



For Immediate Release
April 3, 2025

District Attorney Marc Bennett has completed the review of the use of deadly force that resulted in the death of Daniel Stowe. The incident occurred on December 3, 2023, in the 4200 block of East Gilbert in Wichita, Sedgwick County, Kansas.

SCOPE OF REPORT

This report details the findings and conclusions limited specifically to criminal liability of the officer employed by the Wichita Police Department who shot Mr. Stowe on December 3, 2023.

The Office of the District Attorney has no administrative or civil authority regarding use of force investigations. Therefore, this report does not address any administrative review that may be conducted by the Wichita Police Department, provide any assessment of policy considerations, or address questions of possible civil actions where a lesser burden of proof would apply.

Questions as to whether the use of force in any particular case could have been avoided or de-escalated if the law enforcement officer(s) or citizen(s) had behaved differently in the moments leading up to the fatal use-of-force may not be properly addressed in a criminal investigation.

The sole question addressed by the District Attorney is whether sufficient evidence exists to establish beyond a reasonable doubt that a violation of the criminal laws of the State of Kansas occurred in this instance.

SUMMARY

On December 3, 2023 at approximately 2:16 p.m., a woman called 911 on behalf of her adult daughter. The calling party reported that her daughter had been staying at the calling party's residence on East Gilbert in Wichita and the daughter's estranged husband, Daniel Stowe, had arrived uninvited at the residence.

Subsequent investigation revealed that, beginning at 10:04 a.m. that morning, Mr. Stowe had sent text communications to his estranged wife, including the following message at 1:23 p.m., "Just call the police. Let them finish this one and all!"

At 2:16 p.m., the 911 call was made.

At 2:28 p.m., Mr. Stowe texted her the following message, "Just call the police, tell him. [sic] I've got a firearm and all I'm trying to do is give you my cell phone and keys so we can finish this."

At 2:35 p.m., Mr. Stowe texted her the following: "I'm gonna wish you to [sic] talk to your husband for one last time. Because this is the last day I will be alive."

At 2:38 p.m., Officer 1 and Officer 2 arrive on scene. Mr. Stowe exited his truck as officers approached. Officer 3 arrived and parked on the side street, Belmont. Officer 1 walked to the house to contact the calling party while Officer 2 spoke to Mr. Stowe.

At 2:41 p.m., Officer 1 made radio contact with Officer 2 and Officer 3, who were still speaking to Mr. Stowe. Officer 1 directed them to "pat down" Mr. Stowe. This request was made because the occupants in the house told Officer 1 about potentially suicidal texts sent by Mr. Stowe to Witness 2 earlier that day.

Officers 2 and 3 stepped toward Mr. Stowe in response to the radio traffic. Mr. Stowe stepped back and put his right hand on his right hip. Officer 2 verbally commanded, "don't reach!" and withdrew his service weapon and pointed it at Mr. Stowe. Officers commanded Mr. Stowe to get on the ground. Mr. Stowe did not comply and instead

backed up and began to put personal items on a nearby vehicle before backing up further into the street. Officer 2 told dispatch that officers were in trouble with an armed and uncooperative subject.

At 2:42 p.m., officers told Mr. Stowe to put his hands on his head. Mr. Stowe said, "I'm not going home today." An officer verbally responded, "don't do this." Mr. Stowe said, "we're gonna' do this." Mr. Stowe then said, "on the count of three, I'm going to grab my gun," and "I'm not going to shoot either one of you. You all just take a shot at me." An officer responded, "no, don't do that." Mr. Stowe told Officer 3, "we're gonna do it. Take your pick."

Mr. Stowe turned to face Officer 3 and said, "I'll let you take it first," to which Officer 3 responded, "Nope. No sir, don't do it, sir." Mr. Stowe counted out loud, "1, 2, 3" then reached for the handgun in the holster on his right hip and withdrew the firearm. Officer 2 yelled, "Do not reach for your gun!" Officer 3 yelled, "Don't. Do not." Mr. Stowe withdrew the handgun from his holster but initially pointed it at the ground.

