

Justified: Jury needs little time in deciding - Missoulain (Missoula, MT) - March 8, 2019

March 8, 2019 | Missoulain (Missoula, MT) | Seaborn Larson

The jury needed little time on Friday to find an officer-involved shooting that left one person dead near the Memorial Rose Garden in November was justified.

Testimony and evidence presented to the seven-person jury at the coroner's inquest showed **Jenessa Cooper**, 49, had swung into aggression and depression when she first attacked her roommates.

Missoula patrol Officer Joseph Burger testified Friday that he followed his training when he responded to the house on Blaine Street, shouted commands at Cooper to drop her .45-caliber handgun, and fired seven rounds at her as she raised her pistol toward him.

Cooper was killed by a single gunshot wound to the head, state Medical Examiner Sunil Prashar testified Friday.

Missoula Chief Deputy County Attorney Jason Marks opened the hearing by telling the jury Friday's testimony would "unequivocally" show a bullet from the officer's gun killed Cooper. Agent Jeff Vittatoe of the state Justice Department's Division of Criminal Investigation investigated the matter to preserve the case's impartiality.

"Based upon the evidence collected and interviews at the scene, I'm clearly convinced Officer Burger was faced with an imminent threat," Vittatoe said.

Police were called to the home on Blaine Street that Sunday morning for reports of a woman wielding a firearm inside the house. The first to testify Friday, Cooper's roommate Harlan Quinn, called police as another roommate, Saraphinn Herbert, was trying to wrestle the firearm away from Cooper.

Quinn testified Friday that he and Cooper had never gotten along, particularly because Herbert, Quinn's ex-girlfriend, had become romantically involved with Cooper. He said disagreements among the roommates had escalated a number of times before, although Cooper, who regularly openly carried a M1911 .45-caliber handgun, had never threatened him with a gun before.

Roommates who testified Friday said Cooper's ex-wife, Diane Abrams, had abruptly fallen into a coma and died shortly afterward, leaving Cooper — already suffering from untreated depression — struck with grief. Before threatening Quinn with a gun, Cooper began talking about taking her own life, Quinn said.

Quinn and Herbert tried standing their ground as Cooper grew more and more aggressive, at one point even taking the gun away from her. When Cooper regained the firearm, Quinn called the police.

A third roommate, John Hammen, said he slept through the entire ordeal. In testimony on Friday, he said he had worked until 4 a.m., gone to sleep and woke up to find police knocking on his basement bedroom door asking him to clear the house.

However he told the jury that the night before, he had come home to find Cooper "the most distressed I had ever seen her" in light of Abrams' rapidly deteriorating condition. He just listened and tried consoling her, he said, before returning to work for a few hours.

"That was the last I saw of Jen," he said.

Herbert was unable to testify Friday, so prosecutors played the video-recorded interview that took place after the shooting. In the video, Herbert said she had met Cooper approximately four years earlier. She told Detectives Mick McCarthy and Connie Brueckner they dated for some time, mentioning a period where they shared a methamphetamine habit, and remained roommates even after they broke up.

She also spoke of past altercations and incidents where Cooper shared suicidal thoughts.

"Usually, the only reason she doesn't 'opt out,' her words for it, is so she can stick around and help me," Herbert said on the video. "She talked about getting the cops riled up and taking her out because she doesn't have the willpower to do it herself."

Herbert told the detectives that Cooper said similar things on Nov. 18, 2018, as police were arriving on scene. Cooper had already fired one round into the ground. Herbert said she could see the flashing red and blue lights starting to come through the windows.

"The last thing she said to me today was 'Suicide by cops,'" Herbert said in her interview with detectives.

Burger was headed toward a non-emergency call in the South Hills when dispatch alerted patrol units to Cooper's house. The dash camera footage from Burger's vehicle, aired for the jury on Friday, showed Burger was the first to arrive in the area. He had drawn his weapon by the time he walked across the camera's view, moving toward the house, behind one car and approaching the house before he fell back to stand behind a white pickup — Cooper's.

He had heard screams as he approached the home, and as he was closing in on the house he saw the front door was open, with Cooper standing in the doorway.

"First thing I noticed, they had a firearm in their right hand, down to their side," he testified on Friday. "They raised the gun and pointed it directly at me."

Burger could be heard on the video shouting at Cooper to drop her weapon as he falls back to the white pickup. A breath of a moment passed before Burger fired off seven rounds. A number of other officers at this point entered the frame and began approaching the house near the front door.

"It's a quick situation," Burger said on the stand Friday. "My intention was to neutralize the threat, at that point the threat is the gun that's pointed at me."

Those who spoke previously with the Missoulian about Cooper's life said she was generous and caring; sometimes giving her friends food and money when she had little for herself. As a transgender woman, Cooper had grown close in the transgender community in Missoula and beyond, even serving as campaign manager for Anita Green's unsuccessful run to become the first transgender City Council member. But Cooper had long battled depression, those friends said, and Abrams' death had caused those feelings to bubble over.

Quinn and Herbert both said Cooper's state was further complicated by taking an excessive amount of Valium to cope with Abrams' death. Prashar, the medical examiner, later testified there were no prescription drugs found in her system during the autopsy.

The jury took less than 20 minutes to issue its verdict. There was a small applause from the law enforcement officers who came to support Burger, who has been with the police department since late 2015.