

## No charges warranted in Bartlesville officer- - Tulsa World (OK) - February 10, 2018

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A Washington County prosecutor has determined that the fatal use of force by a Bartlesville police officer on a suspect's elderly mother does not warrant criminal charges.

District Attorney Kevin Buchanan's letter dated Feb. 9 effectively rules the fatal shooting justified.

Bartlesville police served a search warrant on Jan. 17 at a house in the 1600 block of South Maple Avenue in Bartlesville. While serving the warrant, **Geraldine Townsend**, 72, pointed "some type of high-powered pellet handgun" at officers, Bartlesville Police Capt. Jay Hastings said in January. The pellet gun resembled a real handgun.

Officers served the warrant at the location after arrested a person who allegedly purchased marijuana from 50-year-old Mike Anthony Livingston, the subject of the search warrant. While arresting Livingston, officers reportedly heard shots and two officers "were struck with some type of projectile," Hastings said in January.

One officer returned fire, striking Townsend in the upper body. Bartlesville police have not identify the officer who discharged their service weapon.

Emergency responders transported Townsend and one officer to an area hospital, where she died from her injuries.

Buchanan states in the letter that law enforcers found marijuana, surveillance equipment and a police band radio monitoring the Bartlesville police.

"The most consequential items found in the house are the replica BB guns, one of which Ms. Townsend has been given to 'defend' herself," Buchanan states.

Buchanan described the pellet guns as replicas of a large-caliber revolver and a 9mm pistol. He alleged Livingston possessed the guns to skirt laws prohibiting felons from possessing firearms.

"The quality of the replication absolutely creates the impression that the person carrying one is in fact armed," Buchanan said. "Providing **Geraldine Townsend** with (the replica) and planting the idea in her mind that it should be used to confront an armed police, or other intruder, directly lead (sic) to her death."

Prosecutors charged Livingston with unlawful possession of a controlled drug with intent to distribute, keeping a house where controlled substances are sold, unlawful possession of surveillance equipment, possession of police radio, threaten to perform an act of violence. Buchanan said he intends to amend Livingston's charges to include possession of a firearm after a

former conviction of a felony.

Buchanan also states his office will ask the court of criminal appeals to revisit a law that does not prohibit convicted felons from possession unaltered pellet guns.

The alterations he refers to in the letter is the removal of the orange or yellow tips that "were once mandated for other toys, but not BB guns."

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