



For Immediate Release  
November 19, 2013

District Attorney Marc Bennett has completed the review of the law enforcement use of deadly force prior to the death of Horace L. Gwyn. The incident occurred on April 3<sup>rd</sup>, 2013, at 1920 South Seneca in Wichita, Sedgwick County, Kansas.

As required by protocol, the Office of the District Attorney has reviewed the results of the investigation conducted by the Kansas Bureau of Investigation, Wichita Police Department, Sedgwick County Sheriff's Office, as well as Investigators from the District Attorney's Office, and has compiled the following facts:

**SUMMARY OF EVENTS**

On Wednesday, April 3<sup>rd</sup>, 2013, at approx 0722 AM, Sedgwick County 911 received the report of a hold-up alarm transmitted from the Credit Union of America branch at 1920 S. Seneca. Wichita Police were dispatched to the alarm, and a Sedgwick County Sheriff's deputy responded as well due to his close proximity to the call. The deputy arrived quickly and took a position that allowed him to see the bank. The deputy saw a male come out of the bank carrying a black duffle bag. The deputy watched the male run to the fence bordering the bank parking lot, throw the bag over the fence, and then jump over it.

The male ran west across Seneca and the deputy chased in his marked patrol car. The male ran into a parking lot on the west side of Seneca, then turned and ran south along Seneca before he crossed back to the east side, still carrying the duffle bag. The male suspect continued to run south and the deputy lost sight of the suspect after he ran behind a residence directly south of the bank. The male reappeared without the duffle bag and began running back west crossing Seneca. The deputy began chasing the suspect on foot and was yelling at the male to stop.

As he was running, the male raised his arm and pointed a gun behind him in the direction of the deputy and fired a shot. The suspect stopped running and immediately put his handgun to his head. The deputy gave verbal commands to the suspect ordering him to drop his gun, at which time the suspect began walking away, still with the gun to his head.

The deputy was following and saw the male begin to turn towards him. The Deputy then began firing his gun at the suspect, and the suspect fell to the ground.

The deputy was assisted by arriving Wichita Police officers who approached the downed suspect and noted that the male had a gunshot wound to the head. Sedgwick County EMS arrived and pronounced the suspect dead at the scene.

Additional responding officers entered the bank and located two employees who had been physically assaulted during the robbery. Both had been forced at gunpoint to hand over money to the lone suspect after arriving to open the bank. The suspect bound both employees with duct tape prior to fleeing the bank.

## STATEMENT OF INVESTIGATION

Due to the initial information from the deputy, the case was handled as an Officer Involved Shooting. The bank employees gave recorded statements to investigators as did several other witnesses who were driving on Seneca at the time of the shooting. The Deputy also gave a voluntary, recorded statement. The multiple crime scenes were processed jointly by the Wichita Police and Sedgwick County Sheriff's CSI units.

The black duffle bag that the suspect dropped behind the house during the foot chase was recovered. The proceeds from the bank robbery were inside the bag.

Surveillance video was recovered from inside the bank which showed the male force his way into the bank as the employees arrived, as well as the physical assaults on the employees.

Additional video from an area business was also recovered which showed the end of the foot pursuit and the shooting. The video was from a distance and was not high quality. It did show the suspect raising his gun towards the deputy as he crossed Seneca, and showed the suspect fall after the final shots were fired.

Crime Scene Investigators recovered the firearm the suspect was carrying during the incident and determined it was a Taurus brand .45 caliber semi-automatic pistol. The gun was loaded with four live rounds. Two .45 caliber shell casings were recovered. One was found on the west side of Seneca where the suspect had fired towards the deputy, and a second in the vicinity of the suspect's body. The deputy's Glock 9mm service pistol was recovered along with five spent 9mm casings from the area the deputy reported firing on the suspect.

The suspect was identified as Horace L. Gwyn III, a 26 year old black male. His body was removed from the scene and transported to the Sedgwick County Regional Forensic Science Center where a post mortem examination was done. The medical examiner found that Gwyn had suffered two gunshot wounds. One was to the left upper back and a second gunshot wound to the right side of his head. The examination of the wounds revealed that the head wound showed evidence of being a "contact range" gunshot wound, meaning the barrel of the gun was in contact with the head at the time of the discharge. The medical examiner described the wound as having "soot present on the skin of the immediate edge of the wound. The medical examiner also documented "searing, soot, and unburned gunpowder particles present in the subcutaneous tissue. The torso wound was classified as a distant range shot.

The medical examiner found the cause of Gwyn's death was the gunshot wound to the head, and the manner of his death was suicide. Forensic testing of the recovered bullet from the torso determined it matched the Glock 9mm pistol fired by the deputy.

## STATEMENT OF FACTS

The following facts are compiled from the statements of individuals involved in the incident, physical evidence recovered, and the results of forensic testing:

The investigation of this incident revealed that Horace Gwyn III hid on the property of the Credit Union of America branch sometime in the early morning hours of April 3<sup>rd</sup>, 2013. Gwyn then forced his way into the bank as an employee entered prior to the bank opening for business. Gwyn was armed with a .45 caliber semi-automatic pistol which he displayed throughout the robbery.

Gwyn forced the two employees, at gunpoint and under verbal threats of being killed, to open secure areas of the bank. Gwyn used physical force against the two female employees on several occasions during the robbery-including striking one of the females in the face with his gun. After loading the stolen money into his duffel bag, Gwyn used duct tape to secure the two employees via wrapping it around their bodies and neck areas. Gwyn then exited the bank where he was confronted by the fully uniformed deputy.

After a foot pursuit during which Gwyn abandoned the duffel bag, Gwyn raised his gun and fired one shot towards the deputy. Gwyn then ran for a short distance, stopped, and put his gun to his own head. Gwyn continued to ignore the deputy's commands to drop his weapon, then began to turn towards the deputy with a gun in his right hand. The deputy then fired at Gwyn and Gwyn immediately fell to the ground. Evidence shows that Gwyn shot himself in the head, which was the fatal wound. The deputy's fire struck Gwyn one time in the left upper back. That wound was not a fatal wound.

## KANSAS LAW

In Kansas all persons including law enforcement officers are entitled to defend themselves and others against the use of unlawful force. The law provides that a person is justified in the use of force against an aggressor when and to the extent it appears to him and he reasonably believes that such conduct is necessary to defend himself or another against such aggressor's imminent use of unlawful force.

"Use of Force" includes words or actions directed at or upon another person or thing that reasonably convey the threat of force, the presentation or display of the means of force or the application of physical force, including by a weapon. "Use of deadly force" means the

application of any physical force which is likely to cause death or great bodily harm to a person.

A law enforcement officer is justified in using force likely to cause death or great bodily harm only and to the extent that it appears to him and he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another person, or when such officer reasonably believes that such force is necessary to prevent an arrest from being defeated by resistance or escape and such officer has probable cause to believe the person to be arrested has committed or attempted to commit a felony involving death or great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that such person will endanger human life or inflict great bodily harm unless arrested without delay.

The use of deadly force in defending a person is judged on a “case by case” basis. Only such force reasonably needed to defend against another’s imminent use of unlawful force will be legally permissible.

## CONCLUSION

The use of deadly force by the Sedgwick County Sheriff’s Deputy was lawful and justified.

District Attorney Marc Bennett  
*18<sup>th</sup> Judicial District of Kansas*