkan

## INTRODUCTION

New York Executive Law Section 70-b (Section 70-b) authorizes the Attorney General's Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer or peace officer. When OSI does not seek charges, as in this case, Section 70-b requires issuance of a public report. This is the public report of OSI's investigation of the death of Brandon Zurkan, who was shot on February 28, 2023 by Ontario County Sheriff's Office (OCSO) deputies and City of Canandaigua Police Department (CPD) officers and died on March 1, 2023.

## OVERVIEW

On February 28, 2023, at 11:20 p.m., a witness called 911 and reported a car driving erratically on Route 5 & 20, heading toward Canandaigua. The caller said he heard gunshots or fireworks coming from the car.

OCSO Deputy Robert Middlebrook responded to the area and saw a black Toyota Camry drive past him straddling the double yellow line, and saw the 911 caller, who pointed at the Camry. Deputy Middlebrook attempted to stop the car, but its driver failed to comply. Additional officers joined the pursuit into the City of Canandaigua, where officers heard what sounded like gunshots coming from the car. The Camry drove into a parking lot at 493 South Main Street and crashed into a fence. The driver, Mr. Zurkan, got out of the car with a pistol in his hand and fled into the middle of a nearby street.

For nine minutes CPD officers and OCSO deputies took positions of cover near homes and businesses and tried to persuade Mr. Zurkan to put the gun down. Body worn camera (BWC) videos and civilian cell phone videos recorded their efforts.

Eventually Mr. Zurkan walked toward a group of officers and raised the pistol in their direction. CPD Sergeant Christopher Reynolds yelled, "Don't raise it. Do not raise it." Mr. Zurkan continued to raise the pistol and multiple officers fired at him. OCSO Deputy Matthew Smith fired four rounds from his rifle, OCSO Deputy Robert Griffin fired three rounds from his pistol, CPD Sergeant Reynolds fired two rounds from his pistol, and CPD Officer Eric Ransley fired one round from his pistol.

Mr. Zurkan was struck once in the chest and once in the calf and fell to the ground. Officers approached, kicked a pistol away from him, detained him, and began medical assessment. An ambulance arrived within minutes and transported Mr. Zurkan to a hospital, where he was pronounced dead at 12:20 a.m. According to the Medical Examiner, Mr. Zurkan died from the gunshot wound to his chest.

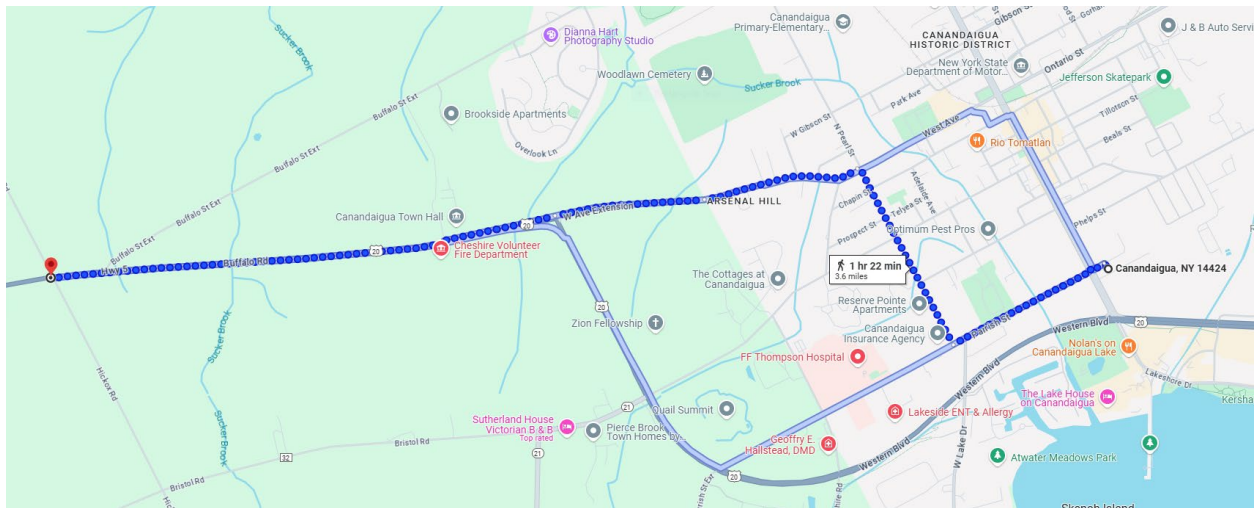
Officers recovered the .45 caliber pistol Mr. Zurkan was holding, which was loaded with two rounds, and five .45 caliber shell casings from South Pearl Street, where deputies heard gunshots coming from his car. New York State Police (NYSP) testing confirmed Mr. Zurkan's pistol was operable and fired those recovered casings.

