



PURSUANT to URCrP, Rule 16(e) and UCS §77-38-6, the victim(s) and witnesses' identifying information has been redacted from the enclosed documents.

**FORCE INVESTIGATION  
TEAM**

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Ogden Police Dept.

Detective Brian Schultz  
South Ogden Police Dept.

Detective Ty Hebdon  
Weber County Sheriff

Detective Dustin Stewart  
Weber County Sheriff

Detective Rachel Walker  
Ogden Police Dept.

FIT-IC Jamie Pitt  
Court Technical Specialist

Force Investigation Team Report  
Officer-Involved Shooting

Incident: Officer-Involved Shooting-Fatal

Agency(s) Involved: Weber County Sheriff's Office

Relevant case numbers: 24WC39951, CSI 24CSI327, ME R202403542

Date of Incident: Nov 17, 2024

Time of Incident: 17:08 hrs.

Location of Incident:

FIT Lead Investigator: Investigator Steve Zaccardi

Involved Officer(s): Parker Weloth, Alonso Wade, Scott Love

Involved subject(s): James Kudelka

## **Introduction**

On November 17th, 2024, the Weber County Sheriff's Office reported that there had been an officer-involved shooting, which involved three of their deputies. The Weber County OIS protocol was initiated.

Officer-involved shooting investigations are the responsibility of the Weber County Attorney Force Investigation Team. (FIT) The information contained in this document is a summary of the complete investigation conducted by the WCAO FIT with assistance from investigators with the Weber County Homicide Task Force (HTF). The following investigators worked on the case with a summary of their assignments.

Lead Investigator: Steve Zaccardi, WCAO FIT

Crime Scene: Steve Haney, WCAO FIT

Crime Scene/ME: Cameron Hartman, WCAO FIT

Search Warrants: Rachel Walker, OPD FIT

Witness Interviews: Jerney Rock, MCSO FIT

## **Summary**

On November 17, 2024, at approximately 1708 hours, the Weber County Sheriff's Office received a report of a family disturbance at Haven Pointe Apartments, located at . The complainant reported hearing a male, identified as James Kudelka, and a female, identified as Shyann Johnson, arguing inside the apartment. The complainant stated she could hear Shyann repeatedly asking James to leave, and heard James refuse. The complainant also reported that James used a skateboard to smash the windshield of Shyann's vehicle.

Deputies from the Weber County Sheriff's Office responded to the scene in relation to the reported domestic violence incident. Upon arrival, it was reported that James had armed himself with a large knife and charged at the deputies. One deputy deployed a Taser in an attempt to use less-lethal force, but the attempt was unsuccessful. James was ultimately shot and killed by deputies.

Once the Officer-Involved Shooting (OIS) protocol was initiated, investigators from the Force Investigation Team (FIT) responded to the scene. Crime Scene Investigators (CSI) were already on-site and had begun processing the scene. I was informed that the officers involved in the shooting had been transported to the Weber County Sheriff's Office.

Investigator Steve Haney was assigned responsibility for the crime scene in coordination with CSI. Detective Jeremy Rock was assigned to interview witnesses. Detective Rachel Walker was responsible for preparing all legal search warrants. Investigator Hartman assisted with the crime scene investigation and supported the medical examiner. For further details, refer to individual investigators' reports. The following is a summary of the overall investigation.

## James Kudelka

James Kudelka was He was not married but was in a long-term romantic relationship with Shyann Johnson for several years. They had one child together.



### Criminal history:

James had been arrested ten different times, with a total of nine convictions, four of those were felony convictions. Most of the incidents involved drug use and possession. At the time of this incident, he was on felony probation.

### Domestic Violence history

On **August 14, 2024**, the Sheriff's office responded to the report of a domestic disturbance. Below is an excerpt from the police report.

*Upon arrival, I knocked on the door of the residence and announced*

*"Sheriff's Office". The door did not open. I was then asked by dispatch if I was at the door of the residence and I responded by stating that I was at the door. The door of the residence then opened and I observed a crying female whom identified herself as SHYANN JOHNSON. I asked Shyann where her boyfriend was at and Shyann stated that he was over by her silver Subaru and was probably vandalizing it. I told Shyann to lock the door and I then went to find the suspect by her Subaru. I was unable to locate the suspect so I returned to the residence to speak with Shyann. Shyann invited me in to speak with her.*

*Upon entering the residence, I immediately noticed a back porch door frame was ripped out of the wall and there were wood pieces laying on the ground*

*from the door frame. I asked Shyann to tell me what had happened. Shyann stated that her boyfriend, JAMES KUDELKA had come home from the bar and was intoxicated. Shyann stated that James lost his phone and he asked Shyann to call it. Shyann stated that she did not call James' phone so James began acting aggressively and destroying structures in the house. Shyann showed me a dent in the wall by the front door that appeared to be a fist mark. Shyann then showed me the wall in the hallway by the kitchen and there was an open hole in the wall. Shyann stated the damaged walls were from James punching the walls. Shyann then showed me a broken kitchen drawer and stated that James had damaged that as well.*

On October 6, 2024, the Sheriff's office was called to a domestic disturbance. This was a verbal argument only. The WCSO wrote a report but did not make an arrest.