At 2:43 p.m., dispatch put the officers out in trouble. Officer 2 said, "Daniel, don't make us do this." Mr. Stowe raised his right arm in a southeast direction, with the handgun in his hand, pointed at Officer 2. In response, Officer 1 fired four shots. Mr. Stowe fell to the ground. Officer 1, Officer 2 and Officer 3 approached Mr. Stowe and moved his handgun out of arm's reach. Officer 1 ran back to her patrol car to obtain a medical kit. Officer 1 broadcasts, "Roll EMS. Roll EMS."

At 2:48 p.m., EMS arrives on scene.

At 2:54 p.m., Mr. Stowe was transported to Wesley Medical Center.

At 3:07 p.m., Mr. Stowe was pronounced "code black" (deceased) by the attending physician.

INVESTIGATION

The Wichita Police officer who fired the fatal shots was removed from the area and the officer's firearm was secured.

Crime Scene Investigators from the Wichita Police Department processed the scene.

CIVILIAN WITNESS STATEMENTS

Witness 1: The calling party was interviewed by a detective with the Sedgwick County Sheriff's Office. She confirmed that her daughter had been staying at the residence on East Gilbert pending the dissolution of her marriage with Mr. Stowe.

Witness 1 stepped out the residence to leave when she saw Mr. Stowe in his truck parked in the street and called 911. She reported that Mr. Stowe approached the house and banged on the door. She did not open the door. When officers arrived, Witness 1 saw Mr. Stowe with a gun in his hand before officers fired.

Witness 2: the estranged wife of Mr. Stowe. She was interviewed and described having received text messages from Mr. Stowe that day. She provided investigators access to her phone. They viewed the text messages sent by Mr. Stowe, as detailed above in the factual summary.

When police arrived, Witness 2 had contact with Officer 1 inside the residence. Witness 2 told Officer 1 about the texts from her estranged husband, which she (Witness 2) perceived as suicidal in nature. When Officer 1 went back outside, Witness 2 did not go outside. She heard shots and later saw Mr. Stowe on the ground.

LAW ENFORCEMENT OFFICER STATEMENTS

The Wichita Police Officer provided a voluntary statement to investigators:

Officer 1 had been with the Wichita Police Department for five years at the time of the incident.

Officer 1 and Officer 3 were dispatched to scene for a “DV” call. Office 1 asked for a third officer. Officer 2 was also dispatched. Officer 4 voluntarily responded to the dispatch and arrived at the call as well

Officer 1 contacted Mr. Stowe, who confirmed his identity. Mr. Stowe told Officer 1 he was just there to return keys and a phone. Officer 1 asked Mr. Stowe if he had a P.F.A. (Protection from Abuse), which he confirmed. Officer 1 told Mr. Stowe to wait outside and then went to contact the parties inside the residence.

Once inside the residence, Witness 1 told Officer 1 that Mr. Stowe usually carried a gun. Officer 1 later told investigators that Mr. Stowe’s jacket was long enough that Officer 1 had been unable to determine initially whether Mr. Stowe had a gun on his hip. Officer 1 was also informed by those inside the home that Mr. Stowe had made suicidal statements that day.

Officer 1 radioed the officers standing outside with Mr. Stowe and directed them to pat him down. When the other officers did not verbally acknowledge having heard the directive, Officer 1 repeated the request. Officer 1 continued to talk to Witness 1 and Witness 2 inside the residence. At that point, Officer 3 “keyed up” (used the police radio) that they had “one at gunpoint.”

Officer 1 told the two civilian witnesses to go to the back of the residence. Officer 1 stepped out of the house and took cover behind a silver sedan in the driveway. Officer 1 said Mr. Stowe was making statements that seemed suicidal. Officer 1 had her weapon drawn and aimed at Mr. Stowe because Officer 3 said Mr. Stowe had reached for his gun. Mr. Stowe lifted his jacket up and Officer 1 could see a black handgun on his hip. Mr. Stowe then stated “I am going to do it.” Mr. Stowe drew his gun and said, “it’s going to be you at 1,2,3, this is

going to happen.” Mr. Stowe drew his gun and again appeared to “jump” to provoke the officers. Officer 1 placed her finger on her trigger. Mr. Stowe then raised his weapon and pointed it at Officer 2. In response, Officer 1 fired. Officer 1 saw Mr. Stowe bend over and drop to the ground. Officer 1 and other officers approached Mr. Stowe and performed first aid.

Officer 2 had been with the Wichita Police Department for approximately 2 years at the time of the incident.