Having thoroughly investigated the matter and analyzed the law, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that the use of deadly physical force against Mr. Zurkan by Deputy Smith, Deputy Griffin, Sergeant Reynolds, and Officer Ransley was justified under New York law, and will not seek charges in this case.

## FACTS

### Location

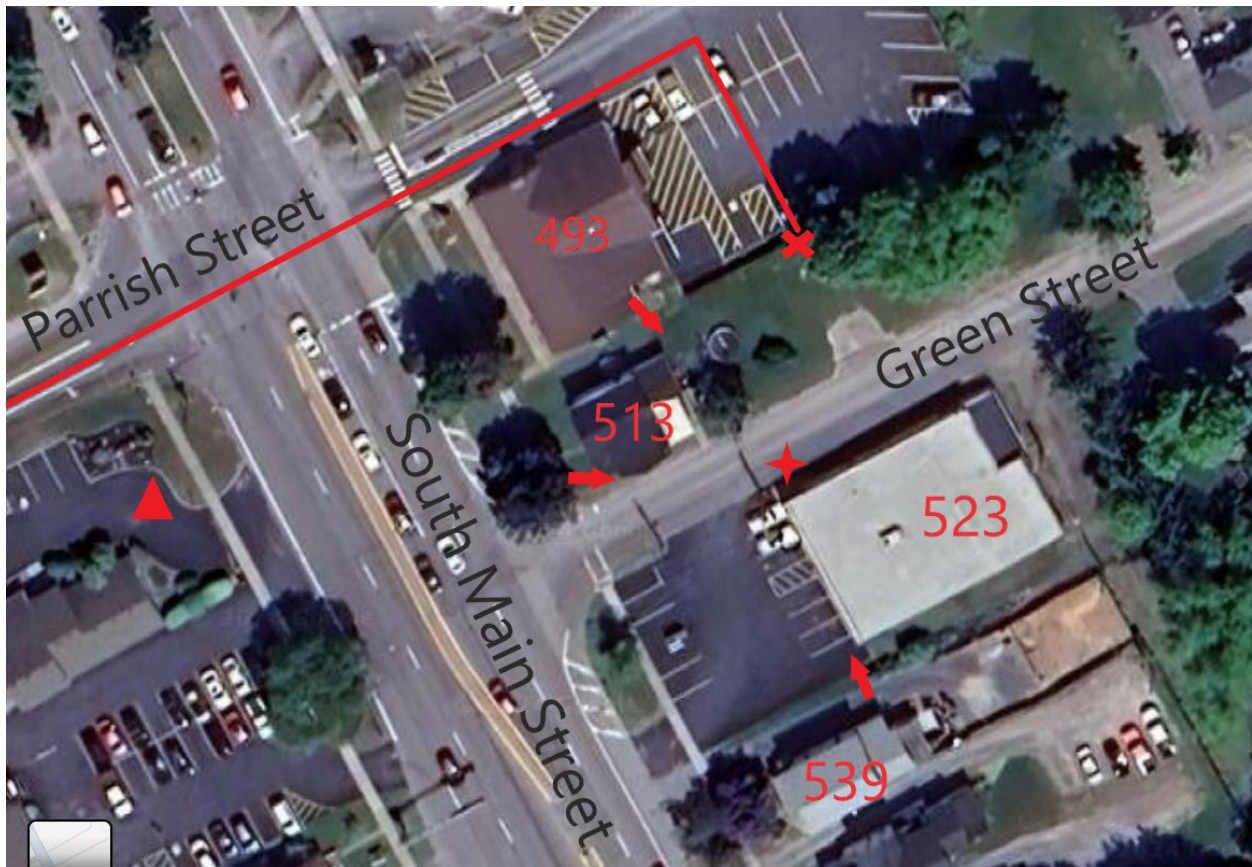
The incident began when W1<sup>1</sup> called 911 and reported an erratic driver traveling east on Route 5 & 20 between Lima and West Bloomfield, on the border between Livingston and Ontario Counties. Deputy Middlebrook attempted to stop the car near the intersection of Route 5 & 20 and the Buffalo Street Extension and followed the car into the City of Canandaigua. The car traveled south on South Pearl, east on Parrish, crossed South Main Street, and entered the parking lot at 493 South Main Street, where it crashed into a fence.