Earlier in the day on Nov 17, 2024, WCSO Deputy Parker Weloth responded to a 911 call of a domestic disturbance involving James and Shyann. James had left the area prior to the deputies arrival. During that investigation Deputy Weloth determined that he had probable cause to arrest James for DV Criminal Mischief.

### **Shyann Johnson's statement**

Shyann was interviewed by Det. Rock at the scene. The following is a summary of what Shyann told Det. Rock about the incident and her relationship with him.

*I spoke with Shyann and our conversation was audio-recorded and will be included with this report. Shyann explained she and the suspect, James Kudelka had been in an intimate relationship for approximately 2 years and have a son in common. 7/19/24 was present at the time of the shooting and was in a car seat sitting with Shyann on the couch when deputies entered the apartment. Shyann has 2 other children from prior relationships. were not in the home during the incident.*

*Shyann went on to explain that deputies were at their apartment earlier in the day after she called 911 as the two had been fighting. James left the area before deputies arrived and after they cleared, he returned to the apartment approximately 30 minutes later. When he returned, he continued to verbally abuse Shyann. Shyann stated James was heavily intoxicated and had been drinking vodka and beer. She also stated he had most likely been smoking marijuana. During the argument, James smashed the windshield of Shyann's car with a skateboard and also damaged a large amount of property inside the apartment including the walls, TV, and PlayStation. Shyann denied being injured by James.*

*Shyann stated at one point she told James the police were going to shoot and kill him. I asked her what made her say that and she explained James has a long history with police and is currently on parole. James' parole officer is Agent Call. When law enforcement arrived, James told Shyann to be quiet. Shyann was trying to calm James down because he had been violent with police in the past. Shyann stated her mother, Tammy Wyatt was on the scene waiting outside. James called Tammy and had Shyann tell her to tell the police not to come into the house or he was going to hurt Shyann. James also told Shyann he was not going to let her leave the apartment. James was not physically holding Shyann but verbally told her she was not going to leave. Once deputies began breaking down the door, James went into the kitchen and grabbed a large kitchen knife. James put the knife in his pocket and began recording the incident with his cell phone.*

*Once deputies entered the home, Shyann remembers they tried to Tase James and according to her James had not yet pulled out the knife. This all occurred right inside the doorway. Deputies were telling James to put his hands up but he was not following directions. James was then shot once causing him to fall to the ground. Shyann stated one of the deputies then yelled "gun" and they then shot him at least 6 more times.*

### **Interview with neighbors**

Det. Rock spoke to the neighbors who called 911. The following is a summary of that conversation.

*I then spoke with Doug and Karly Smith who live in apartment D101. Doug stated while on his way to the convenience store, he watched James run out of James' apartment with a skateboard and run towards Shyann's car. When he returned, he noticed the car's windshield had been shattered. Doug approached Shyann's front door to tell her about the damage and the door flung open. Doug then watched James throw her cell phone against the wall. Doug stated he returned to his own apartment and could hear Shyann and James yelling at each other. Karly then called 911 at 1706 hours. Karly and Doug could hear deputies yelling at James to open the door. Both described hearing 5 shots altogether with a break.*

### **Police response.**

**Information was gleaned from watching and listening to BWC footage of officers on the scene. The following is a summary of what was seen in those videos.**

On November 17<sup>th</sup>, 2024, at 17:09 hours Deputy Weloth arrives at James Kudelka's apartment. As he approached the door, Kudelka can be heard inside the house yelling to Shyann "Fuck your kids, bitch fuck you!" Deputy Weloth pounded loudly on the door which was met with silence on the other side of the door.

When there was no response to the knocking, Deputy Weloth got on the police radio and told his backup officer to “step it up.” Deputy Weloth then pounded on the door again, and announced “Open up, Sheriff’s Office.” Again, there was silence and there was no answer from inside. Deputy Weloth again announced, “James open up it is the sheriff’s office.”

Deputy Weloth attempted to kick the door open by striking the door seven times with his foot, but this was unsuccessful.

