



For Immediate Release
April 14, 2025

District Attorney Marc Bennett has completed the review of the use of deadly force that resulted in the death of Larry Armour. The incident began in the late evening hours of January 24, 2024 and continued into the early morning hours of January 25, 2024 in the 2400 block of East Harry in Wichita, Sedgwick County, Kansas.

SCOPE OF REPORT

This report details the findings and conclusions limited specifically to criminal liability of the sergeant employed by the Sedgwick County Sheriff's Office who shot Mr. Armour on January 25, 2024.

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 Sedgwick County Sheriff's Office, 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 January 24, 2024, a female called 911 to report her vehicle had been stolen from her house in Wichita. A Wichita Police Department (WPD) officer responded to the call and contacted the calling party at her residence.

The calling party reported that her ex-boyfriend, Larry Armour, had been at her residence. While there, Mr. Armour told her that he was hearing voices and that he had cut off his pre-trial ankle monitor with a knife. (Mr. Armour was on pretrial GPS monitoring for two aggravated robbery cases, WPD case #s 23C034985 and 23C171026.)

The calling party told the responding officer that Mr. Armour held a knife and a hammer while he demanded her car: "If you don't give me your keys to your vehicle, you're going to be next." The calling party complied with Mr. Armour's demand and gave him the keys to her car. He then left the residence in the calling party's Toyota C-HR, still in possession of the knife and the hammer.

The responding officer issued a felony pick-up for Mr. Armour and documented the incident under a new WPD case number, 24C013324.

Two WPD Officers subsequently located Mr. Armour and the stolen Toyota C-HR and, after attempting a car stop at approximately 11:30 p.m., became involved in a vehicle pursuit. After an approximately 14-minute pursuit, Mr. Armour stopped the vehicle near the 2400 block of East Harry and fled on foot.

Responding officers pursued Mr. Armour on foot to a multi-apartment complex at 2408 East Harry. During the foot pursuit, Mr. Armour turned and brandished a metal object at the pursuing officer(s). At approximately 11:45 p.m., Mr. Armour forced his way into the back door of a private residence in the apartment located at the east end of the complex and barricaded himself inside. The 75-year-old resident of the apartment, Witness 1, was inside the residence at the time. Additional officers responded to the scene.

SWAT and crisis negotiators were notified and responded to the scene, including Sergeant 1, a sergeant employed by the Sedgwick County Sheriff's Office. Contact was made with Mr. Armour by telephone. After negotiators arrived, attempts were made over the next two and ½ hours to convince Mr. Armour to come outside and/or to let Witness 1 exit the residence. All such efforts were unsuccessful.

At 3:03 a.m. Sergeant 1 was at the southeast window to the residence as other officers attempted to force entry to the front door with a vehicle ram. Through the closed window, Sergeant 1 witnessed Mr. Armour with a knife held over the resident, Witness 1. The other officer broke the window with a metal hand-held device. Mr. Armour yelled, "I'm gonna cut his fucking head off." Sergeant 1 fired his weapon one time through the now broken window. The shot struck Mr. Armour, causing his death.

The KBI was the lead agency in the investigation. The following is a timeline provided by the KBI investigative agent.

10:25 p.m. – calling party places a phone call to 911
10:37 p.m. – WPD Officer arrives at calling party's apartment
11:28 p.m. – East side WPD Officers locate the stolen vehicle
11:30 p.m. – Vehicle pursuit occurs
11:44 p.m. – Foot pursuit occurs
11:45 p.m. – Mr. Armour breaks into the back door of 2408 E. Harry
11:58 p.m. – SWAT notified
12:25 a.m. – Contact made with Mr. Armour by telephone
3:03 a.m. – Breach command given
3:04 a.m. – Shot fired by LEO (Witness 1) relayed over the radio
3:17 a.m. – EMS transported Mr. Armour to Wesley Hospital
3:24 a.m. – Transfer of care from EMS to Wesley ER
3:37 a.m. – Time of Death.

INVESTIGATION

The Sedgwick County Sherriff's Sergeant who fired the single fatal shot was removed from the area and his firearm was secured.

Crime Scene Investigators from the Kansas Bureau of Investigation processed the scene.

CIVILIAN WITNESS STATEMENTS

Witness 1: a KBI Agent interviewed Witness 1 at St. Joseph Hospital the night of the incident.

The KBI Agent reported that Witness 1 was difficult to understand and frequently slurred his speech throughout the interview. Witness 1 relayed that he thought the whole incident was a “dream.” He said when he first saw the person who had broken into his home, he thought it was his own son. Witness 1 recalled waking up to the suspect standing over him. He said they made each other bourbon drinks, something he did to attempt to calm the suspect down.

Witness 1 thought the suspect was holding one of his (Witness 1’s) butcher knives, but he did not remember being hurt or threatened with it. Witness 1 said he did not remember anything else and did not know how he got to the hospital. Officers described Witness 1 as having been visibly intoxicated the night of the incident.