*Map of Mr. Zurkan's route after Deputy Middlebrook attempted to stop his car.*

The driver (Mr. Zurkan) got out of his car and fled south into the middle of Green Street. Officers took cover at the southwest and northeast corners of a home at 513 South Main Street, and the southwest corner of a business at 523 South Main Street. W1 parked his car across the street from the officers, and recorded portions of the incident on their cell phone. Additional witnesses lived at the 539 and 513 South Main Street.

<sup>1</sup> OSI does not publish the names of civilian witnesses.



Map of scene, showing the path of Mr. Zurkan's car (Line and X), Mr. Zurkan (Star), Police Officers (Arrows), W1 (Triangle), and the addresses of surrounding buildings on South Main Street.

#### 911 Caller (W1)

According to the recorded 911 call, on February 28, 2023, at 11:20 p.m., W1 said he was traveling east on Route 5 & 20, between Lima and West Bloomfield when he saw a sedan swerving all over the road into oncoming traffic. W1 said he heard gunshots or fireworks coming from the car. W1 remained behind the car as it traveled east towards Canandaigua until he saw an OCSO car near Cooley Road/Hickox Road with its emergency lights activated. The dispatcher told W1 to pull to the side of the road and talk to the deputy, who would attempt to stop the car.

OSI interviewed W1, who said the car did not stop for the deputy. Both the sedan and the deputy picked up speed, and W1 lost sight of them. He continued into Canandaigua to go to work and eventually saw several police cars near 513 South Main Street with their emergency lights on; believing the issue was related to the erratic driver, W1 pulled into a parking lot across the street and waited to speak to the officers. W1 then saw multiple officers with their guns drawn and heard officers say "put the gun down" several times. W1 took out his phone and recorded the incident. W1 heard officers yell very loudly and then heard a volley of gunshots. W1 remained on scene, spoke to investigators, and provided his cell phone videos.



W1's cell phone videos, from the west side South Main Street, showed several officers with their guns drawn, pointed toward Green Street, taking cover near the southwest corner of 513 Main Street and the southwest corner of 523 Main Street. The videos recorded an officer say, "Put the gun down" and "We don't want to hurt you." Due to W1's position, the videos did not show Mr. Zurkan's exact position, although they occasionally showed his shadow on the north wall of 523 South Main Street.



*Image from W1's cell phone video, with Mr. Zurkan's shadow visible on the wall.*

W1 panned his cell phone camera south toward additional officers and police cars, then panned back toward Green Street just as an officer yelled, "Don't raise it. Do not raise it." Officers then fired several shots, but the cell phone camera did not capture Mr. Zurkan or his shadow at that moment. Officers quickly approached the middle of Green Street, and an ambulance arrived a few minutes later.