While waiting for backup Weloth continued to order James to open the door. James finally responded, “I haven’t done nothing wrong.” Weloth said “Well then come out” James replied, “Fuck you.” Weloth said “We are going to come in”

Weloth told the backup officer to bring a sledgehammer with them when they arrived. As he was standing there waiting for backup to arrive, a women appeared in the breezeway and announced, “My daughter is in there.” Weloth tells her to get back for her safety.

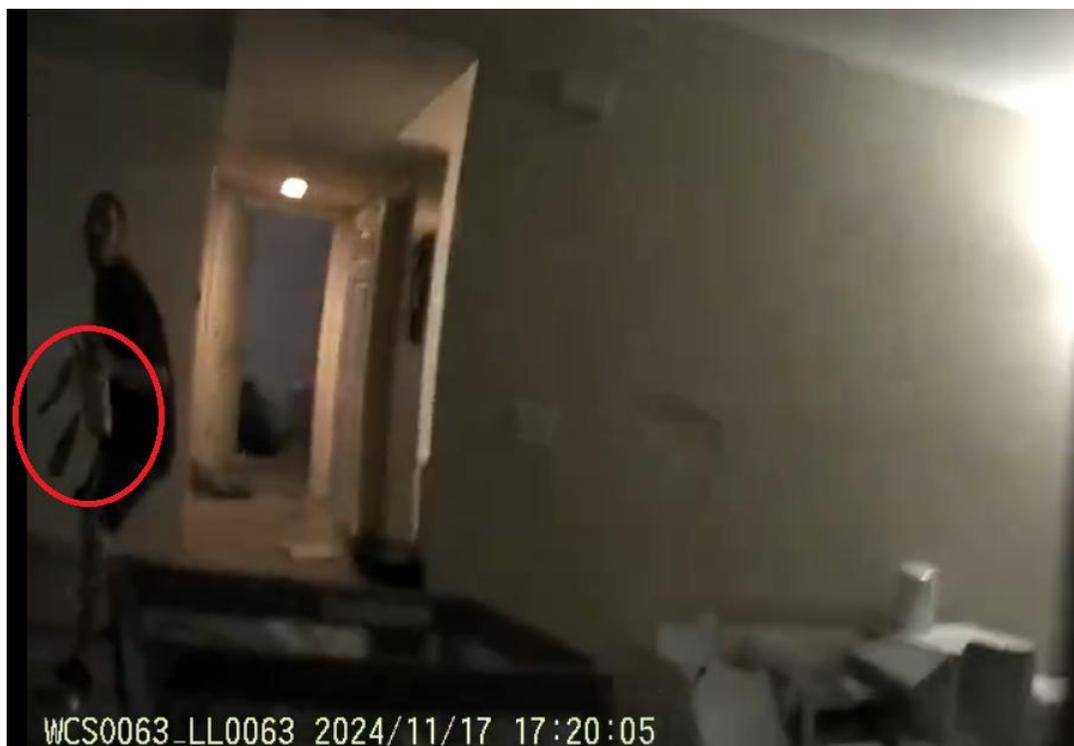
Shortly after this interaction five deputies arrived on scene. None of them had access to a sledgehammer. Weloth tells them that it is “active”, and that James is holding the door closed. Deputy Alonzo Wade told Weloth he had breaching rounds (Wade is with the SWAT team and is trained in using breaching rounds with a shotgun. Shotgun rounds are designed to open doors without being lethal.) Weloth tells one deputy to watch the back porch window, while he goes to get a hammer out of his vehicle.

At 17:15 hrs. six minutes after first contact, Deputy Weloth stood on the left side of the door and started to strike the door. On the second strike the door came open. Officers were yelling “Sheriff’s Office show me your hands!”

Deputy Adams had been designated as a “less lethal option.” He was positioned in the foyer with his taser out and ready. Deputy Scott Love had been designated to provide security for Deputy Adams and be the primary lethal force if that was necessary. He stood next to the right of Deputy Adams as the door was breached.

As the door came open Deputy Love yelled “Sheriff’s Office show me your hands.” He stepped up the door threshold.

In the photo below, Deputy Love can be seen in the doorway, Deputy Adams is to the right of the photo with his Taser out and ready. (Taken from Deputy Weloth's BWC)



As Deputy Love enters the doorway, Kudelka comes from the kitchen area of the house. In his left hand he has what appears to be an object of some kind in a plastic bag. In his right hand is a

large knife. He started to approach the door rapidly. As he did this it appears that the knife sheath falls from the knife. (Loves' BWC photo above)



(Photo above) Kudelka continues to advance toward the door. He appears to be bleeding from the mouth. In the BWC the light that is on the door is from Deputy Adams Taser. The Taser was deployed but the probes did not strike Kudelka. Kudelka has his mouth open and appears to be screaming at the officers.



