

Grand jury clears officer in fatal shooting - - Times Herald-Record, The (Middletown, NY) - December 14, 2018 - page A6

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GOSHEN - An Orange County grand jury has cleared a Town of Warwick police officer who fatally shot a man armed with a knife.

On Thursday, the grand jury declined to file charges against the officer who fired the shots that killed **Dwayne Clyburn**, 37, on June 16.

In light of the grand jury determination, District Attorney David Hoovler released the findings of an investigation by his office and the state police.

Hoovler did not release the name of the officer.

Hoovler said the investigation showed the following:

Warwick police were called at 2:58 p.m. on June 16 to a home on Wheeler Avenue in Warwick for a reported domestic dispute.

Officers arrived about 10 minutes later, and heard yelling inside the home. As one officer approached the front door of the split-level home, someone opened the door from the inside.

Police found Clyburn in the front entrance foyer area. Almost immediately, Clyburn produced an 8-inch steak knife and confronted the officer.

The officer repeatedly ordered him to drop the knife. Instead, Clyburn charged the officer from less than 15 feet away.

The officer fired three rounds, striking Clyburn.

Officers immediately performed CPR and tried to render first aid to Clyburn, but he died from the gunshots.

The victim inside the home had suffered slash wounds to her hands, inflicted by Clyburn, Hoovler said. Had he survived, he would have faced a number of felony and misdemeanor charges.

Hoovler said the autopsy showed the bullets struck Clyburn in the chest and right forearm, all entering from the front, demonstrating that Clyburn was facing the officer.

Police recovered the steak knife from Clyburn's hand immediately after the shooting, Hoovler said.

Toxicology testing showed that Clyburn was legally intoxicated and had marijuana in his system at the time of his death, Hoover said.

"Everyone that was present at the scene heard the officer repeatedly warn him to stop and drop the knife, and he did not," Hoover said.

"The loss of life is tragic. But you have to listen to what police are telling you."

Hoover said he personally oversaw the investigation and handled the grand jury presentation, as he does in all police-involved shootings.

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