#### Ontario County Sheriff's Deputy Robert Middlebrook

According to Deputy Middlebrook, who provided his incident report and was interviewed by OSI, he was working "Center Post" on the evening of February 28, 2023, when he received a radio call to investigate an erratic driver traveling east on Route 5 & 20, with gunshots or firecrackers coming from the car (OSI reviewed the recorded radio transmissions, which were consistent with Deputy Middlebrook's recollection). Deputy Middlebrook located a black Toyota Camry on Route 5 & 20 near the Buffalo Road extension. As it passed him, the car's tires were on both sides of the double yellow line. Deputy Middlebrook then saw the 911 caller's car following it. Deputy Middlebrook pulled behind the cars, and the 911 caller pulled over and pointed at the black Toyota Camry. Deputy Middlebrook activated his emergency lights and sirens, but the Camry did not stop. The car continued to drive erratically east on

West Avenue Extension: it ran a red light, crossed the double yellow line, drove into the oncoming traffic lane, and struck curbs on both sides of the road. When the Camry reached South Pearl Street, it turned south and drove over the lawn at the Byrne Dairy and Deli. As the cars entered the City of Canandaigua, Deputy Middlebrook advised dispatch of the erratic driving, but a supervisor told him to "Shut it down and just follow it for now." Deputy Middlebrook turned off his lights and sirens and dropped back. The car continued south on South Pearl Street, and Deputy Middlebrook heard gunshots or fireworks come from the car. The Camry turned east on Parrish Street, drove through the red light at South Main Street, and entered a parking lot next to 493 South Main Street. The car attempted to drive around the back of the parking lot but crashed into a fence and became disabled.

Deputy Middlebrook pulled behind the Camry, got out his car, and activated his BWC. The driver (later identified as Mr. Zurkan) got out of the Camry with a gun in his right hand and fled on foot south toward Green Street.



*Still from Deputy Middlebrook's BWC showing a pistol in Mr. Zurkan's hand as he got out of his crashed car.*

Deputy Middlebrook yelled "put it down" and radioed that Mr. Zurkan had a gun. Additional deputies and officers from OCSO and CPD quickly joined Deputy Middlebrook and took cover positions around nearby buildings. Deputy Middlebrook stood near the northeast corner of a home at 513 South Main Street, behind CPD Officer Ransley; from there he could not see, and his BWC could not visually capture, Mr. Zurkan. For nine minutes, Deputy Middlebrook's BWC recorded Officer Ransley and other officers repeatedly yelling, "Drop the gun," "Stop walking," and, "We don't want to hurt you." Eventually Deputy Middlebrook's BWC showed Officer Ransley fire a single shot toward Green Street, as multiple other gunshots rang out. Deputy Middlebrook and other officers approached Mr. Zurkan, who was lying on his back, shot in the chest and left calf, but still alive. A silver pistol lay near Mr. Zurkan's feet, and Officer Ransley kicked it away from him.



*Still from Deputy Middlebrook's BWC showing a pistol near Mr. Zurkan's feet after he was shot.*

Officers handcuffed Mr. Zurkan and began to render first aid. Emergency medical personnel arrived within minutes, took over life saving measures, and transported Mr. Zurkan to a hospital.

#### City of Canandaigua Police Sergeant Christopher Reynolds

According to Sergeant Reynolds, who provided his incident report and was interviewed by OSI, on February 28, 2023, he was in his patrol SUV when he heard radio transmissions about an OCSO pursuit of a car into the City of Canandaigua. Based on the direction of travel, Sgt. Reynolds went to the intersection of Parrish and South Main Street to assist. Minutes later Sgt. Reynolds saw a black Camry run the red light at that intersection and enter the parking lot across the street. Deputy Middlebrook's patrol car followed behind with its emergency lights off.



OSI reviewed Sergeant Reynolds' dashboard camera video, which showed Mr. Zurkan's car run the red light at Parrish Street and South Main Street, and Deputy Middlebrook follow seven seconds behind with his emergency lights off.