As Kudelka gets to the door, it appears that he still has the knife in his right hand. In the photo below the knife is highlighted by the red circle. (Love BWC)

At this point the Taser can be heard engaging. Also, one gunshot is heard fired from Love's weapon. As the gunshot is fired as the door is shutting simultaneously.

With the door shut, Deputy Wade and Weloth attempt to enter. As they try to push the door open it is met with resistance. Deputy Wade was able to get the door open slightly and made his way into the room. Shyann can be heard inside the room screaming. Deputy Wade entered the room first and turns to his left to look behind the door. He yells as he enters "Let me see your hands." (Deputy Wade does not have a body camera on.)





Deputy Weloth is directly behind Wade as they enter the room. Deputy Weloth's BWC is obstructed by the door. In the two photos the leg of Kudelka can be seen on the ground, and a muzzle flash can be seen coming from Deputy Wade's firearm. It is pointed down which would indicate that he is firing towards the ground.

Deputy Weloth fired his weapon as well during this exchange.

There was body camera footage from Deputy Love, and Deputy Weloth that captured this incident. Deputy Adams and Deputy Wade did not have body cameras on them at the time.

## Officer Interviews

### Deputy Adams interview



On November 17, 2024, Deputy Adams was interviewed about what he remembered. Deputy Adams had deployed the taser in the incident but did not file his service weapon. The interview was audio recorded, the following is a summary of that conversation, and it highlights Deputy Adams' perspective of the incident. The entire conversation was audio recorded and saved to the case file. As seen in the above photo, Deputy Adams was dressed in a full WCSO uniform.

In this interview, Deputy Brian Adams describes his experience responding to a domestic dispute call. Here's a summary of the key points:

Deputy Adams, he has over three years of service with the Weber County Sheriff's Office and has prior experience with the Tulare County Sheriff's Office and as a special agent with the US Forest Service, where he worked for 27 years.

**The Incident:** The call was for a domestic dispute, and Deputy Adams initially didn't think it was urgent but decided to respond anyway. As he approached the scene, he heard his fellow officer, Parker, request assistance. Upon arriving, he saw that a barricaded subject was inside, and deputies needed to break down the door. The door was breached with a sledgehammer, and as it opened, a male subject was seen charging toward them with what appeared to be a weapon in his hand. Deputy Adams deployed his taser, but the suspect continued advancing, and gunshots rang out. Deputy Adams was unsure whether the gunshots came from the suspect or another officer. After the gunshots, Deputy Adams sought cover and later re-engaged, only to find that the suspect was down. He then helped remove a woman who was inside, fearing further danger. He secured the crime scene with tape to prevent anyone from entering.

Throughout the event, it was a fast-paced and chaotic situation. Deputy Adams didn't recall giving any commands or hearing any from others, as he experienced tunnel vision. The female in

the house was heard screaming, and a neighbor was on the phone trying to communicate with her. The incident happened quickly, and Deputy Adams couldn't clearly identify who fired the shots. He and the other officers were in high-stress circumstances, and everything unfolded rapidly, making it difficult to remember specific details of the encounter.



**As seen in the above photo Deputy Love was dressed in a full WCSO uniform. CSI Biggs and I conducted a bullet count on his weapon. Based on this count and other evidence collected at the scene, I am confident that Deputy Love fired one shot during this incident. See CSI Biggs report for specific details on the count.**

**On Nov 21<sup>st</sup>, 2024, Deputy Love along with his FOP Attorney came to the Weber County Attorney's Office and provided a statement on this incident. The following is a summary of that statement. The entire conversation was audio recorded and saved to the case file.**

Deputy Scott Love has been employed with the Weber County Sheriff's Office since 2023. He works in the enforcement division. On this day he was working on a patrol. He first became aware of this situation while monitoring the radio as part of his sector duties. He learned that Deputy Parker had responded to a domestic disturbance call earlier that day at an apartment complex. The suspect, after the disturbance, fled the scene on a scooter. Despite efforts by Parker, Deputy Osman, and Sergeant Jensen to locate the suspect, they were unable to find him. Parker gathered enough evidence to establish probable cause for an arrest, but the suspect remained elusive. Later, the suspect called back into dispatch, being uncooperative and confrontational with officers, ultimately hanging up the phone.

After attending another call at the fairgrounds, Parker and Scott Love had a conversation, where Parker filled him in on the ongoing situation. As Scott Love was heading to the city office for paperwork, he heard the dispatcher call Parker back to the same location due to new

developments in the case. A witness had reported that the suspect had smashed a car's windshield with a skateboard, and further details indicated that the suspect had made threatening remarks toward the police. Concerned about the situation's escalation, Scott Love decided to head to the scene to support Parker.