Officer 2 heard the dispatch of the call to East Gilbert and saw the call was a firearm related DV call, so Officer 2 responded to the scene. Once on scene, Officer 1 went into the house and Officer 2 stayed outside and attempted to obtain Mr. Stowe’s personal identifying information to order to run his name through SPIDER (Special Police Information Data Entry Retrieval). Mr. Stowe would not provide detailed information to Officer 2. From inside the residence, Officer 1 radioed that the officers outside should pat Mr. Stowe down because Officer 1 learned that Mr. Stowe had been making suicidal statements that day. Mr. Stowe then acknowledged to officers outside the residence that he was in possession of a gun when the officers approached to pat him down.

Officer 2 reported that Mr. Stowe then said words to the effect, “who wants to shoot me?” and pulled his gun out of the holster. At first, Mr. Stowe held the gun down to his side but shortly thereafter, raised the gun and pointed it at Officer 2. Officer 2 heard shots fired from Officer 1 and saw Mr. Stowe fall to the ground. Officer 2 provided first aid to Mr. Stowe. Officer 2 later said that when Mr. Stowe raised his firearm, he feared for his life and was afraid for the other officers as well.

Officer 3 had been with the Wichita Police Department for 11 months at the time of the incident. Officer 3 was initially dispatched to the DV call and disregarded but then decided to assist on the call. On scene, Officer 2 relayed to Officer 3 that Mr. Stowe was suicidal. Officer 3 did see the bottom of a holster on Mr. Stowe’s person, below the outer coat Mr. Stowe was wearing. At this point, Officer 3 stepped to his patrol vehicle and retrieved his rifle and went back to cover Officer 2. As Officer 3 went to get his rifle, he said that he saw Mr. Stowe with the gun by his side. Officer 3 was standing behind Officer 2 and could not

see the suspect. As Officer 3 leaned out around Officer 2, he heard a gunshot, but did not know who fired. Officer 3 assisted with the application of first aid to Mr. Stowe.

Officer 4 had been with the Wichita Police Department for approximately 2 years at the time of the incident. Officer 4 went to back up Officer 1 and Officer 2 when he heard radio traffic that Mr. Stowe was suicidal. Officer 4 arrived on scene and saw Mr. Stowe open his jacket, which revealed a holster and firearm on his right side. Officer 4 got behind cover. Shortly thereafter, Mr. Stowe said he was going to count down. Mr. Stowe started at 3 and began counting down. When he got to number three, he did not immediately pull his gun. Instead, Officer 4 reported that he saw Mr. Stowe point his finger at his forehead and said “put it there.” Officer 4 interpreted Mr. Stowe’s actions as an indication that Mr. Stowe was focused on Officer 4.

When Officer 1 came out of the house, Mr. Stowe un-holstered his gun and lowered it to his side. Mr. Stowe then lifted the gun and Officer 4 heard Officer 1 fire her weapon. Mr. Stowe dropped to the ground, dropping his gun. Officer 4 then provided first aid to Mr. Stowe. Officer 4 said she believed Mr. Stowe intended to shoot at officers.

CRIME SCENE INVESTIGATION

Crime Scene Investigators processed the scene of the shooting. Investigators located 4 cartridge casings consistent with the rounds fired by Officer 1.

One bullet fragment and One projectile (submitted as “fired bullet”) were collected at the scene. A projectile was collected from the body of Mr. Stowe at the autopsy.