LAW ENFORCEMENT OFFICER STATEMENTS

Sergeant 1, a Sedgwick County Sheriff Sergeant was interviewed by two KBI Agents. Sergeant 1 had been in law enforcement for 18 years, 16 of which were with the SGSO. He had been a member of the SWAT team for 10 years. On the morning of the incident, he was notified at approximately 0100 hours to respond to a SWAT callout.

Sergeant 1 learned that the suspect, Mr. Armour, had been involved in a vehicle and foot pursuit after which he threatened an officer with the knife before barricading himself inside a residence with a possible hostage. Sergeant 1 reported that, initially, he was not clear whether the other person inside the residence (Witness 1) was truly a hostage or perhaps, someone known to Mr. Armour. Sergeant 1 was also advised Mr. Armour had been involved in two robbery cases.

Sergeant 1 was aware that negotiators were in contact with Mr. Armour, and that Mr.

Armour had told them he would not come out “without a fight.” Verbal commands given over the loudspeaker directing Mr. Armour to exit the residence had been unsuccessful. Officers at the scene believed the front door of the residence was barricaded with a couch, based on photos sent to negotiators by Mr. Armour. The photos also assisted Sergeant 1 with identification of the involved parties inside the residence. Officers at the scene also believe the back door to the residence had been barricaded with a stove.

After approximately two hours, Sergeant 1 learned that plans had been made to breach the residence and rescue Witness 1. Sergeant 1 concluded negotiations were not going well. Sergeant 1 was assigned as lethal cover for another SGSO deputy.

Sergeant 1 assisted another sergeant and deputy with the Sedgwick County Sheriff's Office, who had been directed to “breach” the residence at the southeast window. This would take place while additional law enforcement officers were breaching the front door. A deputy broke the southeast window with a tool. Sergeant 1 then adjusted his position to gain a view into the residence through the breached window.

Sergeant 1 observed the resident, Witness 1, lying on the couch with Mr. Armour leaning forward with one hand pushing against Witness 1, while he (Mr. Armour) yelled toward the front door located on the south side of the residence. As Sergeant 1 looked in this southeast window, Mr. Armour turned his attention east toward Sergeant 1, keeping one hand on Witness 1. Mr. Armour yelled, “I’m gonna cut his fucking head off.” Sergeant 1 observed a long knife in Mr. Armour’s hand. Sergeant 1 determined that Witness 1 was in immediate danger as well as other SWAT members who were attempting to breach the front door. When Mr. Armour stated a second time, “I’m gonna cut his fucking head off,” Sergeant 1 looked through the scope of his department issued rifle, saw Mr. Armour in the scope and fired one time. Later, Sergeant 1 said he could not specifically recall the moment he pulled the trigger but knew the shot went off and saw Mr. Armour fall. Sergeant 1 noticed blood on Witness 1 and initially thought he had waited too long to shoot. Sergeant 1 fired one shot from his department issued Colt M4 Rifle. That weapon shoots a 5.56 x 45mm round. Sergeant 1 was wearing a body camera affixed to his helmet above his right ear. At page 10 of this report is a still-shot photo captured from Sergeant 1’s axon footage. The image shows

Mr. Armour standing over Witness 1 armed with a knife. Sergeant 1's camera footage confirmed that one shot was fired. Investigators located and collected the single cartridge casing in the driveway east of the residence.

Officer 1 was interviewed by KBI Agent and a WPD Homicide Detective. Officer 1 is a five-year veteran and was assigned to Patrol West, 3rd Shift and had also been on the Crisis Negotiations Team for six months. Officer 1 was notified sometime between 12:00 am and 12:30 a.m. hours of a possible hostage situation.

Officer 1 responded to the scene and learned there had been a vehicle pursuit with Mr. Armour, who was armed with a knife. Officer 1 was told that Mr. Armour had broken into a home occupied by another person. Officer 1 went to another officer's patrol vehicle near the scene where he observed a man, later identified as Witness 1's son. This man (the son) was having a phone conversation with his father (Witness 1) and Mr. Armour, both of whom were inside the residence.

Officer 1 got on the phone and began to speak to Mr. Armour. This interaction was recorded on Officer 1's body camera. Shortly thereafter, Officer 1 used his own phone for the remainder of negotiations with Mr. Armour. During the negotiations, Mr. Armour told Officer 1 he was sick due to withdrawing from Percocet and, as a result, Mr. Armour demanded Officer 1 provide him with Percocet, cigarettes, and bubble gum. Mr. Armour told Officer 1 he had been hearing voices telling him to kill himself and he was tired of hearing the voices. Mr. Armour said he didn't want Witness 1 to get hurt and later said that Witness 1 was free to leave. Officer 1 concluded that Witness 1 may not have wanted to leave his residence.

Officer 1 said Mr. Armour was eventually told he was under arrest and needed to come out of the house. Mr. Armour responded by saying he was not coming out "without a fight." Mr. Armour told Officer 1 he would push Witness 1 out of the house if he was given the Percocet. Mr. Armour sent Officer 1 photos of Witness 1 at 2:17 am and 2:19 am sitting on the couch inside the residence to prove Witness 1 was unharmed. Mr. Armour said he didn't want anything to happen to Witness 1 but he did not care about his own well-being.