On the way, Scott Love received a "step it up" radio transmission from Parker, indicating that the situation had become more urgent. When Scott arrived, he heard Parker instructing officers to retrieve a sledgehammer, signaling that the suspect was likely barricading himself inside the apartment. He did not have a sledgehammer, so he waited at the door while Deputy Weloth got one from his vehicle.

Upon breaching the door with the sledgehammer, Deputy Love entered the apartment. He immediately announced, "Sheriff's office, show me your hands," while scanning the room. He identified the suspect, who appeared to be holding a long knife and was approaching them in a threatening manner. The suspect refused to comply and advanced toward the officers, prompting Deputy Love to back away while keeping his firearm aimed at the suspect.

As the suspect closed the distance, Love realized that if he didn't act quickly, either he or Deputy Adams could be injured or killed. Based on his training and the immediate threat, Scott Love fired his weapon once. Simultaneously, Deputy Adams deployed a taser. The door then shut, and Deputy Love, still processing the situation, called out "shots fired" as the situation began to calm down.

Other deputies entered the apartment and more shots were fired. Love did not fire his weapon the second time. After the gunshots, Love learned that the suspect was down. He removed the car seat with a child in it. He handed off a car seat with a baby to a family member who had been outside earlier and continued to check the scene for any other potential threats. He confirmed that Parker had cleared the house and went through the apartment to ensure no one else was present. After ensuring the scene was secure, Love checked on the suspect, who appeared to have fatal injuries, including brain matter visible from a gunshot wound. He consulted with Deputy Alonzo, confirming that the injuries were fatal, and no medical intervention would be attempted.

After the incident, Deputy Scott Love went outside to begin processing the aftermath, trying to come to terms with the intensity of the situation. He reflected on the fast-paced nature of the incident, including the instinctive decisions made to protect his team and neutralize the threat, all while managing the emotional weight of the situation.



**As seen in the above photo Deputy Weloth was dressed in a full WCSO uniform. CSI Biggs and I conducted a bullet count on his weapon. Based on this count and other evidence collected at the scene, I am confident that Deputy Weloth fired three shots during this incident. See CSI Biggs report for specific details on the count.**

**Deputy Parker Weloth statement. On Nov 21<sup>st</sup>, 2024, Deputy Weloth along with his FOP Attorney came to the Weber County Attorney's Office and provided a statement on this incident. The following is a summary of that statement. The entire conversation was audio recorded and saved to the case file.**

Deputy Parker Weloth, is a law enforcement officer with nearly five years of service at the Weber County Sheriff's Office, described his involvement in two related incidents on Sunday, January 17th, concerning James Kudelka.

First Incident:

The first call came around 2:30 PM, as a report of a family disturbance at an apartment complex. The girlfriend of James Kudelka had called a neighbor's phone to report a verbal argument between them. She explained that James had taken her phone and left the scene on an electric scooter. She had gone to the neighbor's apartment to call for help since her phone was taken. No physical injuries or property damage were reported at the time of the call.

Weloth, who was the first officer to respond, contacted the girlfriend. She reported that the argument stemmed from her getting a tattoo the previous night by a male tattoo artist, which had

made James jealous and insecure. During their conversation, the girlfriend revealed that James often exhibited controlling behaviors. She completed a report with her statement, which showed probable cause for charges related to damage or interruption to communication devices and domestic violence in the presence of a child.

Weloth searched for James, who was described as riding an electric scooter, but he was not located. After gathering the necessary statements and evidence, Weloth filed a probable cause (PC) statement, prepared to arrest James if encountered later. Weloth felt confident that James would return, given the nature of the situation.

#### Second Incident:

A few hours later, around 4:30 PM, Weloth was dispatched to the same apartment complex for a new disturbance involving James Kudelka. A neighbor reported hearing yelling and things being thrown inside the apartment, suggesting a possible physical altercation. The neighbor also noted damage to a vehicle, allegedly smashed with a skateboard. This was an escalation from the earlier incident. The neighbor also mentioned that James had reportedly said he didn't care about the police responding.

Weloth responded to the scene and parked on the north side of the building. As he approached the apartment, he could hear loud yelling coming from inside, but did not hear any cries for help or sounds of children. This raised his concern for the safety of the individuals inside, particularly given the earlier history with James. He began banging on the door, calling out for James, but received no response. This lack of response heightened Weloth's concern, as he feared someone inside could be injured or in need of help, especially with children involved. Deputy Weloth believed that this required an exigent circumstance that required him to enter the apartment.

