

Merrillville cops who fatally shot man with knife are back on duty after prosecutor announces no charges

Jacobs, Becky . TCA Regional News ; Chicago [Chicago]22 Mar 2018.

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FULL TEXT

March 22—Officers who fatally shot a man outside a Merrillville car dealership last month were justified in their actions, the Lake County prosecutor's office announced Thursday.

Jimmy Terry, 30, of Sioux Falls, S.D., was fatally shot Feb. 14 in the driveway of Art Hill Ford Lincoln dealership along U.S. 30. Police said they were called after he chased an employee there with a knife, according to a report. Two Merrillville police officers, who were placed on administrative leave after the shooting, acted in "self-defense and in defense of each other" when they killed Terry, the prosecutor's office said in a document released Thursday, and no charges will be filed in the case.

The officers "were released back to their regular assigned duties" in light of the decision," according to a news release from Merrillville police Thursday.

"After a review of this case it was determined that the officers on scene had to protect the lives of the citizens and themselves by using deadly force," the Merrillville release states.

In the hours leading up to Terry's death, his family said he was in a mental health crisis and called Sioux Falls area police and Merrillville police to try to assist him. He broke into a car dealership in South Dakota and was the subject of a welfare check at a Walmart in Hobart before he was shot, according to his family and police.

Trent McCain, a Merrillville attorney representing Terry's family, said he told Terry's mother, Denise Greenwood-Terry, about the ruling on the shooting.

"Obviously, she was very distraught and very disappointed," McCain said. "...She's very grief-stricken right now as you can imagine."

McCain said his office will conduct its own investigation into the shooting and determine if a civil lawsuit is warranted.

"We don't have many details right now but we do have a lot of questions," McCain said.

Officers were called to the dealership at 11:37 a.m. Feb. 14 for a call that Terry was chasing an employee with a knife, the Merrillville release states.

A woman who worked at the car dealership called police from inside a locked bathroom, according to a recording the Post-Tribune obtained through a public records request. The employee told a 911 dispatcher that a customer had come in demanding keys to a Ford Explorer Sport, according to the call.

When the woman insisted the man needed to produce at least a driver's license for him to test-drive a vehicle, "it took like a minute and a half for him to process it," she said.

"He said he'll be back," she said.

Jimmy Terry then went outside, and "the next thing I know he came back in with a knife in his hand," demanding keys from the manager, the woman said.

"He told him, 'I'm going to kill you if you don't (hand over the keys),' " she said.

A salesman gave Terry a set of keys and used a chair to separate himself from Terry, according to Merrillville police.

"Terry then chased that sales person out of the store," a release states. "The sales person ran to the Mazda dealership and asked them to call the police."

Officers found Terry leaving in a Jeep, according to the release, and he "was refusing to listen to loud verbal commands to drop the knife." Police then used a stun gun on Terry, which was "ineffective," the release states. Terry got out of his Jeep with a knife as the officers drew their weapons while continuing to yell commands to drop the knife, according to the release.

"The officers started to back away when one officer could not back any further because he became trapped by the snow pile behind him," the release states. "The officers then discharged their duty weapons striking Terry."

Terry was taken to Methodist Hospitals Southlake in Merrillville where he was declared dead, police said. The Lake County coroner's office ruled his death a homicide.

A little before 6 a.m. the day before, Terry used his Jeep Cherokee to ram a glass wall of a Ford dealership in Sioux Falls, Sam Clemens, Sioux Falls police spokesman, said.

Terry took keys from inside, found the vehicle they belonged to in the lot and "started loading a bunch of his personal items" into it, Clemens said.

"Something scared him away, and we're not really sure what it was," Clemens said.

Terry left his personal items in the vehicle and drove away in his Jeep, according to Clemens.

Around 3 a.m. Feb. 14, Sioux Falls police asked Merrillville police to check on Jimmy Terry's well-being, a Hobart police report shows.

Terry "has mental health issues" and said "he was driving to Washington, D.C., because it is the will of God," a Hobart report states.

Minutes later, Hobart police, who have jurisdiction over the Walmart, went to check on him, where his family learned he had stopped and asked relatives to wire him money, the report shows. The officers noted Terry "seems lucid and fine," according to the report.

"He stated he did not want to hurt himself or others and further stated that he was 'fine.' He confirmed he was traveling to Washington for 'vacation,'" the report states.

Terry's Jeep was "heavily damaged" on the front end with about 3 inches of glass by the windshield wipers that appeared to be from the Sioux Falls dealership incident, according to the report.

The officers got in touch with Sioux Falls police, who said they were applying for a warrant for the incident there but it was "non-extraditable," the report states.

Terry "was allowed to remain in his vehicle in the Walmart lot where he fell asleep," according to the report. He hadn't committed any crimes in Hobart, and "he passed typical protocol for a mental commitment in our state," the report states.

Under Indiana law, a police officer can commit a person if the officer has "reasonable grounds to believe that an individual has a mental illness, is either dangerous or gravely disabled and is in immediate need of hospitalization and treatment."

While he had struggled with mental health issues in recent years, Denise Greenwood-Terry said her son "kept everything kind of private" as they tried to get him help.

About a year ago, Terry bought two guns and "started to talk about mass shootings," according to Merrillville police.

"Family members had taken one gun away but believed that he still possessed one," a release states.

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DETAILS

Subject: Fatalities; Shootings; Mass murders; Mental health care; Mental disorders

Location:	Indiana United States--US Washington DC South Dakota
Company / organization:	Name: Ford Motor Co; NAICS: 333924, 336111, 336390; Name: Walmart Inc; NAICS: 452112, 452910, 454111
Publication title:	TCA Regional News; Chicago
Publication year:	2018
Publication date:	Mar 22, 2018
Publisher:	Tribune Content Agency LLC
Place of publication:	Chicago
Country of publication:	United States, Chicago
Publication subject:	Business And Economics
Source type:	Wire Feeds
Language of publication:	English
Document type:	News
ProQuest document ID:	2016827285
Document URL:	https://search.proquest.com/docview/2016827285?accountid=14026
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Last updated:	2018-03-22
Database:	Global Newsstream

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