Sgt. Reynolds followed both cars into the parking lot, then saw the black Camry crash into a wood fence on the side of the building. The driver got out of the car holding what appeared to be a handgun and fled toward Green Street. Sgt. Reynolds followed and took cover at the southwest corner of a home located at 513 South Main Street.

Sgt. Reynolds told the man numerous times to "drop the gun" but never received a coherent response; the man appeared to mumble to himself, but Sgt. Reynolds could not hear what he said. It appeared at times as if the man cradled the gun like a baby. More than once Sgt. Reynolds offered to get the man help, but that appeared to agitate him—the man became more active and moved the gun about more. One time the man turned the gun toward his own face as if he were going to shoot himself; other times the man appeared as if he would place the gun on the ground. When the man walked toward the officers, Sgt. Reynolds told him to stop walking towards them, and when the man appeared to raise the gun toward the officers, Sgt. Reynolds told him not to point the gun at them. Sgt. Reynolds said he attended a weeklong Crisis Intervention Training in 2019 and tried to use the de-escalation tactics he learned, but none of them seemed to have any positive effect.

After several minutes of repeated commands and attempted conversation with no response, Sgt. Reynolds said the man walked toward him while raising the gun with both hands. Sgt. Reynolds said the man held the gun in a shooting stance. Sgt. Reynolds yelled one last time for the man not to raise the gun. Sgt. Reynolds said when the man's arms were well above his waist, the gun was pointed in his direction, and the man looked directly at him, he fired two shots from his duty pistol. Sgt. Reynolds said he shot because he feared for own life and felt he had no other options.

#### City of Canandaigua Police Officer Eric Ransley

According to Officer Ransley, who provided his incident report and was interviewed by OSI, on February 28, 2023, he was in his patrol car working the west section of the city when he heard radio transmissions about the erratic driver and Deputy Middlebrook's attempt to stop him. Based on the location of the cars, Officer Ransley pulled into a Department of Transportation turnaround on West Avenue Extension and waited for them. Moments later he said he saw a black Camry drive toward him on the shoulder of the road with two Ontario County Sheriff's cars following with their emergency lights on. Officer Ransley joined the pursuit and said he saw the car continue to drive erratically as it made a reckless turn into the parking lot of Byrne Dairy and then head south on South Pearl Street. As the cars approached Bristol Street, Officer Ransley said the OCSO cars turned off their emergency lights, and, as the cars approached Parrish Street, Officer Ransley lost sight of the suspect's car. A few moments later, Officer Ransley heard radio transmissions that the car had crashed and that the suspect had a gun. Officer Ransley went to the scene and saw Sgt. Reynolds at the southwest corner of 513 Main Street, so he went to the northeast corner of the home in an "L Shape Tactical" position.

Officer Ransley said he saw a man pacing around in the middle of Green Street with a gun and yelled at him to “drop the gun.” The man mumbled to himself, but never spoke to the officers. Officer Ransley said the man waived the gun around: he held it near his waist then recklessly moved it up toward his own head. When the man walked toward South Main Street Officer Ransley heard Sgt. Reynolds yell “stop walking” and “put the gun down.” Twice the man appeared as if he might set the gun down—he lowered it to knee level—but he never dropped it. Officer Ransley attended Crisis Intervention Training in 2019 and said he and Sgt. Reynolds tried unsuccessfully to use de-escalation tactics to end the situation peacefully.

After several minutes, the man walked toward Sgt. Reynolds’s position and raised the gun. Sgt. Reynolds yelled urgently. Officer Ransley said the man continued to raise the weapon toward Sgt. Reynolds, so he fired one shot from his duty pistol as other officers also fired. Officer Ransley said he shot because he was concerned for the safety of the other officers, and believed there were no other options available to him.

Officer Ransley approached the man, who was lying on the ground, and kicked the gun away from him. He and other officers handcuffed the man and began medical assessment but were relieved within minutes by emergency medical personnel.