As he continued trying to make contact, Weloth also noticed movement through the blinds inside the apartment, which he interpreted as possibly being James. After multiple failed attempts to get a response and with no sign of the children or the girlfriend, Weloth determined that he needed to force entry. He was concerned that someone inside might be injured, and that the situation was escalating.

Weloth kicked the door several times, but it wouldn't open fully. However, the force caused a gap between the door and the frame, suggesting someone was bracing the door from the inside. Fearing that James might be trying to prevent entry, Weloth drew his firearm and warned James to come out. James, however, responded angrily, saying he hadn't done anything and refused to comply.

As Weloth was still attempting to gain entry, additional deputies arrived on scene, but none had brought a sledgehammer as needed to break through the door. Weloth then retrieved a sledgehammer and crowbar from his truck. After returning to the apartment, he used the sledgehammer to break open the door. Once the door was breached, deputies entered the

apartment, and Weloth briefly saw someone moving quickly down the hallway. He couldn't make out who it was but observed what appeared to be a dark figure approaching them aggressively.

At that moment, Weloth backed up slightly, but Brian Adams, another deputy, ran past him and took the lead. Weloth heard a taser being discharged, and shortly after, a gunshot rang out from Deputy Love. Weloth was informed that James had been armed with a knife.

#### Use of Force:

As the officers continued into the apartment, they found James on the ground, but he was described as half sitting up. Weloth saw a motion from James that he interpreted as a stabbing motion towards Deputy Wade. This made him fear for the safety of Deputy Wade who was closest to James. James was faced away from him, and Weloth could not see his hands clearly, but knowing that James had been armed with a knife earlier he believed James was still a threat to cause serious bodily injury to Wade, so Weloth discharged four rounds toward James. Weloth commented that after the incident he saw blood on Wade's shoe and thought he might have gotten stabbed in the shin.

The situation remained tense, with the officers working to secure the scene. Weloth's immediate concern was to ensure the safety of the people inside, including the children.

#### Aftermath:

Once the apartment was secured, the officers cleared the area, and Weloth helped remove the girlfriend and child from the premises. Although he had not initially seen the knife, the presence of a weapon was confirmed later when another officer reported seeing it near James. Throughout the encounter, Weloth acted on his belief that James was a threat not only to the officers but to the people in the apartment as well.

Weloth emphasized that his actions were driven by the urgent need to ensure the safety of everyone involved. Given the escalation from the first to the second incident and the ongoing threats posed by James, Weloth believed that force was necessary to prevent further harm to officers as well as Shyann and her child.



**As seen in the above photo Deputy Wade was dressed in a full WCSO uniform. CSI Biggs and I conducted a bullet count on his weapon. Based on this count and other evidence collected at the scene, I am confident that Deputy Wade fired five shots during this incident. See CSI Biggs report for specific details on the count.**

**Deputy Alonzo Wades statement. On Nov 21<sup>st</sup>, 2024, Deputy Wade along with his FOP Attorney came to the Weber County Attorney's Office and provided a statement on this incident. The following is a summary of that statement. The entire conversation was audio recorded and saved to the case file.**

In this interview, Alonza Wade, a member of the Weber County Sheriff's Office K9 patrol unit, recounts his involvement in this incident. He describes a series of events that led to his response to a disturbance at Haven Point Apartments.

Wade had been working a long shift, handling a previous case involving a sexual offense, and was preparing for a follow-up when he received a call about a burglary alarm in Plain City. As he was wrapping up that call, he heard about a domestic violence (DV) situation at the apartments, where a suspect had reportedly damaged a car with a skateboard. Wade decided to take the call to allow day shift officers to finish their shift.

