



Pierce County

Office of the Prosecuting Attorney

930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-2171
Administration: (253) 798-7792
FAX: (253) 798-2968

MARK LINDQUIST
Prosecuting Attorney

Main Office: (253) 798-7400
1-800-992-2456
Valid only within Washington State

FOR IMMEDIATE RELEASE

May 5, 2011

PROSECUTOR FINDS OFFICER'S USE OF FORCE LAWFUL

Independent and concurrent investigations by the Pierce County Medical Examiner's Office, the Pierce County Prosecutor's Office, and the Lakewood Police Department regarding the shooting death of Daniell A. Johnson have been completed. Johnson died from gunshot wounds to the chest inflicted by Lakewood Police Officer Brian Markert. The incident occurred in front of a residence located on Rips Lane SW in Lakewood, WA on February 8, 2011 at approximately 11:25 p.m.

Pierce County Prosecutor Mark Lindquist concluded the death was justifiable homicide under state law. Officer Markert had reasonable cause to believe that Daniell A. Johnson posed an immediate threat of death or serious physical harm to himself and several other law enforcement officers when Johnson arrived at a residence in the neighborhood armed with a handgun and refused to comply with the orders of the law enforcement officers on the scene.

Prosecutor Lindquist found that the Lakewood Police officer involved acted in conformance with state law in using deadly force. "Officer Markert acted lawfully, reasonably, and professionally in protecting himself and fellow officers," he said.

At approximately 10:25 p.m., Lakewood Police officers responded to a 911 call involving a domestic violence incident at a residence on Rips Lane. Upon arrival the officers learned that a female at the residence had been physically assaulted by her ex-husband, Daniell A. Johnson. The officers had probable cause to arrest Johnson for the assault.

Johnson left the residence in his vehicle prior to the officers arriving on the scene. A short time later, Johnson returned to the residence in his vehicle. As a Lakewood Police officer approached the vehicle, Johnson fired a handgun from inside the vehicle. Due to the extremely dark tinting that Johnson had on the windows of his vehicle, the officer was unable to clearly see Johnson or where he had fired the round from the handgun. The officer was able to faintly see Johnson making movements in the vehicle but was unable to determine exactly what he was doing inside the vehicle. Johnson was not complying with officer's commands to get out of the vehicle. Johnson's vehicle was still running and the officers were unable to approach the vehicle safely due to the limited amount of cover and protection around the vehicle. Though the windows were tinted, officers were able to see the silhouette of Johnson and determined that he was still conscious and appeared to be making movements inside the vehicle.

The officers made several unsuccessful attempts to safely remove Johnson from the vehicle and to take him into custody. The officers were able to establish that Johnson was reacting to them and that he had a handgun in his lap within easy reach of his hands.

At approximately 11:50 p.m., five SWAT team members approached the vehicle to gain access to Johnson. Officer Markert was a member of that team and was in a position in close proximity of the



vehicle to observe Johnson through the front windshield of the vehicle. Johnson still had a handgun in his lap and Officer Markert observed Johnson making movements to reach for the handgun. Officer Markert loudly commanded Johnson to keep his hands away from the gun. Johnson refused the commands and continued to reach for the gun. Officer Markert was concerned for his safety and the safety of the other officers around the vehicle and fired his rifle three times at Johnson through the windshield at close range and at a safe angle to prevent injury to the other officers or bystanders in the area.

Johnson was struck three times in his upper chest. Once it was determined that Johnson was no longer a threat, officers removed the handgun from his lap. Medical aid was summoned for Johnson and he was pronounced dead at the scene. During the scene investigation and the Medical Examiner's autopsy, it was determined that Johnson had shot himself in the head with the handgun but that this gunshot wound was determined not to be a fatal injury or the cause of his death. According to the Medical Examiner Dr. Thomas Clark, Johnson died from the gunshot wounds to his chest.

For additional information, contact Rebecca Stover at (253) 798-4910 or restover@co.pierce.wa.us