#### Ontario County Sheriff’s Deputy Robert Griffin

According to Deputy Griffin, who was interviewed by OSI, on February 28, 2023, he was in his patrol car working the west side of the county between Bloomfield and Naples when he heard radio transmissions about the erratic driver. He drove toward Route 5 & 20, saw Deputy Middlebrook driving behind the suspect’s car, and joined the pursuit. Deputy Griffin said the car was “all over the road,” swerving across the center line and failing to stop at stop signs. On South Pearl Street, Deputy Griffin said he heard what sounded like gunshots come from the suspect’s car. The car turned onto Parrish Street, ran the red light at South Main Street, entered a parking lot, and drove around the back side of the building. Deputy Griffin pulled into the parking lot, got out of his car, ran to the southwest corner of 513 South Main Street, and positioned himself behind CPD Officer Cole (in his interview, Deputy Griffin mistakenly identified Sergeant Reynolds as Officer Cole, but BWCs showed he stood behind Sergeant Reynolds).

Deputy Griffin said Sergeant Reynolds acted as the contact officer and gave verbal commands to the man for several minutes. The man never appeared to speak or communicate with the officers, but Deputy Griffin said it looked like he occasionally talked to himself. Deputy Griffin said the man appeared to think about putting the gun down twice—he lowered it to knee level—but immediately brought it back up to his waist.

Deputy Griffin said the man ultimately raised the weapon and pointed it toward the officers. He described it as a “more intentional arm raise than any previous motion [he] had made.” Deputy Griffin fired three shots from his duty weapon, and said he chose to fire because the man posed a threat to the other officers with his gun raised at them.

### Ontario County Sheriff's Deputy Matthew Smith

According to Deputy Smith, who was interviewed by OSI, on February 28, 2023, he was in his patrol car, working as the "Center Car" near Shortsville when he heard radio transmissions about an erratic driver who crashed his car and was armed with a gun. Deputy Smith drove to the scene, which took some time, and arrived after other officers had already set up a perimeter and attempted to speak to the man for several minutes. Deputy Smith said he grabbed his duty rifle since he was unsure how far the officers were from the suspect and unsure if they needed and/or already had a long-distance weapon. Deputy Smith went to the southwest corner of the home at 513 South Main Street, walked onto the porch and saw the man in the middle of Green Street with a gun in his hand.

Deputy Smith said other officers shouted commands at the man to "put the gun down" but the man did not look like he was listening.

Deputy Smith said the man eventually raised the gun toward the officers. He said the man took a "shooting stance" with the gun "parallel with the ground." Deputy Smith did not recall how many times he fired his rifle (it was later determined he fired four times, see Evidence Collection below), but he said he fired until the suspect dropped to the ground, and the threat was over. Deputy Smith said he fired his duty rifle at the man because he feared for his own life and the lives of the other officers.

### Witness 2 (W2)

According to W2, who was interviewed by OSI and provided a sworn statement to CPD, she was inside her home at 539 South Main Street at the time of the incident. W2 said she saw flashing lights outside her bedroom, which faced Green Street. She looked out the window and saw several police officers near the front porch of 513 Main Street and several more near 523 Main Street; all of them had their guns drawn. A man was in the middle of Green Street with what looked like a pistol in his hand. The officers yelled at the man to drop the gun. The man did not comply, but instead "had both of his hands on the gun like he was going to aim it at someone." After a few minutes, W2 said the man raised the gun toward the police, and they shot him. The man fell to the ground, and the officers approached and handcuffed him. Emergency medical personnel arrived quickly, loaded the man into an ambulance, and drove away.

### BWC

According to the BWCs of numerous police officers, CPD officers and OCSO deputies quickly responded to Deputy Middlebrook's radio transmission that the driver was armed, and they set up a perimeter around Green Street. Officers took cover next to nearby homes and businesses, and for nine minutes the BWCs recorded their attempts to convince Mr. Zurkan to put the pistol down and surrender.