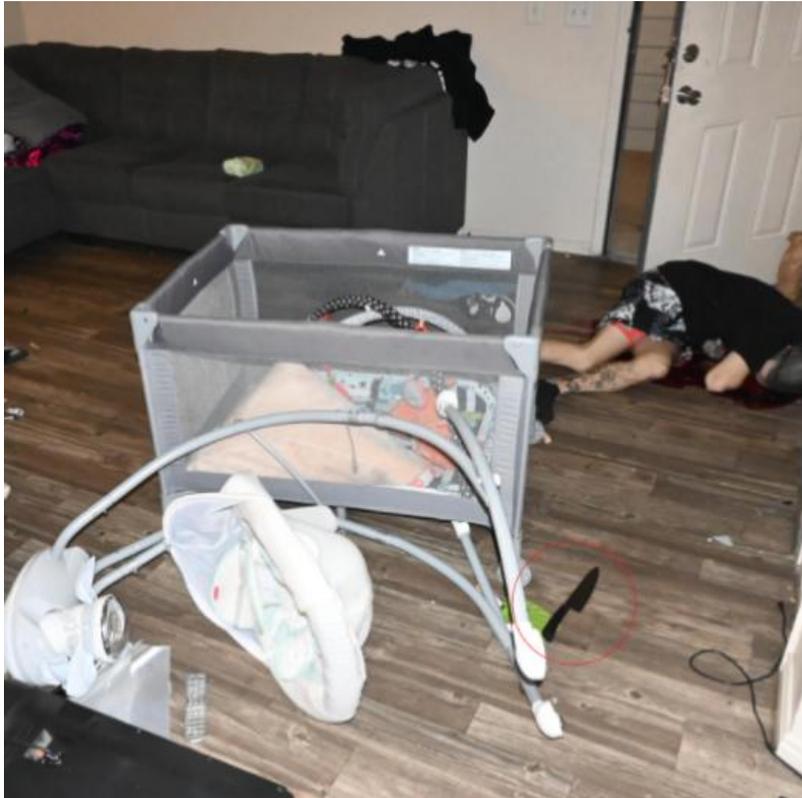
Upon arriving at the scene, Wade joined Deputy Parker, who had been on-site earlier. The situation had escalated, with a male suspect reportedly armed with a knife and engaging in violent behavior inside the apartment. After the door was opened the situation intensified, leading to gunfire by Deputy Love. In his statement, Wade recalled hearing Parker give commands and the sound of a taser and gunshots, but he couldn't immediately determine which occurred first. The door shut and Wade could hear the woman screaming loudly inside the apartment. In that moment he believed that she was being attacked so he needed to make entry. As Wade was entering the apartment, he could feel resistance on the door. He started to scan the room, and he noticed the male on the ground with his back to him. He could hear Deputy Weloth yelling "show me see your hands." Wade said he wanted to make sure he could see the suspect's hands because he was extremely close and felt like he was going to be stabbed. Wade said he believed that he needed to put himself between the suspect and the woman inside the apartment. Wade said the suspect was kind of sitting up he chose to fire when he could not see the suspect's hands, fearing for his own safety and the safety of others, including Parker and the civilian inside. After the suspect fell, Wade called for the woman to be removed from the scene and ensured the apartment was cleared for other potential threats.

He provided an overview of the aftermath, including securing weapons and communicating with his team. Wade noted his experience as a SWAT breacher influenced his decision-making, as he was trained to respond quickly and prioritize civilian safety. His recount of the encounter emphasizes how quickly the situation escalated and how his actions were shaped by his training and concern for the safety of all involved.

The interview also includes questions about Wade's perception of the suspect's movements before the shooting and his awareness of prior incidents at the apartment complex. Throughout, Wade highlights his decision-making process, influenced by his experience and training in handling high-risk situations.

## Crime Scene

The crime scene was processed completely by Weber CSI. CSI Briant Johnson was the lead crime scene investigator on the scene. Several other CSI Investigators assisted him on this case. See CSI reports and other photographs for more details.

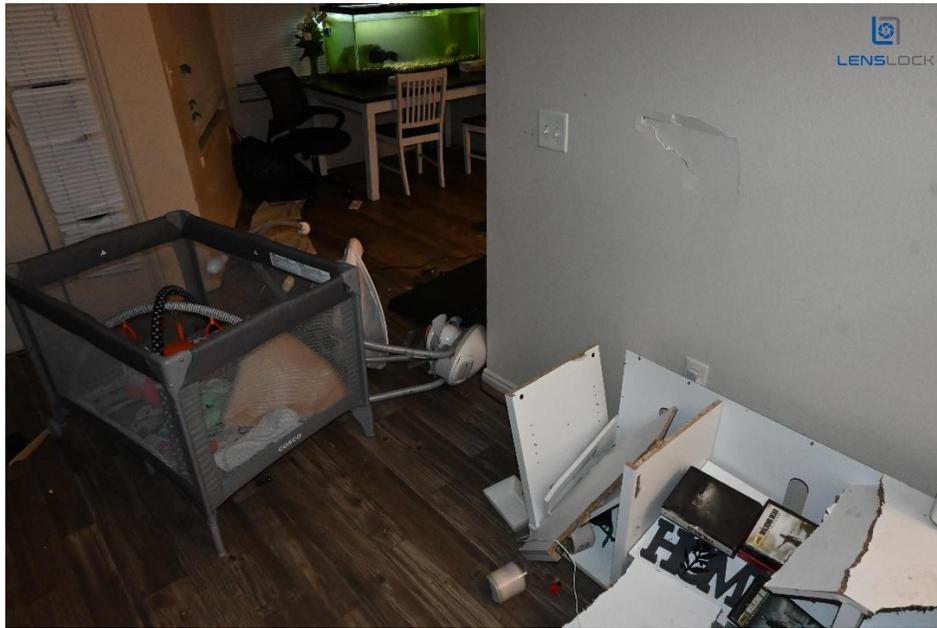


In the photo above the knife is seen on the floor near Kudelka's body. Based on Faro 3D scan, the knife was located 3.7 feet from his body.