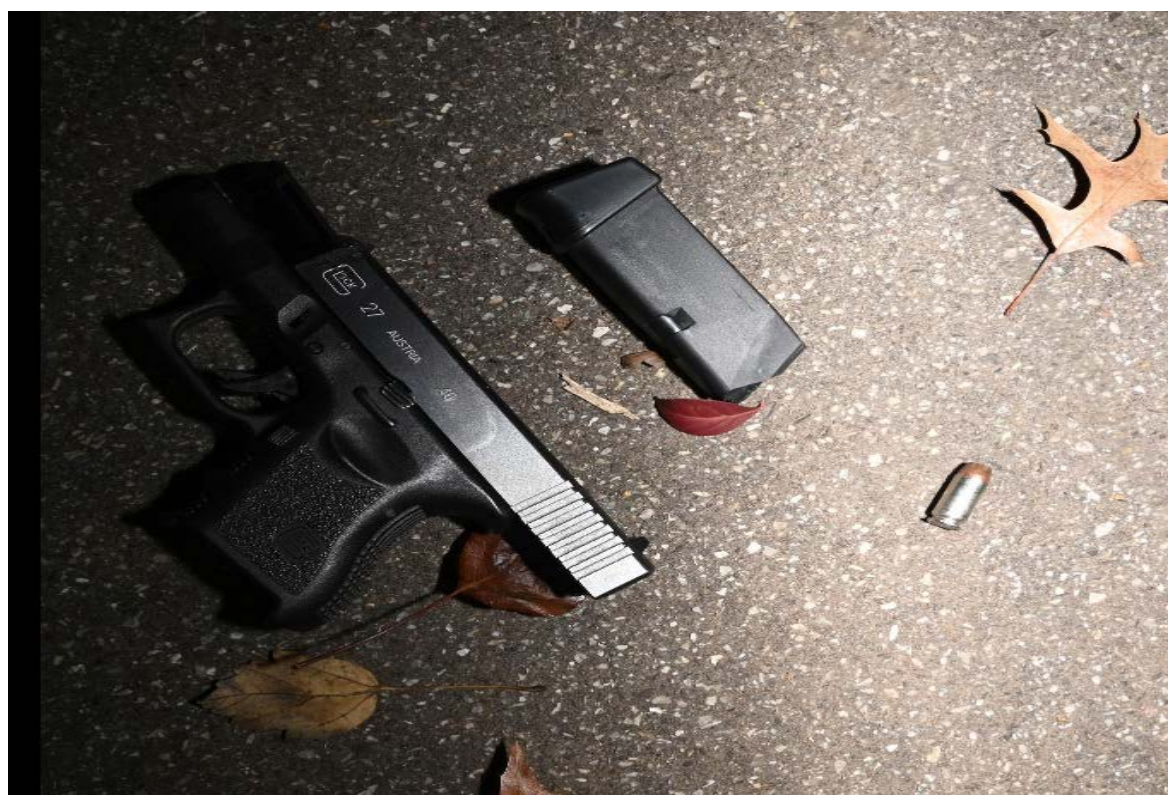
Still image from Officer 3's body-worn camera.



Still image from Officer 1's body worn camera.



Still image from Officer 1's body worn camera.



Still photo of Mr. Stowe's Glock 27 handgun. The weapon had one live round in the chamber and an empty magazine.

FORENSIC EVIDENCE & AUTOPSY RESULTS

An autopsy was performed on the body of Daniel Stowe on December 4, 2023 at the Sedgwick County Regional Forensic Science Center.

The final autopsy report dated May 2, 2024, determined that Mr. Stowe died as a result of a single gunshot wound to the torso, from “indeterminate range.”

The toxicology report detected 0.03 mg/L oxycodone in Mr. Stowe’s blood.

Ballistics testing was conducted at the Sedgwick County Regional Forensic Science Center. A report dated March 13, 2025 determined that the four 9 mm cartridge casings were fired from the same firearm. The projectile recovered from the body of Mr. Stowe at the autopsy as well as two additional projectiles and one fragment each collected at the scene were of the “.38 caliber family” which is an umbrella term that covers many different calibers, including but not limited to 9mm Luger, which is the caliber fired by Officer 1’s weapon.

KANSAS LAW

In Kansas all persons, including law enforcement officers, are entitled to defend themselves and others against the use of unlawful force. K.S.A. 21-5220 states:

- (a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such force is necessary to defend such person or a third person against such other's imminent use of unlawful force.
- (b) A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes deadly force is necessary to prevent imminent death or great bodily harm to such person or a third person.
- (c) Nothing in this section shall require a person to retreat if such person is using force to protect such person or a third person.

The term “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.

The Kansas Supreme Court has made clear that the analysis of a self-defense claim presents a “two prong test”:

“The first is subjective and requires a showing that McCullough sincerely and honestly believed it was necessary to kill to defend herself or others. The second prong is an objective standard and requires a showing that a reasonable person in [the same] circumstances would have perceived the use of deadly force in self-defense as necessary.” *State v. McCullough*, 293 Kan. 970 (2012).

