

Deadly shooting ruled justified - OFFICER-INVOLVED - Shawnee News-Star, The (OK) - April 4, 2018 - page A1

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Pottawatomie County District Attorney Richard Smother Mon ruled Tuesday that a U.S. Marshal and a state drug agent involved in the deadly shooting of a prison escapee near Pink in late-January were both justified in using deadly force. Charges have been declined.

The suspect who died at the scene of that incident was identified as 40-yearold **Ricky Leon Rusche**, who was a Department of Corrections escapee.

The search for that escapee led U.S. Marshals, state agents and local authorities to a home in Pink, where the deadly shooting occurred. Oklahoma Highway Patrol's Troop Z conducted the investigation into the incident.

In his clearance letter, Smother mon noted that his office received the report from OHP's investigative division in the Rusche shooting by Deputy Marshal Anthony Degiusti of the U.S. Marshal's Service and Agent Robert Lewis of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

Evidence establishes that on Dec. 26, 2017, Rusche escaped from the Department of Corrections and a felony arrest warrant was issued the following day. On Tuesday, Jan. 30, multiple members of the U.S. Marshal's Service Task Force were briefed on information gathered about Rusche, including possible locations, violent associates and information about weapons stolen from a home where Rusche had been staying, with all officers believing that Rusche was possibly armed with a weapon.

Smothermon notes that members of the Task Force went to a trailer home located at 31019 Tarver Drive, Tecumseh, in an attempt to arrest Rusche. "During the search of the trailer house, Rusche was located hiding in the attic crawl space above the master bedroom in the trailer house."

Smothermon writes, with the home in various stages of remodel and several portions of the ceiling missing, providing visual access to the crawl space.

Once Rusche was located, task force officers gave multiple verbal commands to come out of his hiding place in the attic, but "Rusche refused to comply with any of the commands," the letter reads.

Task force officers by this time had their weapons drawn and continued verbal commands to show his hands and come down, the letter continues, with Rusche attempting to get away by going further into the crawl space.

Because of the openings, another officer, David Moore, was able to grab part of Rusche's clothing

in an attempt to pull him from the crawl space. "Rusche began yelling, 'I got a gun, I got a gun,' in a threatening tone and attempted to break free from Moore's grip," the letter state.

Multiple officers at the scene heard Rusche say either "you're going to kill me," or "you're going to have to kill me."

Marshal Degiusti was able to clearly see the left side of Rusche's body and saw the hand grip of a black pistol in his left pocket that was accessible at any time, Smothermon notes, adding that when Moore lost his grip on Rusche and he withdrew back into the rafter area of the crawl space, Degiusti and Agent Lewis both fired their weapons, striking Rusche multiple time s.

"It is important to note that the events as detailed by member of the task force were corroborated by civilian witnesses at the scene," the letter reads, as those witnesses confirm multiple verbal commands were given in an attempt to get Rusche to comply and surrender.

"It is the opinion of this office that the use of deadly force on Jan. 30, 2018 by Deputy Marshal Anthony Degiusti and OBN Agent Robert Lewis was justifiable under the constitutions and law of the United States and the State of Oklahoma."

Smothermon concluded.

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