While talking to Mr. Armour, Officer 1 began to hear a noise that he ascertained was other SWAT members making entry into the residence. Officer 1 heard the bang of a firearm being fired. Officer 1 estimated he had been in communication with Mr. Armour for a couple of hours when the shot was fired.

Officer 1 said it was a unique situation because Mr. Armour had broken into a random person's house and it was unclear if Witness 1 was actually free to leave. During the negotiations, Mr. Armour had said at various times that Witness 1 was free to leave but also said Witness 1 would be free only when Mr. Armour received his Percocet. Mr. Armour's description of voices in his head made the situation a further challenge to negotiate according to Officer 1.

Lieutenant 1 was interviewed by a KBI Agent and a WPD Detective. Lieutenant 1 is a 19-year veteran and had been a member of the SWAT team for 10 years. On the night of the incident, he was the SWAT commander and was notified by a WPD Captain of the situation at 12:42 am. Lieutenant 1 called another lieutenant who was already at the scene to obtain an up-to-date briefing. Following that briefing, Lieutenant 1 determined the situation warranted a SWAT response.

Lieutenant 1 learned a WPD officer had identified the son of the resident, Witness 1, at the scene. The son of Witness 1 called his father who was inside the residence with Mr. Armour. Witness 1 told his son that the suspect inside the home with him had a knife and was threatening to kill him (Witness 1). Lieutenant 1 was provided this information and, believing he was dealing with a hostage situation, determined the officers needed to start working faster to get into place.

When Lieutenant 1 arrived on scene, the negotiators were talking to Mr. Armour. Lieutenant 1 ensured resources were in place and went into "patient mode" and let the negotiators do their work. As time went on the negotiations became less effective and Mr. Armour was becoming more erratic, stating he wasn't "gonna go without a fight." Witness 1 was intoxicated and became more uncooperative. Plans were put into place to breach if

there was sufficient separation between Mr. Armour and Witness 1. Commands were given over a loudspeaker to Mr. Armour that he was under arrest and needed to come outside. Lieutenant 1 was at the command post a distance from the scene, so he turned over the decision on when to breach to a WPD SWAT Sergeant who was directly outside the residence.

Lieutenant 1 advised when the breach command was given the vehicle being used to push open the front door with a ram had difficulty because of poor traction in the muddy front yard. Lieutenant 1 did not observe the shot fired by Sergeant 1.

CRIME SCENE INVESTIGATION

Crime scene investigators collected evidence including a single cartridge casing, later determined to have been fired by Sergeant 1.



View of Mr. Armour captured by a pursuing officer's body camera before Mr. Armour entered the residence at 2408 East Harry.



Exterior view. Sergeant 1's fired .223 cartridge casing was located in the driveway to the east of the southeast broken window



Sergeant 1's view of Mr. Armour wielding the knife is to the left. The knife believed to be in Mr. Armour's hand is depicted in the photo on the right.

FORENSIC EVIDENCE & AUTOPSY RESULT

An autopsy was performed on the body of Larry Armour on January 25, 2024, at the Sedgwick County Regional Forensic Science Center. The final Autopsy report is dated August 5, 2024.

The report concluded Mr. Armour died as a result of a single gunshot wound that entered through the right upper lip and traveled through the 2nd cervical vertebra.

The toxicology report included in the autopsy report located the following:

Heart blood:

Ethanol – 0.023

Methamphetamine – 0.10 mg/L

Femoral blood:

Methamphetamine – 0.05 mg/L

Hydrocodone – 37.7 ng/L

Dihydrocodeine – 6.0 ng/L

Oxycondone - 91.2 ng/L

Negative for other substances.

Ballistics testing was conducted at the Kansas Bureau of Investigations. A report dated October 24, 2024 determined that the one .223 cartridge casing was fired from Sergeant 1's firearm.

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 January 25, 2024 in the 2400 block of East Harry, Wichita, Sergeant 1, an employee of the Sedgwick County Sheriff's office, who responded to the scene with the SWAT team utilized deadly force resulting in the death of Larry Armour.

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 in the late evening hours of January 24, 2024, Mr. Armour did not stop when a traffic stop was initiated by officers with the Wichita Police Department. He ultimately ran on foot to a residence in the 2400 block of East Harry where he forced entry in the home of an uninvolved citizen. He then remained in the home for an approximately three hour and 18-minute standoff during which he barricaded himself and the homeowner into the residence, refused to exit the home, and demanded officers provide him with Percocet in exchange for the resident.

When it became clear that negotiations were not working, an effort was made to force entry into the home to separate Mr. Armour from the resident and end the standoff. At approximately 3:04 a.m. of what was now the 25th of January, Sergeant 1 went to the southeast window of the residence and saw Mr. Armour standing over the homeowner with a knife in his (Mr. Armour's) hand. Mr. Armour shouted that he would "cut his fucking head off." Sergeant 1 fired his department issued rifle one time, striking Mr. Armour and causing his death.

Under the totality of the circumstances, the Sheriff's sergeant 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 Sedgwick County Sheriff's sergeant.

A handwritten signature in black ink, appearing to read "Marc Bennett", with a stylized flourish at the end.

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