With respect to a law enforcement officer’s use of force, in *Graham v. Connor*, 490 U.S. 386, 396 (1989), the United States Supreme Court clarified that any assessment of objective reasonableness must take into account the contextual realities faced by the officer:

“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”

“The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”

A. Immunity

In 2010, the Kansas Legislature enacted a series of statutes addressing the use of force, including the use of deadly force, in the defense of a person or property, including a person’s dwelling. See K.S.A. (2018 Supp.) 21-5220 et seq. The new statutes became effective on July 1, 2011, and are commonly known as this state’s “stand your ground law.” *State v. Barlow*, 303 Kan. 804 (2016); *State v. Younger*, unpublished opinion, No. 116, 441 (Feb. 16, 2018).

K.S.A. 21-5231 (2018 Supp.) **Immunity from Prosecution**, reads,

- (a) A person who uses force which is subject to the provisions of K.S.A. 21-5226, and amendments thereto, is justified pursuant to K.S.A. 21-5222, 21-5223 or 21-5225, and amendments thereto, is immune from criminal prosecution and civil action for the use of such force, unless the person against whom force was used is a law enforcement officer who was acting

in the performance of such officer's official duties and the officer identified the officer's self in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer.

K.S.A. (2018 Supp.) 21-5222, **Defense of A Person, . . . no duty to Retreat**, reads,

- (a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such force is necessary to defend such person or a third person against such other's imminent use of unlawful force.
- (b) A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes that such use of force is necessary to prevent imminent death or great bodily harm to such person or a third person.

K.S.A. (2018 Supp.) 21-5224, **Use of Force; presumptions**, reads,

- (a) . . . a person is presumed to have a reasonable belief that deadly force is necessary to prevent imminent death or great bodily harm to such person or another person if:
 - (1) The person against whom the force is used, at the time the force is used:
 - (A) Is unlawfully or forcefully entering or has unlawfully entered and is present within, the dwelling, place or work or occupied vehicle of the person using the force; or
 - (B) has removed or is attempting to remove another person against such person's will from the dwelling, place of work or occupied vehicle of the person using the force; and
 - (2) The person using the force knows or has reason to believe that any of the conditions set forth in paragraph (1) is occurring or has occurred.

No such presumption of reasonableness exists if the person utilizing force does so against a law enforcement officer per K.S.A. 21-5224(b)(4):

- (b) The presumption set forth in subsection (a) does not apply if, at the time the force is used:
 - . . . (4) the person against whom the force is used is a law enforcement officer who has entered or is attempting to enter a dwelling, place of work or occupied vehicle in the lawful performance of such officer's lawful duties, and the person using force knows or reasonably should know that the person who has entered or is attempting to enter is a law enforcement officer.

K.S.A. 21-5230, addresses the **duty to retreat**,

“A person who is not engaged in an unlawful activity and who is attacked in a place where such person has a right to be has *no duty to retreat* and has the right to stand such person’s ground and use any force which such person would be justified in using under article 32 of chapter 21 of the *Kansas Statutes Annotated*, . . . K.S.A. 2018 Supp. 21-5202 through 21-5208, 21-5210 through 21-5212, and 21-5220 through 21-5231, and amendments thereto.”

On March 10, 2017, in *State v. Hardy*, 305 Kan. 1001, 390 P.3d30 (2017), the Kansas Supreme Court recognized that immunity granted by K.S.A. 21-5231 is distinct from self-defense, citing with approval the dissent in *State v. Evans*, 51 Kan.App.2d 1043 (2015):

Self-defense and immunity are clearly distinct concepts. If immunity were the same as self-defense, there would have been no need to adopt a specific immunity statute because K.S.A. 2014 Supp. 21–5222 would have sufficed. Perhaps most importantly, because K.S.A. 2014 Supp. 21–5231 grants immunity from arrest and prosecution rather than a mere defense to liability, it is effectively lost if a case is erroneously permitted to go to trial. [citation omitted] . . . [a] prosecutor must rebut a claim of statutory immunity before the case can go to trial. *Hardy*, 305 Kan. at 1009-1010.