OSI selected footage from certain BWCs (those of Sgt. Reynolds, Deputy Griffin, Deputy Smith, and Officer Ransley) and created a [Compilation Video](#). The following paragraphs summarize the BWCs (times noted are based on the time stamps in the BWCs).

At 11:38:40 p.m. Sgt. Reynolds and Deputy Griffin took cover near 513 South Main Street, facing Green Street; Sgt. Reynolds repeatedly told Mr. Zurkan to “put it down.” By 11:38:51 p.m. Officer Ransley took cover near 513 South Main Street, facing Green Street. At 11:38:56 p.m. Sgt. Reynolds radioed, “He’s pointing the gun at his face.” At 11:39:17 p.m. Deputy Middlebrook joined Officer Ransley near 513 South Main Street; Sgt. Reynolds and Officer Ransley told Mr. Zurkan repeatedly to put the gun down and that they did not want to hurt him.

At 11:43:14 p.m. Sgt. Reynolds said, “Do not point it at any of us. Just put it down. We don’t want to hurt you. Whatever’s going on with you man, we can work this out. We can get you help.” At 11:44:25 p.m. Sgt. Reynolds and Officer Ransley said, “There you go,” and “Put it down,” as Mr. Zurkan bent down, initially appearing to comply. At 11:45:22 p.m. Mr. Zurkan walked toward Sgt. Reynolds’s position, and officers warned Mr. Zurkan to stop moving forward; Mr. Zurkan stopped near a door on the north side of 523 South Main Street. At 11:46:20 p.m. Deputy Smith arrived with his rifle, went to the southwest corner of 513 South Main Street, and positioned himself on the porch. At 11:46:25 p.m. Sgt. Reynolds said, “Come on man. We don’t want to hurt you pal. We don’t want to hurt you. Come on. We’re here to help you. Put it down. We’re here to help. Put it down. Just get down on the ground. Get down on the ground. Let’s go.”

At 11:46:49 p.m. Mr. Zurkan walked toward Sgt. Reynolds’s position, holding the pistol in his right hand and gesturing in the air with his left; then Mr. Zurkan brought his hands together on the pistol, which was pointed toward the ground in front of him. As Mr. Zurkan walked forward, he raised the pistol, and Sgt. Reynolds shouted, “Don’t raise it. Do not raise it.” Mr. Zurkan continued to raise the pistol, and officers fired at him.



*Zoomed still from Sergeant Reynolds's BWC showing Mr. Zurkan raising the pistol toward him.*



*Zoomed still from Deputy Griffin's BWC showing Mr. Zurkan raising the pistol toward Sgt. Reynolds.*





*Zoomed still from Deputy Smith's BWC showing Mr. Zurkan's shadow.*



*Zoomed still from Officer Ransley's BWC showing Mr. Zurkan raising the pistol toward Sgt. Reynolds's position.*

Mr. Zurkan fell to the ground and officers quickly approached. Officer Ransley kicked a pistol away from Mr. Zurkan. Officers handcuffed Mr. Zurkan and started emergency medical assessment. An ambulance arrived two minutes later; medical personnel took over treatment and transported Mr. Zurkan to a hospital, where he was pronounced dead at 12:10 a.m.

### Evidence Collection

From the area around 513 South Main Street, evidence technicians photographed, documented, and collected .223 rifle casings and .40 caliber pistol casings. They also photographed and documented the number of rounds remaining in each officer's firearm. Based on a review of these documents, OCSO Deputy Smith fired four rounds from a rifle, OCSO Deputy Griffin fired three rounds from a pistol, CPD Sergeant Reynolds fired two rounds from a pistol, and CPD Officer Ransley fired one round from a pistol.

From the middle of Green Street, evidence technicians recovered the .45 caliber Kimber 1911 pistol that Mr. Zurkan was holding. It was loaded with two rounds.