The below series of photos show the damage caused during the domestic situation leading up to the shooting.







### **Medical Examiner**

The medical examiner Dr. Marsden located ten gunshot wounds. Based on bullet counts and evidence at the scene, it is believed that nine shots were fired by police. It is believed that at least two of the wounds described in the autopsy report were the result of one shot, possibly an entrance and exit and then reentry into the body.

All the shots fired were fired, struck the right side of his body and appeared to be from the officers standing. There was one round that penetrated the mid-chest just left of the midline. This was from left to right, front to back and downward. Based on all the evidence this appears to be the first shot fired by Deputy Love.

The toxicology results show ethanol and THC in Kudelka's blood. Dr. Marsden ruled the manner of death as homicide, and the cause of death multiple gunshot wounds.

## **Conclusion**

This conclusion examines whether Deputies Love, Weloth, and Wade were justified in their use of deadly force against James Kudelka, based on two distinct shooting incidents.

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### **Incident Summary**

James Kudelka was involved in two domestic violence incidents involving Shyann Johnson on the same day. During the first incident, Kudelka caused visible damage to the interior of the home and fled the scene before law enforcement arrived. Despite this, he returned later that day and continued his violent behavior by smashing the windshield of Johnson's vehicle with a skateboard and breaking her phone in front of neighbors. His actions demonstrated a disregard for law enforcement intervention and posed an ongoing threat to Johnson and her child.

When Deputy Weloth responded to the second 911 call, he knocked on the door and announced his presence. Knowing Kudelka was inside and believing that Johnson and her child were also present, Deputy Weloth determined that exigent circumstances justified immediate entry due to the perceived danger to their lives.

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#### **First Use of Force Incident**

The deputies developed a plan involving a less-lethal option. As the door opened, they announced their presence. Kudelka emerged from the kitchen area armed with a large kitchen knife and charged toward the deputies. At the threshold, within feet of the officers, Deputy Adams deployed his Taser, and Deputy Love fired one shot as the door closed. The effectiveness of the Taser is unknown, but it had no apparent impact on Kudelka.

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#### **Second Use of Force Incident**

After the door closed again, with Kudelka, Johnson, and her child still inside, Deputies Wade and Weloth forced entry. Both deputies reported resistance behind the door. Deputy Wade's body camera was inactive, and Deputy Weloth's camera footage was obstructed by the door. The deputies' statements provide critical insight into their perceptions.

Deputy Wade reported seeing Kudelka on the floor, "kind of sitting up," and expressed concern that Kudelka was concealing a weapon, particularly given the violent nature of the incident and the close proximity of all parties. Deputy Weloth stated that he observed Kudelka making a stabbing motion toward Deputy Wade, prompting him to fire his weapon. Afterward, he noticed blood on Deputy Wade's shoe and initially believed Wade had been stabbed.

It was later determined that Kudelka had dropped the knife following the initial gunshot. The knife was recovered approximately three and a half feet behind him. No other weapons were found.

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## **Legal Framework**

According to the U.S. Supreme Court decision in *Graham v. Connor*, the "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, not with the benefit of hindsight. The assessment must account for the fact that officers often make split-second decisions in tense, uncertain, and rapidly evolving situations.

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## **Key Considerations**

Before entering the apartment, the officers knew:

- Kudelka had committed a domestic violence offense earlier that day.
- He had evaded arrest and returned to commit further acts of violence.
- He refused to cooperate with the police, responding with hostility.
- Ms. Johnson and her child were believed to be trapped and in danger inside the apartment.

Upon entering:

- Kudelka advanced on the officers with a large knife during the first encounter.
  - After the first shot, the door closed. The deputies did not know if Kudelka was hit or still armed.
  - During reentry, Kudelka was described as moving and making motions that were perceived as a "stabbing motion"
  - Neither deputy could confirm whether Kudelka still possessed the knife, because his back was to them. Both officers stated that he was moving. Weloth described the action as a stabbing motion toward Wade.
  - The close proximity and perceived threat led both deputies to fear for their safety and that of the Shyann and small child.
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**Conclusion:** This is a summary of the investigation. All video and audio files are available for review. All of these factors need to be taken into consideration when determining if the use of deadly force is justified.

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