In *State v. Dukes*, 59 Kan.App.3d 367 (2021), the Kansas Court of Appeals ruled that the district court had appropriately found Mr. Dukes was immune from prosecution under K.S.A. 21-5222. Mr. Dukes was approached by a man named Berryman who had sent him verbal threats in the past via Facebook (which Dukes testified he had not taken seriously). When Dukes saw Berryman approach, Dukes pointed a gun at Berryman. Berryman responded, "I got something for you," then ran back toward his car. The evidence was inconclusive as to whether Berryman held a weapon when he initially walked toward Dukes, but Mr. Dukes testified that he believed Berryman was going back to his car to get a gun given the statement, "I've got something for you." That is why Dukes said he shot and killed Berryman as he reached the car. Police later located a handgun on the floorboard of Berryman's car. The district court and the Court of Appeals ruled Dukes was immune from prosecution because the state's evidence could not overcome self-defense immunity:

After a defendant in a criminal case files a motion requesting immunity under K.S.A. 2020 Supp. 21-5231, the State must come forward with evidence establishing probable cause that the defendant's use of force was not statutorily justified. This generally means the State must show probable cause that (1) the defendant did not honestly believe the use of force was necessary or (2) a reasonable person would not believe the use of force was necessary under the circumstances. *Dukes*, 59 Kan.App.3d, at Syl. 2.

The *Dukes* Court also added the following quote from *State v. Phillips*, 312, Kan. 643 (2021):

The State may also overcome a defendant's request for immunity by demonstrating that the defendant was the initial aggressor as defined in K.S.A. 2020 Supp. 21-5226 and thus provoked the use of force. *Dukes*, 59 Kan.App.3d, at 372.

B. Use of Force During Arrest

K.S.A. 21-5227, Use of Force; law enforcement officer making an arrest, States:

“A law enforcement officer, or any person whom such law enforcement officer has summoned or directed to assist in making a lawful arrest need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. Such officer is justified in the use of any force which such officer reasonably believes to be necessary to effect the arrest and the use of any force which such officer reasonably believes to be necessary to defend the officer’s self or another from bodily harm while making the arrest. However, such officer is justified in using deadly force only when such officer reasonably believes that such force is necessary to prevent death or great bodily harm to such officer or another person, or when such officer reasonably believes that such force is necessary to prevent the arrest from being defeated by resistance or escape and such officer has probable cause to believe that 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.”

CONCLUSION

On December 3, 2023, in the 4200 block of East Gilbert in Wichita, Sedgwick County, Kansas, an officer employed by the Wichita Police Department utilized deadly force resulting in the death of Daniel Stowe.

Under K.S.A. 21-5222(b), a person may employ deadly force when the person reasonably

believes that deadly force is necessary to prevent imminent risk of great bodily harm to himself or another.

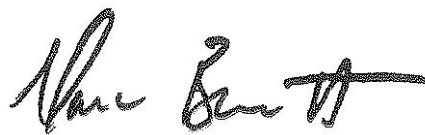
Since 2011, under the Kansas "stand your ground" law, one who acts in defense of himself or to protect a third party is immune from prosecution. See K.S.A. 21-5231. Meaning, a person may not be charged or prosecuted unless the state can establish that the person who utilized deadly force was *not* acting reasonably under the circumstances. In *Graham v. Connor*, the United States Supreme Court made clear that assessment as to the reasonableness of an officer's decision to utilize deadly force must be made within the context in which the officer found himself – not from the perspective of "20/20 hindsight."

The investigation established that Mr. Stowe ignored officer's commands, told officers he intended to withdraw his weapon, asked which officer would be the one to shoot him and then pointed his gun at Officer 2. In reaction to Mr. Stowe's actions, Officer 1 fired her weapon four times, striking Mr. Stowe once. Officer 1 later told investigators that she fired because she feared Mr. Stowe would fire on officer 2.

Investigators later confirmed that Mr. Stowe had sent messages to his ex-wife indicating he intended to act in a manner that would cause officers to shoot him and end his life.

Under the totality of the circumstances present, Wichita Police Officer 1 is immune from prosecution under Kansas law.

Under Kansas law and the facts of the case, I conclude that no criminal charges will be filed against the Wichita Police Officer.

A handwritten signature in black ink, appearing to read "Marc Bennett". The signature is fluid and cursive, with a long horizontal stroke at the end.

District Attorney Marc Bennett
*18th Judicial District of
Kansas*