*Photograph of Mr. Zurkan's pistol at the scene.*

Between 241 and 249 South Pearl Street, near where Deputies Middlebrook and Griffin heard gunshots while following Mr. Zurkan's car, evidence technicians found five .45 caliber cartridge casings; four were intact, and one appeared to have been crushed by a car.

Inside Mr. Zurkan's car, officers found, among other things, a loaded 1911 magazine, a bag of .45 caliber ammunition, a loaded shotgun, and prescription bottles of Clonazepam, Buprenorphine, and Amphetamine.

According to the Firearms Report of New York State Police Forensic Scientist Xiao Law, he test fired Mr. Zurkan's .45 caliber Kimber 1911 pistol and found it operable with the ammunition it had been loaded with. He also microscopically examined the intact .45 caliber cartridge casings found on South Pearl Street and determined they were fired from the same pistol. Finally, he microscopically examined the bullet fragments taken from Mr. Zurkan's body by the Medical Examiner but could not determine their caliber because they were damaged and deformed.

### Medical Examiner

On March 1, 2023, Dr. Chelsea Milito of the Monroe County Medical Examiner's Office performed an autopsy on Mr. Zurkan's body. She observed two gunshot wounds, one to the chest/trunk, and one to the left lower leg. The wound to the trunk entered the central upper abdomen and exited the right middle back, and there were bullet fragments in surrounding tissues. The bullet's path caused significant damage to the lungs, liver, and kidneys. Dr. Milito concluded the cause of death was the gunshot wound to the trunk, and that the manner of death was homicide.

A postmortem toxicology report of Mr. Zurkan's blood revealed the presence of Clonazepam, Buprenorphine, and Amphetamine—consistent with the prescription bottles found in Mr. Zurkan's car.

## **LEGAL ANALYSIS**

New York Penal Law Article 35 defines when a person is justified in using deadly physical force against another. Justification is a defense, Penal Law Section (PL) 35.00, not an affirmative defense. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL 25.00(1).

“The defense of justification provides that a person may use physical force to defend himself against an assailant's ‘imminent use of unlawful physical force’ but does not authorize the use of ‘deadly physical force unless the person reasonably believes that the assailant is using or about to use deadly physical force’ (Penal Law § 35.15). When considering a request for a justification charge, courts examine the evidence in the light most favorable to the defendant and must provide the instruction if there is any reasonable view of the evidence that defendant was justified in his actions. Justification has both a subjective requirement, that defendant actually believed he was threatened with the imminent use of deadly physical force, and an objective requirement, that defendant's reactions were those of a reasonable man acting in self-defense” People v Castillo, – NY3d –, 2024 NY Slip Op 05817 (internal quotation marks and citations omitted).

“Deadly physical force” is “physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury” PL 10.00(1). “Serious physical injury” is “physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ” PL 10.00(10).

In this case, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that it was reasonable for Deputy Smith, Deputy Griffin, Sergeant Reynolds, and Officer Ransley to use deadly physical force to defend themselves, or other officers, from what they believed to be the use or imminent use of deadly physical force by Mr. Zurkan.

Each of the officers said they saw Mr. Zurkan holding a gun and repeatedly ordered him to drop it. After officers attempted to de-escalate the situation and talked to him for nine minutes, the officers said Mr. Zurkan walked toward them, raised the gun in their direction, and took a shooting stance. Sergeant Reynolds warned Mr. Zurkan, “Don’t raise it. Do not raise it.” When Mr. Zurkan continued to raise the pistol, multiple officers shot at him. Sgt. Reynolds said he shot at Mr. Zurkan out of fear for his own life, and Officer Ransley, Deputy Griffin, and Deputy Smith said they feared for the safety of the other officers. The BWCs, other videos, civilian witnesses, and firearms evidence corroborate the officers’ accounts.

In sum, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that the officers’ actions were justified, and therefore will not seek charges against them and will close the matter with the issuance of this report.

Dated: March 12, 2025